



TPSA | CANADA-INDONESIA TRADE AND
PRIVATE SECTOR ASSISTANCE PROJECT

SESSION 3

THE ART OF DRAFTING TRADE NEGOTIATION POSITION PAPERS

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Outline: The Art of Drafting Trade Negotiation Position Papers

Intro

Design a strategy

- Invest in HR
- Monitor
- Communicate (Part 1)
- Drafting position papers (Part 2)

Part 1

Communicating efficiently

- Know your stakeholders
- Build trust with the government
- Strengthen your network and create coalitions
- Reach out to the public

Part 2

Drafting position papers

- Drafting to convince: use the “recipe for success” !



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KEMENTERIAN
PERDAGANGAN
REPUBLIK INDONESIA

MINISTRY OF TRADE

INTRODUCTION

DESIGN A STRATEGY

Invest in HR

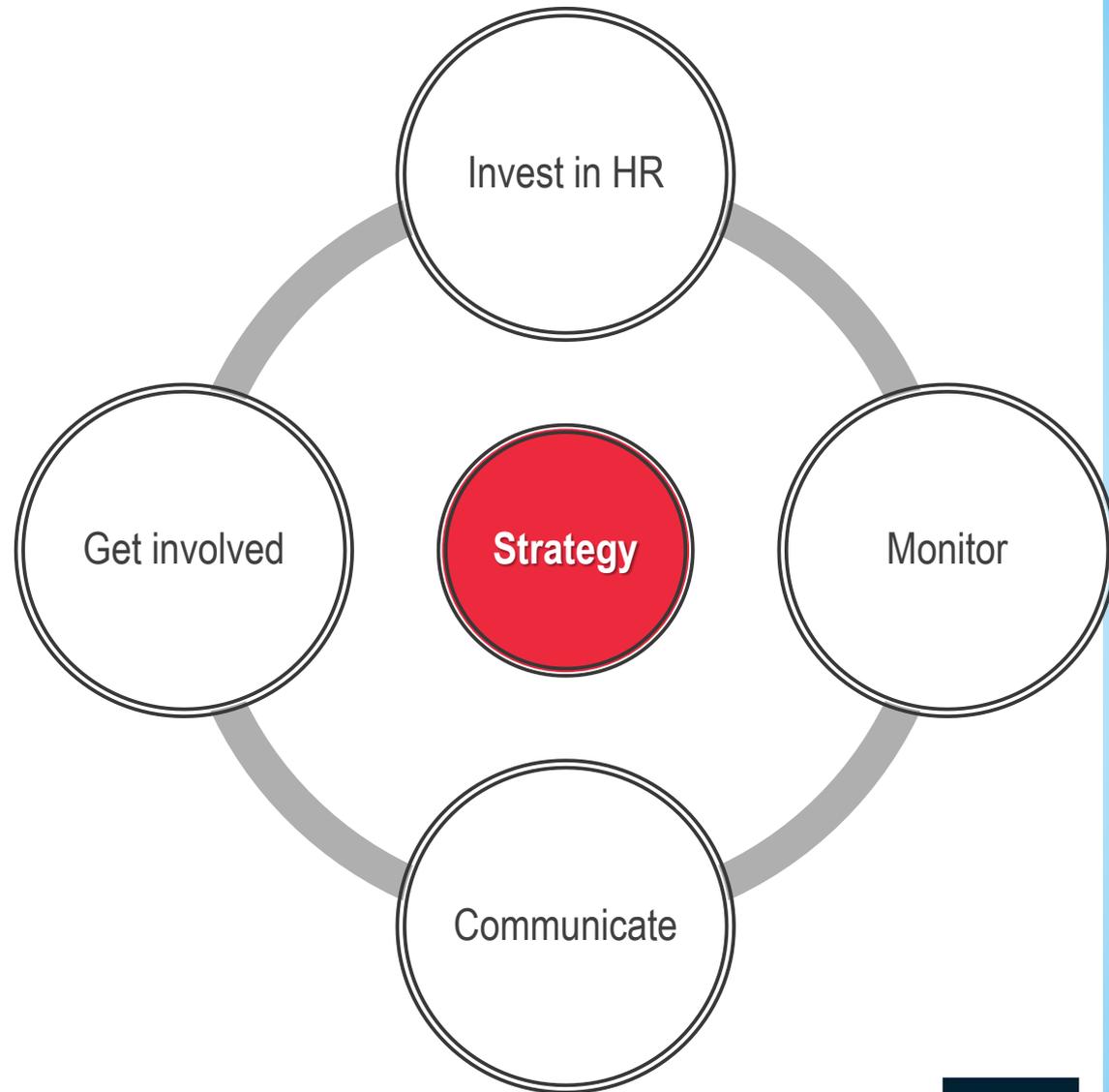
Monitor

Communicate

Get involved



Design a strategy

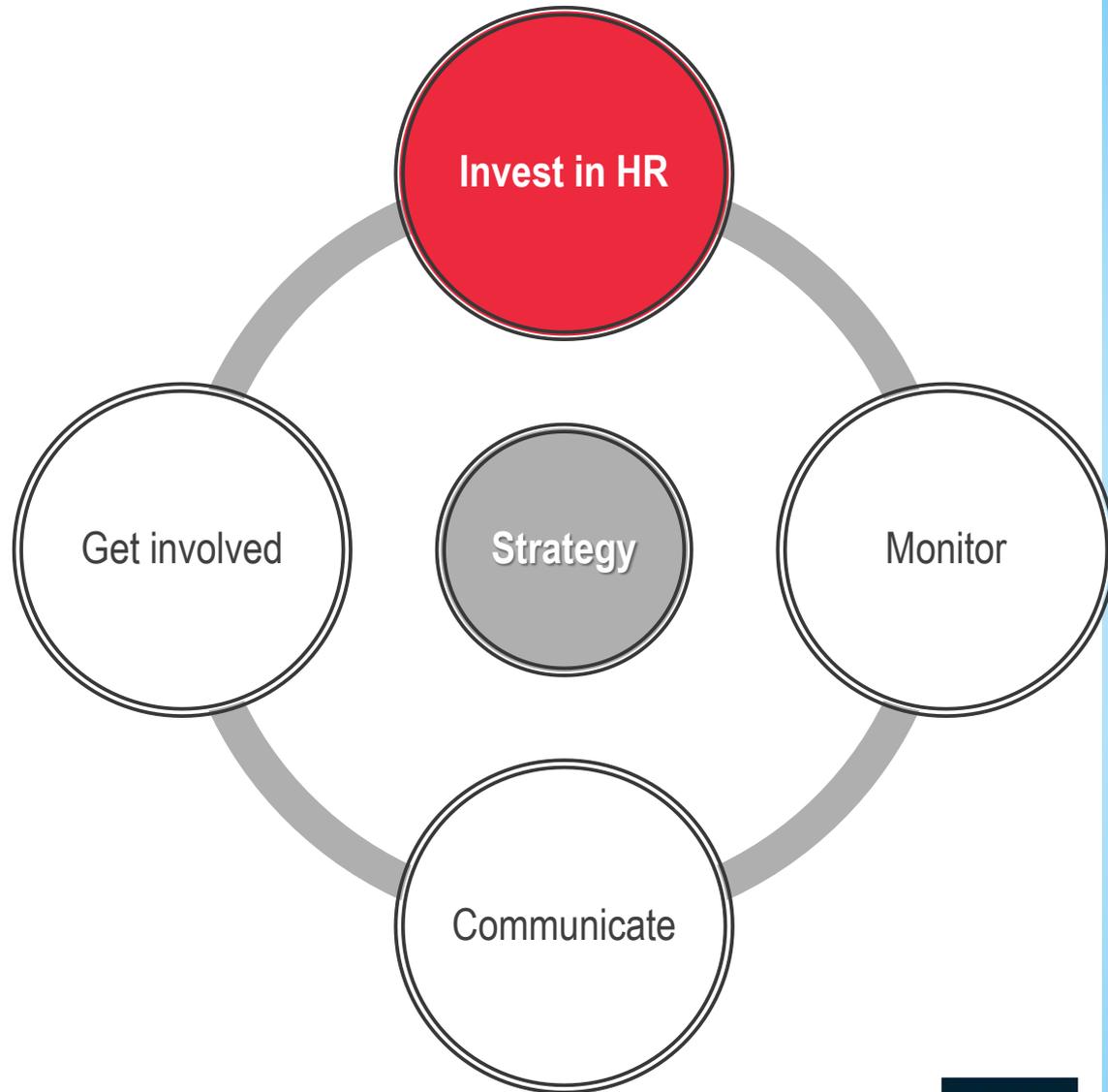


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Most Canadian BAs have very limited staff dedicated to PPC for FTA negotiations.

