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THE BRAZILIAN PERSPECTIVE ON THE FTAA

*Antônio de Moura Borges**

THE Free Trade Area of the Americas (FTAA) is a development of the Enterprise for the Americas Initiative announced by President George Bush in 1990, which consisted of three pillars: (1) reduction of trade barriers; (2) increased investment in the region; and (3) debt relief. The process of creating the FTAA actually began in 1994, when President Bill Clinton took the initiative of inviting the Heads of State and of the Government of the Americas, with the exception of Cuba, to the Summit of the Americas. The Summit was held in Miami, Florida, and thirty-four democratic Western Hemisphere nations committed themselves to pursuing the creation of the FTAA by the year 2005. The FTAA would be the largest free trade area in the world, but negotiations aimed at its creation have been difficult given the extreme political, cultural, and economic dissimilarities among the Western Hemisphere nations. In order to effectively create the FTAA by next year with the participation of all negotiating countries, the demands of Brazil and the United States must be reconciled. Brazil and its partners in MERCOSUR propose that the FTAA concentrate on market access and the elimination of import tariffs on all products in fifteen years. The United States and its partners in the Group of Fourteen (G 14) will not agree to the total elimination of tariffs and demand more concessions, especially in the areas of services, investments and government procurement.

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I. INTRODUCTION

At the first Summit of the Americas, held in Miami, Florida, in December 1994, the leaders of the thirty-four democratic Western Hemisphere nations, the entire hemisphere with the exception of Cuba, undertook the responsibility of creating the FTAA by the year 2005. Despite years of negotiations, important issues remain unsolved. The apparent inflexibility of the negotiators in relation to certain controversial themes gives rise to preoccupations about compliance with the date established for the creation of the FTAA, the extent to which the FTAA will or will not comprise all negotiating countries, and whether the very creation of the FTAA will occur at all.

In this article, I will discuss the importance of the FTAA, Brazilian concerns in the negotiating process, and the prospects of the FTAA.

It is well known that the main difficulties that exist for the full implementation of the FTAA revolve around the conflicting positions of the United States and Brazil on many crucial aspects of the agreement.

Needless to say, the views that I will present are my own, and they may not coincide with the views of the Brazilian Government. In fact, I did not vote for President Luiz Inácio Lula da Silva. I served as a Legal Adviser to former President Fernando Henrique Cardoso.

The Brazilian Ambassador to the United States, Rubens Barbosa, has said, "After five years here, I learned that Brazil is like Texas. We are big, we think we are bigger than we really are and we are always at odds with the United States."¹

II. HISTORICAL BACKGROUND OF THE FTAA

Attempts to create a free trade area among all, or almost all, States of the Western Hemisphere are not recent. In 1967, the Conference of American Presidents (also known as the Punta del Este Conference), convened in Punta del Este, Uruguay, to call for hemispheric free trade.² The situation at that time was not favorable for the creation of such an enterprise. The Cold War demanded the special attention of the United States, and many Latin American countries were under nationalistic military regimes. However, the failure to achieve any notable result was attributed primarily to the differences between the United States and its neighbors to the South.³

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1. Nora Boustany, *Diplomatic Dispatches*, WASH. POST, Mar. 3, 2004, at A24.
 2. See Mark B. Baker, *Integration of the Americas: A Latin Renaissance or a Prescription for Disaster?*, 11 TEMP. INT'L & COMP. L. J. 309, 322 (1997); FRANCISCO DE ASSIS GRIECO, *A SUPREMACIA AMERICANA E A ALCA 267* (Aduaneiras 1998).
 3. Baker, *supra* note 2, at 311-18.

In a different national and international political context, on June 27, 1990, President George Bush announced the Enterprise for the Americas Initiative, which consisted of three pillars: reduction of trade barriers; increased investment in the region; and debt relief.⁴ However, the process of creating the FTAA actually began in 1994, when President Bill Clinton formally invited the Heads of State and of the Government of the Americas, with the exception of Cuba, to the first Summit of the Americas, held in Miami from December 9 - 11.⁵ At the Summit, the leaders of the thirty-four democratic Western Hemisphere nations,⁶ with the exception of Cuba, committed themselves to pursuing the creation of the FTAA by the year 2005. With this goal, two basic documents were adopted - the Miami Summit's Declaration of Principles and the Plan of Action. The Declaration of Principles set forth the following five commitments: (1) partnership for development and prosperity: democracy, free trade and sustainable developments in the Americas; (2) preserve and strengthen the community of democracies of the Americas; (3) promote prosperity through economic integration and free trade; (4) eradicate poverty and discrimination in our hemisphere; and (5) guarantee sustainable development and conserve our natural environment for future generations.⁷ Since then, three more Summits of the Americas have been held: (1) the second in Santiago, Chile, in 1998; (2) the third in Quebec, Canada, in 2001; and (3) the fourth in Monterrey, Mexico, on January 13, 2004.⁸

