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Doing Business under the FTAA: Reflections of a U.S. Business Lawyer

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Abbreviations and Acronyms

ACN - Andean Community
ALADI (LAIA) (formerly LAFTA) - Latin American Integration Association
BIT - Bilateral Investment Treaty
CACM - Central American Common Market
CARICOM - Caribbean Community and Common Market
CUFTA - Canadian U.S. Free Trade Agreement
EAI - Enterprise of the Americas Initiative
ECLAC - (UN) Economic Commission for Latin America and the Caribbean
EFTA - European Free Trade Agreement
EU - European Union
FCN - Bilateral Treaty of Friendship, Commerce and Navigation
FDI - Foreign direct investment
FTA - Free Trade Agreement
FTAA - Free Trade Area of the Americas
FTAA - Trade Ministers
G-3 - Group of Three (Free Trade Agreement among Mexico, Columbia and Venezuela)
GATS - General Agreement on Trade in Services
GATT - General Agreement on Tariff and Trade hemisphere - the Western hemisphere
HFTZ - Hemispheric Free Trade Zone
ICSID Convention - International Convention on the Settlement of Investment Disputes
IDB - Inter-American Development Bank
IMF - International Monetary Fund
Inter-American Convention
LAC - Latin American and Caribbean Region
LAFTA - Latin American Free Trade Agreement (now ALADI-LAIA)

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Latin America - includes Mexico, the Central American and South American Nations
MERCOSUR - Common Market of the Southern Cone (Argentina, Brazil, Paraguay, Uruguay)
MFN - Most-favored-nation treatment
NAFTA - North American Free Trade Agreement
NT - National treatment
NY Convention - UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards
OAS - Organization of American States
Pacific Five -
SELA - Economic System of Latin America
SIECA - Permanent Secretariat of the General Treaty on Central American Integration
SICA - Central American Integration System
Summit of the Americas - Periodic Meeting (1994-Miami, 1998 - Santiago, 2001 - Toronto) of Heads of State and Governments Authority for Western Hemispheric Nations (excluding Cuba) respecting the FTAA Process
UNCTAD - United Nations Conference on Trade and Development
UNCITRAL Rules - U.N. Committee on International Trade Law Rules on Arbitration
World Bank - International Bank for Reconstruction and Development
WTO - World Trade Organization

I. Introduction.

To proffer that U.S. business operates solely on a short and medium-term timeframe, devoid of long-term strategic planning and interest, would be both unfair and incomplete. Certainly, larger multinational enterprises (with adequate capital, management expertise, technology bases and integrated information/knowledge centers) engage in meaningful levels of longer-term strategic business planning (Aggarwal, 1999, at 83). Yet, for these enterprises the immediate practical context of business operations and transactions still predominates in the business decision-making processes (St. Goar, 1999, at 93). Even more so, smaller and medium enterprises, the primary intended beneficiaries of the FTAA process, normally cannot afford such "luxury;" though, they often will seek longer-term perspectives through participation in business associations, chambers of commerce, and cross-border networks of contacts (Smith, 1999, at 38).

It is within this practical business backdrop that the FTAA, as a discernable and definable end result, is largely irrelevant in any specific and immediate sense to a U.S. firm's decision-making with respect to doing business in the Americas. If FTAA occurs in 2005, as currently planned, it will most probably be a practical "non-event" for U.S. business, as adjustments *under* the FTAA will have been and will continue to be incremental—pre- and post-adoption. A similar view could have been postulated respecting the NAFTA in 1994 (Norton and Bloodworth, 1995, Ch. 1).

On the other hand, if the FTAA fails to come about as planned, U.S. business activities within the Americas most probably will continue "as usual," lest this failure portrays a fundamental political or economic crises and destabilization within the hemisphere (Lawrence, 1999, at 6).

This author suggests that the critical importance of a FTAA for U.S. business is as a "code word" for an ongoing "environmental process" that is now two decades of age. This "process" reflects and supports a general ongoing search within our hemisphere for nations to pursue sustainable economic development through the creation of a favorable, predictable, transparent, and stable hemispheric "climate" for liberalizing trade and investment. Correspondingly, this process is concerned with developing and strengthening "free market" infrastructures, more democratic and accountable political institutions, and a more "rule-based" and "rule of law" civil society (e.g., Bush, 1990; EAI). Thus the "ongoing process," perhaps, is more significant than the end result; and the supportive "climate" created and sustained, perhaps, is more important than the specificity of any treaty provisions.