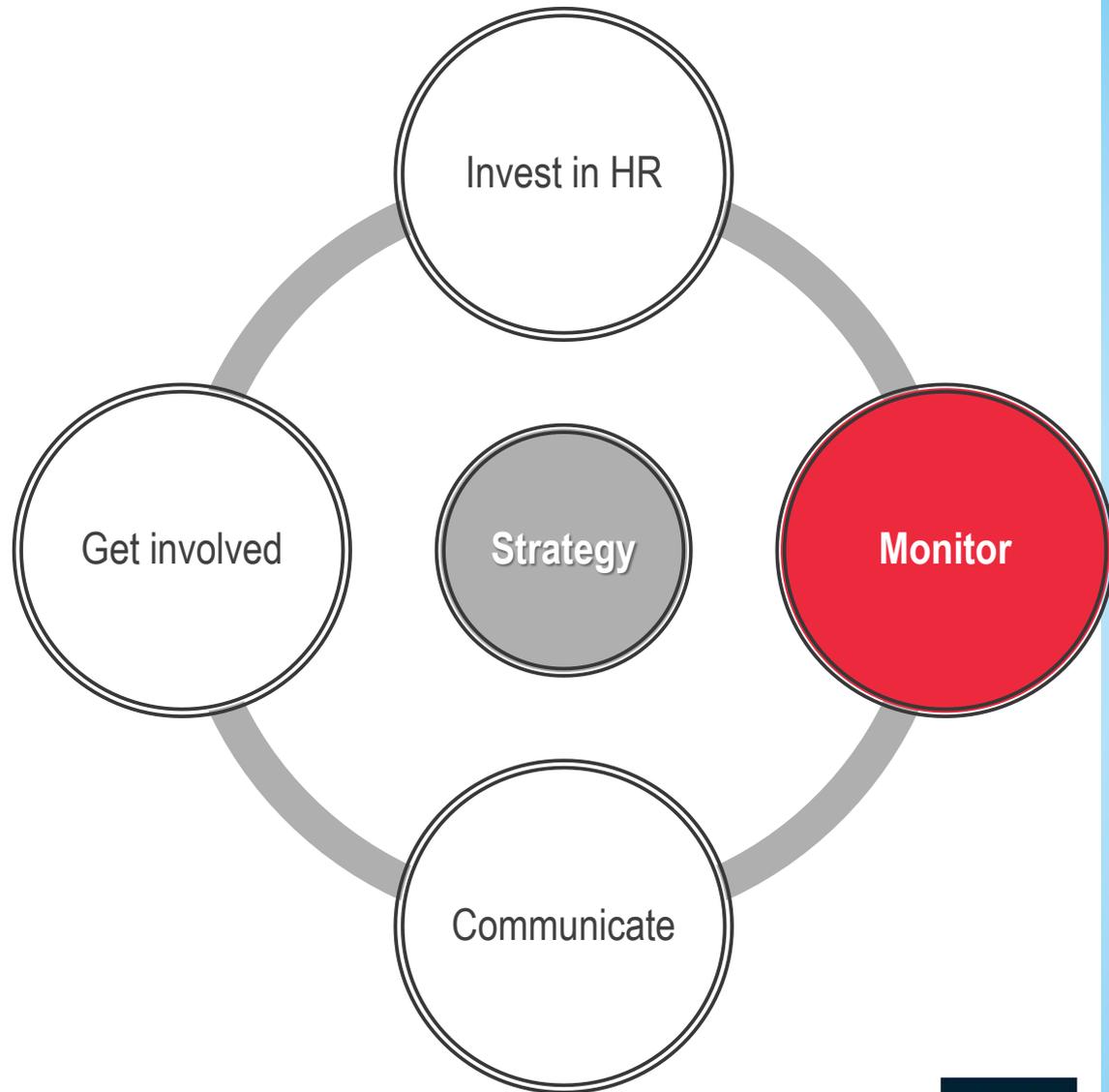
Private sector organizations may use their members' expertise and in-kind contribution to reduce costs

In any case, better to invest in qualified staff, than more staff.



