

The EPA: Fact vs. Fiction - Issue 2

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Fiction: Since developing countries rejected the inclusion of the Singapore Issues in the Doha Round of negotiations, these issues should not have been included in the EPA.

Fact: In the context of the WTO the rules on investment, competition policy, transparency in government procurement and trade facilitation are commonly referred to as the 'Singapore Issues'. The 'Singapore Issues' formally emerged at the WTO Ministerial Conference in 1996. Initially, these issues were all included in the Doha Development Agenda. However, in 2004, investment protection, competition policy, and transparency in government procurement, were dropped from the Doha Round of negotiations. Only trade facilitation has been retained.

The reasons for including the 'Singapore Issues' in the Cotonou Agreement are very clear. Rules on these issues are intended to ensure fair play in areas related to investment and competition, provide transparency in government procurement and simplify the administration and process of international trading. They are important to create a stable, transparent, efficient and predictable economic environment. Such an environment is necessary to support a robust and thriving economy and to foster the growth and development of the entire business sector. In addition, they protect the public interest from fraudulent and unethical behaviour of investors and companies.

The EPA negotiations therefore presented a favourable opportunity for CARIFORUM to improve and build upon the Cotonou Agreement's treatment of these areas.

Fiction: The Chapter on Government Procurement in the EPA includes provisions on market access.

Fact: No commitments were made on market access in government procurement. Therefore, the EPA does not require CARIFORUM Governments to allow EU firms to tender for Government contracts.

The EPA has committed CARIFORUM Governments and Europe to rules on transparency in government procurement. This means that the Parties have agreed to rules that would ensure relevant information is freely disclosed in order to facilitate fair and acceptable processes in public tendering.

Fiction: The EPA negotiation process was undertaken without the benefit of stakeholder consultation and guidance from regional officials.

Fact: The process of negotiations of the EPA began years ago and involved a wide range of stakeholders. These stakeholders included State representatives, the private sector and non-state actors. The CARIFORUM Heads of Government took a decision to utilise a formal mechanism that would generate the best regional negotiating positions possible from amongst the many diverse interests within CARIFORUM in an open, inclusive and transparent manner.

Several fora were established to formulate regional negotiating positions. National positions which were formulated through national consultations, as well as the positions of regional sectoral interests and regional NGOs, were systematically harmonised and refined into coherent regional negotiating positions. This coordination activity took place through a series of meetings which were open to officials from all Member States, the regional secretariats, regional private sector and the NGO community. This forum of the Technical Working Group convened at least 29 meetings since the official launch of the EPA negotiations in 2004. Of that total, 11 were devoted to market access issues in goods. Consultations on services were also considerable as 8 TWGs were convened.

Through these processes, the ensuing dialogue and exchange of positions through proposals and research papers would have engendered continuous consensus building. The combined inputs of the participating stakeholder groups obtained from the national consultations and from the TWGs went into formulating the overall strategy, which was implemented by the EPA College of Negotiators and CRNM technical negotiating staff.

In the EPA negotiations, the College was comprised of Lead and Alternate Lead negotiators for each of the negotiating issues. These regional experts included CRNM technical staff and other nationals from across the region. The primary objective of the EPA College was to devise a negotiating strategy and to ensure coherence between the Region's positions as the negotiations progressed.

The College's harmonized strategy recommendations were referred to the CARICOM Council for Trade and Economic Development (COTED), as well as the CARIFORUM Council of Ministers for review and consideration. These Institutions determined the negotiating mandate with the authority of the CARIFORUM Heads of Government. The approval of strategy and final positions therefore lay firmly within the ambit of the Region's elected representatives.

This process of review ensured, amongst other things, that the negotiating positions took account of the interests of all Member States, including the Dominican Republic, and that the positions were not at variance with the agenda of the CARICOM integration process as outlined in the Revised Treaty of Chaguaramas. To this end, a number of Special COTEDs on External Trade Negotiations and CARIFORUM Ministerials were convened. Those Meetings continuously considered and refined the Region's positions as the EPA negotiations evolved.

It is clear that the consultation process was open and transparent. That process has been the very underpinning of the Region's success in concluding the EPA negotiations.

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