The remaining sections of this article will elaborate more fully on these views of the author. To this end, section II will reflect upon the notion of FTAA as a code word for this ongoing environmental process from the respective vantage point of the developed and the developing nations of the hemisphere. Section III will consider the primary expectations of U.S. enterprises for doing business within the hemisphere and the extent these can be met *without* a formal FTAA though *within* the FTAA process. Section IV will explore how the FTAA process entails a complex matrix of existing bilateral, regional, and subregional treaty arrangements *within* and *without* the hemisphere. Section V will provide some concluding observations on the prospects for a specific hemispheric FTAA process.

For purposes of this article, the concept of "doing business" is intended to include broad notions of trade in goods and services, direct investment, licensing, and franchising, along with collateral notions of cross-border movements of key personnel and capital, effective dispute resolution mechanisms, suitable intellectual property protection, adequate financing sources and mechanism, and the related legal taxation and accounting infrastructures (Streng and Salacuse, 1983, as updated, vol. 1). In addition, the "business" views expressed herein are from the limited perch of a "business lawyer" involved as part of the business decision-making process, but not of an actual business decision-maker or government policymaker.

II. "Code Word" for an Ongoing "Environmental Process" for Economic, Political, and Legal Reform.

As NAFTA could be viewed as a "code word" for an ongoing environmental process respecting trade and direct investment liberalization, so also can the FTAA. Here two related, but distinct perspectives are germane: that of the developing countries of the hemisphere (i.e., 32 of the 34 FTAA nations, excluding Cuba) and that of the two developed countries of the hemisphere (i.e., the United States and Canada).

A. The Developing Countries' Perspective.

The underlying movement toward trade and direct investment liberalization in the hemisphere can be substantially attributed to a fundamental shift in the early 1980s in the domestic economic policies of Mexico, as followed subsequently by other key Latin American countries such as Argentina and Chile (Abbott and Bowman, 1994). During the 1960s and 1970s Mexico, the other Latin American states, and (for that matter) most

"Third World" countries espoused an economic development model rooted in "(1) public ordering and state planning of the economy and society; (2) reliance on state enterprises as economic actors; (3) restrictions and regulation of private enterprise; and (4) limitation and control of the country's economic relations with the outside world." (Salacuse, 1999, at 877). In addition, most of these Latin American countries were characterized also by authoritarian regimes under a "one-party" state or military regime. Economic, political and social life of these countries were largely state-oriented and state-directed (Linz and Stepan, 1978; and W.C. Smith, 1993).

1. The Mexican Situation.

The two "six year periods" of Presidents Escheverria and Lopez Portillo, beginning in December 1970, saw the Mexican economy go from a new exuberance that the Mexican State could funnel significantly new resources to meet the country's significant social needs while fostering new industrial growth to severe economic crises. Much of the exuberance was rooted in the country's estimation of its national control of petroleum resources in light of rocketing oil prices in the 1970s. This newfound national wealth led the government and its state-controlled enterprises to undertake significant indebtedness in world money and capital markets. The unforeseen dilemma was that such sovereign-related indebtedness was tied to "floating rate" debt instruments and that the 1970s and 1980s would witness unprecedented national and global inflation (Norton et al., 1990, chs. 2 & 3).

Also, during this period, Mexico (as with most Third World countries) held to an economic policy of import-substitution and severe restrictions on foreign direct investment. This economic policy complemented a national foreign policy based on a perceived "North-South" struggle between the industrialized nations and the developing nations.

While the Mexican economy grew at a robust pace, external debt quadrupled between 1976 and 1982 (to reach two-thirds of the country's GNP by the end of 1982). This situation, coupled with the dramatic drop in world oil prices, led to the devaluation of the peso and a government moratorium on sovereign external debt. The ensuing nationalization of the Mexican banking system added further erosion to public confidence, leading to increased capital flight. (*Id.*)

The new government of President de la Madrid, taking over in December of 1982, undertook a fundamental reordering of the Mexican economy. A tough anti-inflationary policy (i.e., austerity, shock plan), with a price freeze and a fixed exchange rate, was introduced. At the same time, a more favorable environment for foreign direct investment was being gradually put into place. (*Id.*)

Further, by mid-1985, Mexico had embarked upon a broad trade program, including reduction of the use of import licenses, major tariff cuts, and phasing-out of official import pricing. Even more significant, the government announced it was prepared to enter into the world trade order by opening membership negotiation with GATT. Within a year, the GATT accession negotiations were completed.