Monitoring international trade negotiations is an essential first step before getting involved in PPC

Useful, online free-access tools can be used by BAs



Use online free-access tools



Initiated in 2004, bilaterals.org responded to a concern about the growth of bilateral trade and investment deals outside of the WTO and a feeling that these less visible agreements were "under the radar"

It's a kind of "collaborative clearinghouse" on where people could find and post their own information and analysis about bilateral FTAs and investment treaties being negotiated and signed across the globe, and who is doing what about them



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Created in 1996, [Bridges](http://bridges.ictsd.org) seek to:

- Improve transparency in multilateral trade negotiations
- Build capacity among non-traditional civil society actors
- Provide a platform for underrepresented voices.

Currently, Bridges is disseminated every Thursday via email.

PART 1

COMMUNICATING EFFICIENTLY

Know your stakeholders

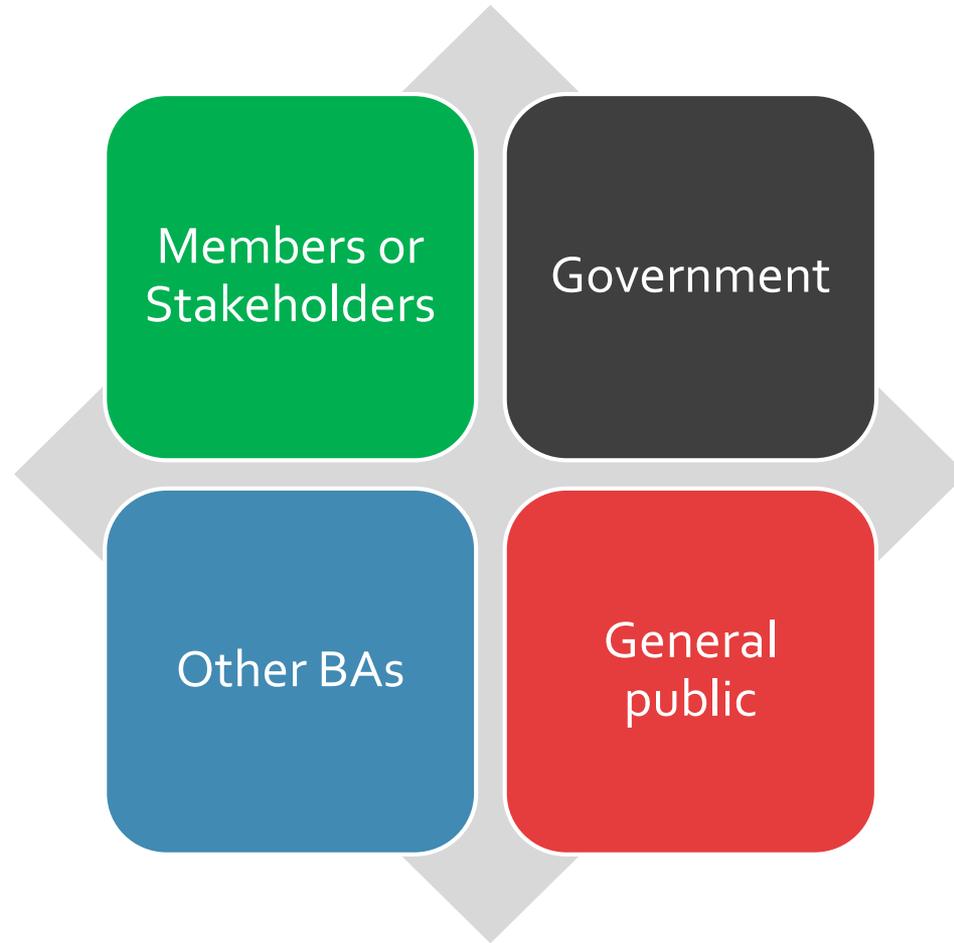
Build trust with the government

Strengthen your network and create coalitions

Reach out to the public



Communicating efficiently with...



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Communicating efficiently with...

Knowing your stakeholders is essential to build your credibility and authority as a business organization. Identify the best ways to stay aligned with your members' needs and priorities.