Much work has been done to accomplish the objectives of creating the hemispheric free trade area. Eight FTAA Trade Ministerial Meetings have been held,⁹ as well as sixteen Meetings of the Trade Negotiations Committee and numerous meetings of each of the nine Negotiating Groups. The last meetings were assisted by the Tripartite Committee, consisting of the Inter-American Bank (IDB), the Organization of American States (OAS), and the United Nations Economic Commission for

4. See Brandy A. Bayer, *Expansion of NAFTA: Issues and Obstacles Regarding Accession by Latin American States and Associations*, 26 GA. J. INT'L & COMP. L. 615, 622 (1997); TULLO VIGEVANI & MARCELO PASSINI MARIANO, *ALCA: O GIGANTE E OS ANÕES 21-24* (Senac São Paulo 2003).

5. Christopher M. Bruner, *Hemispheric Integration and the Politics of Regionalism: The Free Trade Area of the Americas (FTAA)*, 33 U. MIAMI INTER-AM. L. REV. 1, 2 (2002).

6. The nations are: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Vincent and the Grenadines, St. Lucia, St. Kitts and Nevis, Suriname, Trinidad and Tobago, Uruguay, the United States of America, and Venezuela. See Free Trade Area of the Americas - FTAA, *Links to FTAA Countries*, available at <http://www.ftaa-alca.org> (last visited July 16, 2004).

7. See Free Trade Area of the Americas - FTAA, *First Summit of the Americas: Declaration of Miami*, available at http://www.ftaa-alca.org/Summits/Miami/declara_e.asp (Dec. 19, 1994).

8. See Free Trade Area of the Americas - FTAA, *Summits of the Americas*, at http://www.ftaa-alca.org/Summits_e.asp (last visited July 16, 2004).

9. See Free Trade Area of the Americas - FTAA, *FTAA Trade Ministerial Meetings*, at http://www.ftaa-alca.org/Minis_e.asp (last visited July 16, 2004).

Latin America and the Caribbean (ECLAC). The Negotiating Groups, as established in the San José Ministerial Declaration in March 1998, are Market Access, Agriculture, Government Procurement, Investment, Competition Policy, Intellectual Property Rights, Services, Dispute Settlement, and Subsidies, Antidumping and Countervailing Duties.¹⁰

III. BRAZILIAN CONCERNS

If implemented, the FTAA would be the largest free trade area in the world, with a population of 800 million people, 14 percent of the planet's population, and a gross domestic product of over \$12 trillion, 31 percent of the world's wealth.¹¹ However, the political, cultural, and economic differences among the thirty-four founding States are enormous. The area includes countries like Haiti, on the one hand, and the United States, on the other hand. Currently, Haiti is politically unstable, has a gross domestic product of only \$2.8 billion, and a gross domestic product per capita of \$354.¹² The United States is the greatest political, military, and economic power in the world, with a gross domestic product of \$10,427.4 trillion in 2002,¹³ "amounting to nearly four-fifths of total GDP for the entire Western Hemisphere."¹⁴

Brazil has a population of 174,630,000, a total area of 8,511,965 sq. Km, or 3,286,470 square miles, which comprises nearly 50 percent of South America's land mass, and a gross domestic product of \$452.4 billion in 2002.¹⁵ It is the world's twelfth largest economy, and some years ago, Brazil was the world's eighth largest economy. In 1998, Brazil's gross domestic product was \$787.7 billion; however, due to its currency devaluation crisis in 1999, as measured in U.S. dollars, gross domestic product decreased sharply despite the fact that the growth rate had been about 1.5 percent annually.¹⁶ "In October 1997, Brazil was able to stave off by itself the threat of an attack against its currency in the wake of the Asian crisis, even though some \$10 billion fled the country in a single day."¹⁷ In 1998, during the Russian crisis, Brazil was not as fortunate.¹⁸

10. *Id.*

11. Interview with Celso Luiz Nunes Amorim, Brazilian Minister of Foreign Affairs, published in *REVISTA ÉPOCA*, Jan. 5, 2004, available at <http://www.mre.gov.br> [hereinafter *Amorim Interview*]; Joe Zopolsky, *Implementing the FTAA: A Survey of Hemispheric Unification Efforts Within the Americas Over the Past Ten Years*, 9 *WTR CURRENTS INT'L TRADE L. J.* 91 (2000).