Moreover, in early 1985, President de la Madrid, trying to stave off the adverse impact of possible U.S. trade sanctions and (more generally) to better manage and promote Mexico-U.S. trade relations, began bilateral discussions on a wide range of trade issues with the United States. This led to a Mexico-U.S. Commercial Framework Agreement on Trade and Investment signed in November 1987.

This 1987 Framework Agreement can be seen as a landmark in Mexico-U.S. commercial relations and a direct forerunner of the NAFTA. The agreement touched upon such subject matter as incipient dispute resolution mechanisms; improved data exchange; an "Immediate Action Agenda" covering such sensitive matters as textiles, electronic products, agricultural products and steel; foreign investment; and an initial approach to services. This agreement also set into play ongoing, bilateral sectoral consultations and consultation groups on matters (e.g., foreign investment). The focused cooperative efforts were to prove invaluable as the United States and Mexico moved toward NAFTA (U.S.-Mexico Joint Statement, 1998).

As domestic and economic reform progressed in Mexico, so did infrastrucural legal reform in the business, property, and commercial law areas and so did gradual political reform toward a greater democratization of Mexican political society (Norton et al., 1990).

This was the new, but fragile environment President Salinas came into. How to help consolidate and to solidify these reform efforts became a major concern of Salinas. Also of continuing concern was the fear U.S. trade policy might turn more protectionist to the detriment of Mexico's economic development.

In a real sense, NAFTA became feasible because of this decade of domestic reform in Mexico and these related concerns of President Salinas and his government. As such, Salinas initiated with U.S. President Bush the concept of a Mexico-U.S. FTA, which quickly became translated into the trilateral NAFTA negotiations, including Canada. In doing so, Salinas and the Mexican government signaled that a new model of economic development was in place; that Mexico and other Latin and Third World nations were desirous of being equal players in the new world economic order; and that the worn paradigm of "North-South" conflict was now one of North-South cooperation (Bello and Holmer, 1993, at 593).

2. The Broader Latin American Situation.

This fundamental reform process was not limited to the Mexico experience; but the Mexican situation served as a new model for domestic reform and transition among the other Latin American nations. Argentina and Chile, and to a lesser degree the mammoth economy of Brazil, came to forge their own new dynamic and more market-oriented economic reform processes. In addition, new regional and subregional arrangements (e.g., LAIA, MERCOSUR, and CACM) emerged, demonstrating a greater substance, direction, and commitment than the defunct integration efforts of the 1970s (e.g., LAFTA); and a preexisting, protectionist arrangement, such as the Andean Compact, transformed itself into a more open and externally positive Community (Hufbauer and Schott).

Moreover, as will be discussed more fully below, the Latin countries in the 1990s and currently have taken the initiative to enter into numerous bilateral trade and investment arrangements among their Latin and North American partners, and external to the hemisphere (FTAA Investment Agreement Compendium, OAS, 1999). These external relations have even included comprehensive arrangements with the European Union (Irela Web site; and R. Bouzas, 1998).

The reality is that a dynamic and evolving process of economic reform has been "in play" in Latin America now for nearly two decades. The FTAA, for our Latin neighbors, became another dimension and catalyst to this ongoing process, even within the current

vacuum of U.S. leadership as to this process (as exemplified by the U.S. President's inability to bring "fast track authority" to the 1998 Santiago Summit respecting the Chilean accession to NAFTA and the FTAA more generally) (Otero-Lathrop, 1998).

B. THE DEVELOPED COUNTRIES' PERSPECTIVE.

1. The United States.

U.S. direct involvement in regional integration is of recent vintage. Post-World War II U.S. involvement has largely been indirect, for example, in its support of European integration through the EFTA, European Community, and now the European Union or in condoning a qualified free trade area exception under the GATT/WTO. Concern for Latin American integration efforts, until this past decade, has been largely indifferent, filtering primarily through the OAS and the IDB (J.J. Norton, 1986). In particular, Latin American integration efforts of the 1970s and early 1980s often were viewed as hostile to American economic interests (T.A. O'Keefe, Transnational, 1997).