Members or Stakeholders

Regular in person meetings or phone calls

Restricted newsletter

Knowledge sharing events



Montreal Chamber of Commerce organizing an event on “CETA, source of business opportunities for Québec, France, and Canada” with high-level officials



http://www.ccm.ca/en/news/blog_aecg_video/



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Communicating efficiently with...

Building trust with the government takes time. Use every occasion to participate in consultations and be responsive. Importantly, respect confidentiality clauses.

Government

Regular in person meetings or phone calls

Appearing before Parliamentary Committees

Submitting positions papers during PPC



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Standing Committee on Banking, Trade and Commerce: Remarks from the Business Council of Canada



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Communicating efficiently with...

Strengthen your network and create coalition.

Often, one enterprise is represented by more than one BA; avoid competition when possible and join your forces enhance your influence power.

Other BAs

Establish a network

Submit joint papers

Build coalition



Communicating efficiently with...

Do not neglect public relations, reach out to the population in general.

Sometimes, the public may feel that businesses' interest diverge from theirs; explaining your position may help gaining public support.

General public

Publish your position papers online

Go to the traditional medias (TV, newspapers, radio, etc.)

Use modern communication channels (social media, Youtube, etc.)



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The Canadian Chamber of Commerce using YouTube to reach out to the general public...



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PART 2

DRAFTING POSITION PAPERS

**Drafting to convince: use
the “recipe for success” !**

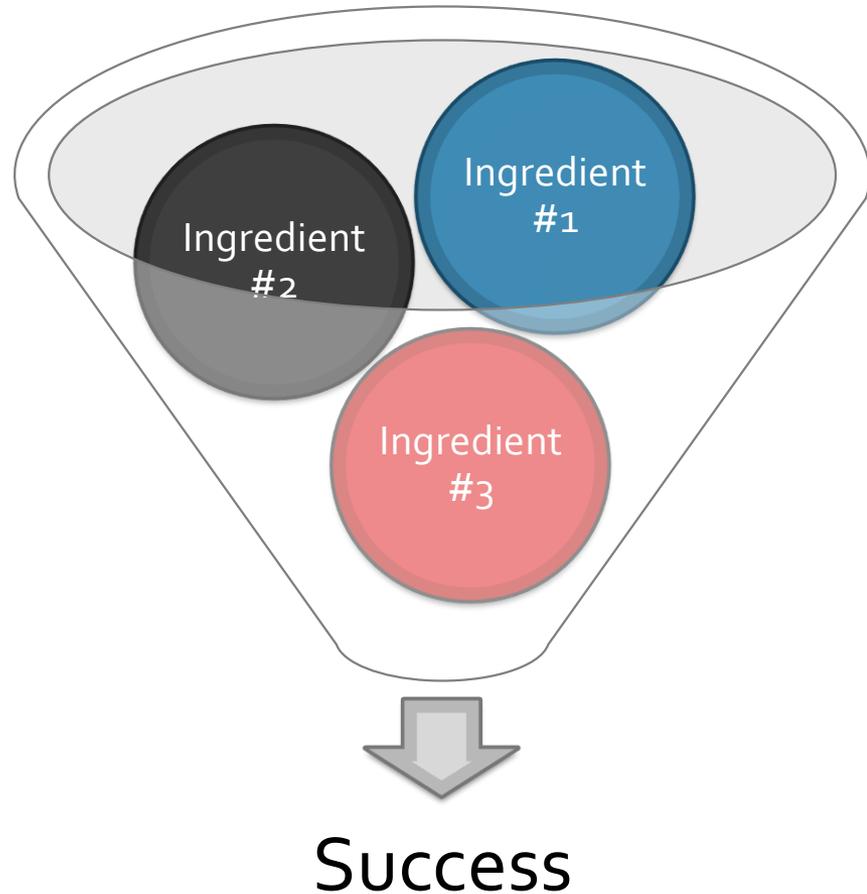


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What's the “recipe for success”?

Private sector organization participating in public-private consultations seek to **influence the government** in a certain way that will benefit their stakeholders/ members and the domestic economy in general.

Based on interviews conducted with Canadian BAs, written submissions must have **3 characteristics** to maximize their impact.