12. See MARC A. MILES ET AL., 2004 INDEX OF ECONOMIC FREEDOM 205 (Marc A. Miles et al eds., Heritage Foundation & Wall Street Journal 2004).

13. See World Bank Group, *United States Data Profile*, at <http://www.worldbank.org/data/countrydata/countrydata.html> (last visited July 16, 2004).

14. Bruner, *supra* note 5, at 3.

15. See World Bank Group, *World Development Indicators* (2003), available at <http://www.worldbank.org/data/wdi2003>.

16. See MILES, *supra* note 12, at 115. The annual GDP growth was 1.3% and 1.9% in 2001 and 2002 respectively. See World Bank Group, *WDI Data Query*, at <http://devdata.worldbank.org/data-query/> (last visited July 16, 2004).

17. Keith S. Rosenn, *Whither Brazil: MERCOSÚL and the Devaluation Crisis*, 5 *NAFTA L. & BUS. REV. AM.* 422, 424 (1999).

18. *Id.*

Brazil is the largest economy in South America, and the leading partner of MERCOSUR, the Common Market of the Southern Cone, comprised of Argentina, Brazil, Paraguay, and Uruguay. MERCOSUR "accounts for 70 percent of South America's combined gross domestic product as well as 64 percent of the population,"¹⁹ and after the European Union (EU) and North American Free Trade Association (NAFTA), it is the third largest trading bloc in the world.²⁰ "This, in a sense, raises the stakes of the FTAA for MERCOSUR nations, as they arguably have more to lose in the way of autonomy achieved, and effort expended, in subregional integration than do other negotiating nations."²¹ MERCOSUR has achieved significant political and commercial success,²² and is negotiating a free trade agreement with the Andean Community and the European Union.²³

Brazil and the United States have a long tradition of friendship and cooperation, dating back as early as the Second World War, but the size and development of their economies are greatly distinct. Given the huge dissimilarities between the United States and their negotiating partners in the FTAA, one might wonder what benefits the United States would receive from such a collaboration. According to David M. Gilmore:

Although Latin America is currently only 7 percent of U.S. trade, it holds the promise of faster, long-term growth and potential to be an important export market. It also would support long-term merchandise trade markets, open new trade in service markets and investment markets, and support continued stability in the hemisphere.²⁴

Besides, U.S. Trade Representative Robert B. Zoellick has said, "If the Americas are strong, the United States will be better positioned to pursue its aims around the world. But if our hemisphere is troubled, we will be

19. Zopolsky, *supra* note 11, at 92.

20. See Bruner, *supra* note 5, at 26.

21. *Id.* at 29.

22. Argentina's major export trading partners are: (1) Brazil 28.2%; (2) U.S. 11.1%; (3) Chile 11%; and (4) Spain 4.1%. Its major import trading partners are: (1) Brazil 36.5%; (2) U.S. 21.3%; (3) Germany 5.5; and (4) Italy 4.4%. Paraguay's major export trading partners are: (1) Brazil 37.2%; (2) Uruguay 17.1%; and (3) Argentina 3.6%. Its major import trading partners are: (1) Brazil 32.2%; (2) Argentina 20%; and (3) Uruguay 4.3%. Uruguay's major export trading partners are: (1) Brazil 23.8%; (2) Argentina 18.4%; (3) US 8.9%; and (4) Germany 3.7%. Its major import trading partners are: (1) Argentina 23.0%; (2) Brazil 19.1%; (3) US 11.4%; (4) Italy 4.4%; and (5) UK 4.1%. And Brazil's major export trading partners are: (1) U.S. 25.7%; (2) Argentina 11.6%; (3) Germany 5.4%; and (4) Netherlands 4.4%. Its major import trading partners are: (1) U.S. 27.4%; (2) Argentina 13.5%; (3) Germany 8.9%; and (4) Japan 5.0%. See MILES, *supra* note 12, at 81, 115, 325, 407.

