

TOP TEN TRADE NEGOTIATION CHALLENGES

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Trade negotiators craft agreements that reflect government trade policy, as developed by their Ministries of Trade/Commerce, and in accordance with any established protocols. They have overall responsibility for promoting their country's trade interests and driving their national trade agenda when negotiating trade agreements around the world.

Typically, trade negotiators face recurring challenges when preparing for, or participating in trade negotiations. Below are among the top 10 hurdles for trade negotiators.

1• Experience –varying levels of experience/capacity in negotiating trade deals leave countries vulnerable to poor deals that don't reflect a win-win for the parties.

2• Planning long term vs. short term strategy- negotiating mandates usually indicate final positions that cannot be compromised. Negotiators have to use a short-term vs. long-term view in order to gain agreement

3• Gaining trust- the parties sometimes have historical distrust due to long-standing disagreements, and overcoming them to advance their agendas is sometimes difficult

4• Central digital platform- negotiators do not have a central government IT platform which could supplement their knowledge with: - prior deals negotiated- relevant informal notes with recommendations or concerns from other negotiations- a frequently asked questions (FAQ) repository, or - direct access to recent policy signaling in domestic market of counterparts so that they understand the whole perspective through which those counterparts negotiate

5• Scrutiny and ratification by Parliament/Congress-securing legislative success for negotiated agreements is a laborious process. It usually requires publishing the potential treaty text for public scrutiny, some sort of assessment of its impact on business and civil society, and analysis by independent committees in Congress or Parliament.

6• Coordinating an approach aligned with WTO commitments. The WTO underpins the rules-based trading system. For negotiators whose countries are members of the body, any trade deal reached must balance market openness and WTO rules guiding trade policy (e.g., national treatment equality, non-preferential treatment, no dumping, etc.)

7• Support for the 2030 Sustainable Development Goals (UN SDGs) – Negotiators struggle with championing free trade and the setting the direction for their country's support of the objectives of the Sustainable Development Goals, in the agreements negotiated. There is no guidance on how to do this

8• Clearly identifying all barriers to trade in counterpart country or region – Negotiators need a single view method that identifies all market access barriers that their domestic businesses face in overseas markets to better inform policy positions for trade negotiations

9• Addressing consumer views and protections- as there has been a trend in trade agreements covering more and more significant areas of policy and economic interests (e.g. agricultural products, digital commerce, intellectual property, pharmaceuticals, electronic services, etc.) there is a greater push by consumer groups to have their views and protection requirements, form a key part of negotiations, often with significant pushback from counterparts.

10• Managing trade negotiation disputes-not all countries have one, but all countries need one. Although there is established protocol after trade agreements are signed, governed by the WTO Trade Dispute Settlement Body, there is no set protocol for how to manage significant disputes during trade negotiations. Parties often simply push disputed issues to future negotiations, or give up on the issue(s) all together.