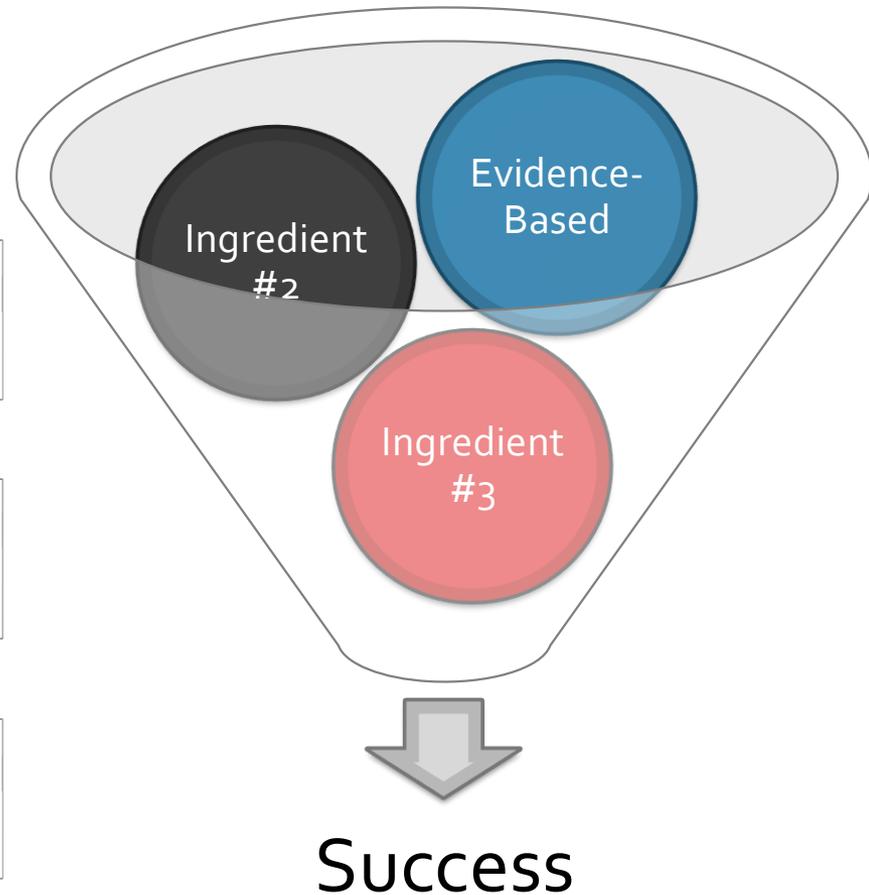


#1 Evidence-Based Arguments

Well researched inputs, using information from independent and reliable sources

Grounded in facts, using information from primary sources at the border or from abroad

Founded on economic science, consensus from experts



#1 Evidence-Based Arguments

E.g.: Business Council of Canada: “Why China matters: Building a framework for a Canada-China partnership” (2016)

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Grounded in facts, using information from primary sources at the border or from abroad

Founded on economic science, consensus from experts

According to **McKinsey Global Institute**:

- *China will create 28,000 km of railways by 2025 – enough track to lie across the Canada-U.S. border three times.*
- *Chongqing, already the fastest-growing city on the planet, will soon have a population larger than Canada's.*
- *By 2030, China is expected to construct up to 50,000 new skyscrapers – 1000 times the number currently built in Toronto.*