23. According to Martín Redrado, Argentine vice-chancellor and chief MERCOSUR negotiator, negotiations with the European Union are more advanced than the negotiations for the creation of the FTAA. See UOL Economia, *Últimas Notícias: Acordo Mercosul-UE Avança Mais do que a Alca*, available at <http://www1.uol.com.br/economia/afp/ult35u33279.shl> (Mar. 12, 2004).

24. David M. Gilmore, *Free Trade Area of the Americas: Is it Desirable?*, 31 U. MIAMI INTER-AM. L. REV. 383, 414 (2000).

preoccupied at home and handicapped abroad.”²⁵

In Brazil, government authorities have always stated the importance of the FTAA, especially in light of Brazil’s need to increase exports and the U. S. market’s position as the largest in the world. Since the beginning of the negotiations, Brazil and its partners in MERCOSUR have worked towards the creation of the FTAA, concentrating on market access and having general rules that would respect the capacity of countries to have their own development models.

The United States is Brazil’s largest trading partner, having replaced the European Union as the main destination market for Brazilian exports. In 2002, while the European Union accounted for 25.04 percent of Brazilian exports, the United States accounted for 25.74 percent, of which more than 75 percent represented manufactured products.²⁶ The United States is also Brazil’s largest import trading partner, accounting for 27.4 percent of Brazilian imports.²⁷ The FTAA would enhance the opportunity to increase trade between the United States and Brazil.

Brazil’s main products are aircraft (the single most important export product to the United States), bauxite, beef, cellulose, cereals, coffee, cocoa, crude oil and petrochemicals, diamonds, furniture, gold, households appliances, hydroelectric power engines, iron ore, manganese, motor vehicles, nickel, orange juice, phosphates, platinum, processed food, quartz crystals, rubber, shoes, silver, soybeans, steel, sugar, textiles, timber, tin, titanium, uranium, and zinc.²⁸

Even though manufactured products account for more than 75 percent of Brazilian exports to the United States, Brazil and the Andean Countries, are especially interested in market access to agricultural products through the FTAA negotiations. However, the 2002 U.S. Farm Bill contains \$180 billion in agriculture subsidies,²⁹ and U.S. negotiators have been unwilling to accept measures that would restrict agricultural subsidies.³⁰

Without the use of subsidies, Brazilian agriculture was able to develop and is now the most competitive in the world.³¹ Among other factors contributing to Brazil’s success, the climate in Brazil is favorable. Brazil has the lowest per ton cost in several products, such as beef, soybeans,

25. See Bruner, *supra* note 5, at 68.

26. See Brazilian Embassy, *U.S. Tariff Treatment of Main Brazilian Products: Executive Summary 1*, available at http://www.brasilemb.org/trade_investment/executive_summary.pdf (last visited Aug. 25, 2004) [hereinafter *U.S. Tariff Treatment*].

27. See MILES, *supra* note 12, at 115.

28. See Brazilian Embassy, *Brazil at a Glance*, available at http://www.brasilemb.org/profile_brazil/profile1.shtml (last visited July 16, 2004).

29. See Laura Altieri, *Between Empire and Community: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: Trade and Economic Affairs: NAFTA and the FTAA: Regional Alternatives to Multilateralism*, 21 *BERKELEY J. INT’L L.* 847, 856 (2003).

30. See *U.S. Tariff Treatment*, *supra* note 26, at 2.

31. See interview with Roberto Giannetti da Fonseca, former Secretary of Brazil’s Foreign Trade Chamber, published in *REVISTA ISTOÉ*, Nov. 5, 2003, at 11.

sugar, coffee, poultry, shrimp, orange juice, and cotton.³² Brazil is the world's largest producer and exporter of coffee, sugar, and orange juice. It is the second largest producer, and largest exporter of beef and soybeans and the second largest producer and exporter of poultry.³³

Over the last fifty years, the United States offered the world's largest and most open market for other countries' exports. This is still true today because the average United States import tariff is low.³⁴ However, several economic sectors, such as agricultural items and low-value-added manufactured products, are highly protected through the use of tariff peaks, tariff escalations, and tariff rate quotas. These methods, in addition to non-tariff barriers such as antidumping and countervailing measures, have affected Brazilian exports of steel products. According to the Brazilian Embassy:

The tangible impact on Brazil of this selective U.S. protectionism can be illustrated by a comparison between Brazil's average nominal import tariff on the 20 top U.S. global export products, which was 11.54% in 2002, and the average nominal U.S. import tariff on the 20 top Brazilian global export products, which was 44.4% in 2002.³⁵

In large part, this was a result of the high tariff equivalent rate on frozen orange juice, which in 2002 was 52 percent, and the extra-quota tariff equivalents of 234 percent for raw sugar, 208 percent for refined sugar, and 350 percent for tobacco in 2002.³⁶ Furthermore, as stated by the Brazilian Embassy, "[T]he U.S. market is closed to Brazilian poultry products for sanitary reasons, even though Brazil is the world's second largest exporter," and as for beef, which Brazil is the world's largest exporter, the United State's extra-quota tariff is 26.4 percent, but the certification of Brazilian unprocessed beef exports to the United States was not issued until the end of 2003, even though the administrative procedures for such a purpose had been underway since the year 2000.³⁷

Brazil, along with its partners in MERCOSUR, have asked for the elimination of import tariffs on all products, agricultural and non-agricultural, so that within fifteen years the Americas could become an area free of import tariffs; however, the United States is more interested in the areas of services, intellectual properties, investments, and government procurement. According to the Brazilian Foreign Minister, Celso Amorim, it is in these areas that the Brazilian Government wishes to maintain sufficient autonomy to implement development policies,³⁸ such

32. *Id.*

33. *Id.*

34. See CHRISTIAN LOHBAUER, ALCA: UMA PERSPECTIVA DOS DESAFIOS DO BRASIL, in O BRASIL E A ALCA: OS DESAFIOS DA INTEGRAÇÃO 243 (Alberto do Amaral Junior & Michelle Rattton Sanchez eds., Aduaneiras, 2003).

35. See *U.S. Tariff Treatment*, *supra* note 26, at 1.

36. *Id.* at 2-3.

37. *Id.* at 2.

38. See Clóvis Rossi, *Comércio Exterior*, available at <http://www1.folha.uol.com.br/fsp/dinheiro/fi1502200422.htm> (last visited Feb. 15, 2004).

as certain industrial policy instruments that developed countries use.³⁹ Specific examples include the Buy American Act of 1933 and the Small Business Act of 1953. A large part of American government purchases consists of arms and military equipment restricted by law to local suppliers. Brazilian government purchases of military equipment are not high, but the Brazilian Foreign Minister understands that it does not impede the country to specify certain items that must be supplied by Brazilian companies aimed at sector development.⁴⁰

In the United States, there are service sector restrictions, especially in the areas of telecommunications and finance, mainly at the state level, and constraints on foreign investment and foreign participation in government procurement biddings. According to the Brazilian Embassy:

Foreign investors may not hold more than a total of 49% of the ownership shares of U.S. airlines, nor more than 25% of all voting stock. U.S. cabotage shipping is restricted to vessels that were built in the U.S. and are operated with U.S. owners, flag and crew. The U.S. fishing industry is permitted to use only vessels built in the United States. U.S. agricultural products may be exported only on U.S.-flag ships, which thus constitutes a completely protected shipping market. The 'Buy American Act' of 1933 also establishes a preference for U.S. suppliers that applies to many government purchases.⁴¹

Throughout the FTAA negotiations, Brazil and the other MERCOSUR members have defended the position that subjects of a systemic and normative nature should be dealt with within the World Trade Organization (WTO). They take the view that it does not make sense for the United States and the European Union to have rules about intellectual property, investments, and services that differ so widely.⁴²

Brazilian authorities believe the FTAA is basically a negotiation with the United States and Canada.⁴³ Brazil does not need the FTAA to reach markets in other countries, as the United States already has a free trade agreement with Canada and Mexico. Except for Argentina, the remaining countries are very small and are not interested in negotiating.⁴⁴ Thus, since November 1, 2002, and until the conclusion of the negotiations, Brazil and the United States are the Co-Chairs of the FTAA Negotiations.

IV. PROSPECTS OF THE FTAA

Negotiations towards the creation of the FTAA have not been easy. At the Eighth Trade Ministerial Meeting held in Miami, Florida, in November 2003, an agreement was reached to create a "lite" version of the

39. See *Amorim Interview*, *supra* note 11, at 2.

40. *Id.*

41. See *U.S. Tariff Treatment*, *supra* note 26, at 4.

42. See interview with Celso Luiz Nunes Amorim, Brazilian Minister of Foreign Relations, published in *REVISTA VEJA*, January 28, 2004, available at http://www.mre.gov.br/portugues/politica_externa/discursos/discurso_detalhe.asp?ID_DISC.