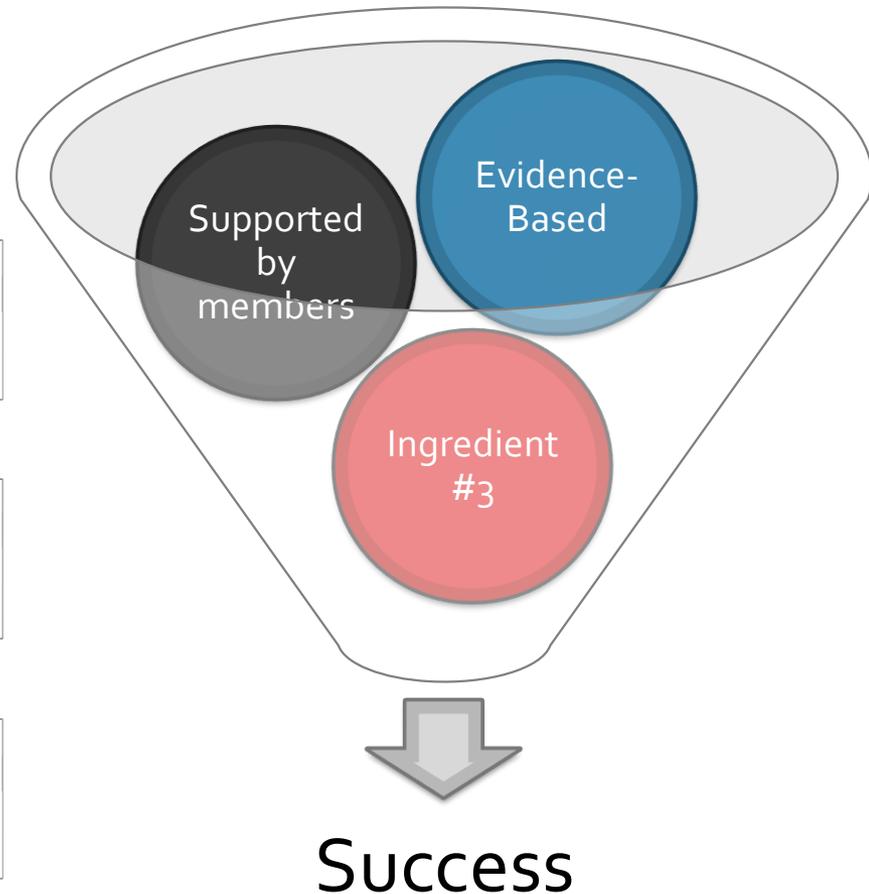
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#2 Positions supported by members

Give updated information about your membership / stakeholders network

In case of absence of consensus, describe the majority vs minority position

Mention how your organization has conducted internal consultation



#2 Positions supported by members

E.g.: Business Council of Canada: “The investment environment in Canada” 2017

Give updated information about your membership / stakeholders network

In case of absence of consensus, describe the majority vs minority position

Mention how your organization has conducted internal consultation

*Between July 26 and August 18, 2017, the BCC conducted an **online survey of its members** to gauge their perspectives on the Canadian investment environment. A total of **61 business leaders took part** in the survey.*

*A clear majority of those surveyed (57 per cent) said that **investment conditions in Canada are less attractive** than in the other countries in which their company invests. When they were asked where their companies tend to invest most, other than in Canada, the **top response was the United States.***



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#3 Useful inputs for negotiators

Speak as a negotiator: Suggest a list of priorities, chapters to cover, and even specific provision formulation.

Be realistic : Cover both offensive and defensive interests, within the scope of your mandate

Explain positions sufficiently, especially if they may be difficult to defend or highly technical



#3 Useful inputs for negotiators

E.g.: Canadian Chamber of Commerce, “Submission to the NAFTA Negotiating Team at GAC On Re-negotiation of the NAFTA” (2017)

Canada’s Agenda

Speak as a negotiator: Suggest a list of priorities, chapters to cover, and even specific provision formulation.

Be realistic : Cover both offensive and defensive interests, within the scope of your mandate

Explain positions sufficiently, especially if they may be difficult to defend or highly technical

*The CCC strongly believes Canada should enter these negotiations with a “**shopping list**” of objectives and not just a defensive posture on items we believe the U.S. or Mexico will propose.*

Some Canadian priorities would include:

- *E-commerce*
- *Regulatory cooperation*
- *Reduce the administrative burden of rules of origin*
- *Reduce onerous extra-territorial U.S. financial regulation*
- *Trade remedy cooperation*



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Mobility of workers

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Be realistic : Cover both offensive and defensive interests, within the scope of your mandate

Explain positions sufficiently, especially if they may be difficult to defend or highly technical

*Canada has for some time argued to expand the NAFTA visa-exempt categories for temporary entry. The US State Department previously developed an expanded annex for visa-exempt categories but it was never acted upon due to **lack of support from USTR.***

*Outdated or ambiguous job lists present challenges for businesses to allow entry of professionals whose occupations did not exist at the time the NAFTA was negotiated. Already, **disagreements have arisen in areas such as healthcare, advanced practice nursing and allied professions.** Unless resolved, this ambiguity will create increasing challenges as jobs change further through technology and new work arrangements, and undermine the goal of professional mobility.*



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Many thanks for your attention !



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