43. See *Amorim Interview*, *supra* note 11, at 2.

44. *Id.*

FTAA in which there would be a common set of rights and obligations binding the thirty-four contracting nations without more ambitious multilateral agreements of a binding nature.

Nevertheless, a minimum agreement to set up the FTAA has not yet been reached. The lack of conciliation on specific issues caused a recess of the Seventeenth Meeting of the Trade Negotiations Committee, held in Puebla, Mexico, last February. It was agreed the meeting would be continued March 17 - 19, 2004, and the recess would be used to give time for the nine Negotiating Groups to be instructed as to the clear reach of the general treaty negotiations and the definition of the multilateral negotiations procedures.⁴⁵ At the request of the negotiating parties, these dates were postponed to April 22 - 23, 2004, because the South American vice-chancellors, representing MERCOSUR, the Andean Community and Chile, could not reach a consensus at a meeting held last March in Buenos Aires, Argentina. The negotiating parties will meet again March 31 - April 1, 2004.⁴⁶

The success of the negotiations now depends on reconciling the demands of the G 14,⁴⁷ led by the United States, with those of the other countries. In relation to market access, the MERCOSUR proposal is that all import tariffs be eliminated in fifteen years, and the G 14 prefers the elimination of tariffs substantially on all trade. MERCOSUR nations do not agree with the G 14's proposal, for that would give rise to the continued protection of beef, orange juice, steel, sugar, and no more than twenty other products in which the South American countries are mostly interested in. At the last day of the Meeting in Puebla, in order to reconcile those demands, a new formula was proposed that could be the solution for the impasse: the text would require a substantial increase in access to the markets of the thirty-four partners of the FTAA.⁴⁸ MERCOSUR would yield in its position because the tariff elimination would not be total, and the G 14 would also yield in its position because a guarantee of substantial increase in access to the partners' markets would not allow countries to keep protecting their markets the way they do now.

However, other questions remain, especially concerning services, intellectual property, investments, and government procurement. Brazilian Foreign Minister Amorim has affirmed that he is optimistic about the continuation of the Seventeenth Meeting of the Trade Negotiations Committee to take place in Puebla April 22 - 23, 2004, for he asked the U.S. Trade Representative Robert B. Zoellick if the United States was interested in the Brazilian market of goods, and he answered "yes, obvi-

45. See Portal EXAME, *Economia*, available at http://portalexame.abril.uol.com.br/economia/conteudo_30278.shtml (last visited Aug. 25, 2004).

46. See *id.*

47. The G 14 consists of the United States, Canada, Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, the Dominican Republic, Colombia, Ecuador, Peru, and Chile.

48. See Rossi, *supra* note 38, at 2.

ously."⁴⁹ If there is this interest, Amorim feels there is no reason for the United States and the other members of the G 14 to insist on concessions in areas other than market access.⁵⁰ This fact alone does not seem to be enough ground for optimism.

Brazil is a democratic country and, as in the United States, government decisions depend on the Legislative Branch's approval and are motivated by social support. Some Brazilian Senators and Congressmen are opposed to the FTAA because of ideological reasons, concrete material interests, and certain economic and international political analysis. However, the vast majority of Brazilians approve or disapprove of the FTAA based on its outcome and its effect on Brazilian society as a whole.⁵¹ As in the United States, most labor unions in Brazil are against the FTAA.⁵²

I conclude these remarks using Professor Joseph J. Norton's words about the FTAA, with which I agree, when he affirmed that:

[O]n a current basis, the scenario is most difficult to evaluate (politically, economically and financially). But what can be evaluated as it continues to unfold is the overall process itself and its direct and indirect consequences. This will assume a continued general sharing of common intergovernmental objectives; good faith collaboration and consultations respecting the various FTAA Working Groups, Ministerials, and Summits; and ongoing and enhanced transparency in the process.⁵³

49. *Id.*

50. *Id.*

51. See VIGEVANI & MARIANO, *supra* note 4, at 112-14.

52. *Id.*

53. Joseph J. Norton, *Doing Business under the FTAA: Reflections of a U.S. Business Lawyer*, 6 *NAFTA L. & BUS. REV. AM.* 21, 433 (2000).