U.S. attention to trade and investment issues essentially were bilateral (through FCN or BIT treaties) or multilateral through the GATT (now WTO) processes. In fact, the U.S. FTA model arose with the bilateral arrangement with Israel in the mid-1980s (Israel-U.S. FTA of 1985) and a few years later with the bilateral FTA with Canada (Canada-U.S. FTA of 1988; and J. Bello and A. Holmer, 1990). As originally proposed, NAFTA itself started as a bilateral FTA with Mexico; but through Canadian diplomacy, converted itself into the current trilateral NAFTA.

Perhaps the first clear, comprehensive national statement of a U.S. hemispheric foreign policy and foreign trade approach (notwithstanding the 1960s euphoric "Alliance for Progress" of President Kennedy) came with President Bush's "Enterprise for the Americas Initiative" speech of June 27, 1990 (subsequent to President Salinas' initial initiatives for a U.S.-Mexico FTA). In his remarks, President Bush reflected upon the general movement of the Latin American and Caribbean nations toward more democratic political institutions and a more civil society and away from statist economic policies. This belated U.S. recognition of a new political and economic environment emerging within the LAC led the U.S. President to propose a "genuine partnership" throughout the hemisphere for free market reform based on "trade and not aid." (Bush, 1990).

The three "pillars" of the EAI were to be trade, investment, and debt restructuring. No grand umbrella arrangement was proposed, as there is "no blueprint, no one-size-fits-all approach to [such] reform," with "the primary responsibility for achieving economic growth [resting] with each individual country." President Bush welcomed and encouraged the various individual, bilateral, subregional, and regional efforts that were underway in the LAC. (*Id.*)

It was only with the NAFTA safely "put to bed" in late 1993 that U.S. policymakers came to theorize on how hemispheric FTAs could be used as a program of "continuous progressive expansion" that would lock-in the hemispheric economic and political reform processes. The goal of hemispheric free trade was viewed as "long-term." Ongoing bilateral usage of bilateral FTAs "with appropriate countries in Latin America and the Caribbean, and possibly some Asian countries" was viewed as the way forward. Moving

from "fair trade" to "free trade" was to be a progressive process through sectional ("building block") agreements. (*See, e.g.*, USTR-Post NAFTA Policy 1994).

NAFTA accession would be carefully explored on a case-by-case basis, but bilateral FTAs were the preferred expansion instruments. Though the concept has been since abandoned, it was thought that the building of a hemispheric free trade zone over the long-term could be achieved "through a 'hub-and spoke' of bilateral FTAs between us and other countries by NAFTA accession, or by some combination." In fact, a separate FTA might be a predecessor to an eventual NAFTA accession (USTR, 1994).

Thus, in a manner similar to President Salinas' desire to solidify a decade of fundamental reform in Mexico through the NAFTA, the United States was desirous of solidifying and further fostering hemispheric economic and political reforms, while maintaining for the United States "maximum flexibility to enter agreements that are in our (i.e., U.S.) best interest." (*Id.*) As will be discussed below, the post-NAFTA, U.S. embrace of a more coherent and comprehensive FTAA hemispheric approach, though not inconsistent with the EAI, does mark a fundamental advancement of U.S. foreign and trade policy toward the LAC area.

2. Canada.

Though Canada's trade and other economic relations with Mexico and Latin America were not entirely non-existent historically, Canada's economic relations were deeply entwined to a very significant degree with the United States and to a lesser degree with Western Europe and the Commonwealth nations. The initial incentive for Canada to seek NAFTA membership was a fear that a strong U.S.-Mexico bilateral FTA might come to undermine or diminish Canada's position under the CUFTA. However, in many ways, Canada has proven to be a most constructive force in fostering the NAFTA and broader Western Hemispheric integration efforts and has reaped far greater economic and political benefits from NAFTA than had been originally anticipated (Swanson, April 2000).

III. Doing Business Without a FTAA, But Within the FTAA Process.

The current push toward a FTAA has not been a driving consideration of American business (*Cf.*, Portras 2000). The Canadian/U.S. Free Trade Arrangement made recognizable business sense (*See, inter alia*, Abbott and Bowman). NAFTA, though perceived as having net benefits for U.S. businesses (at least in the southwest United States), must be seen as largely a "political event." To date, one can readily find numerous conflicting studies and analyses of experts arguing over the overall economic gains of NAFTA (*Cf.*, Weintraub, 2000). This quandary is not unique. In fact, even after fifty years of economic integration in Western Europe, the true *raison d'etre* for this ongoing integration process remains essentially political (*See, inter alia*, Davey, 1993).

Certainly, putting aside whether one country's economy or a business sector gains or loses economically, it cannot be denied that a North America with NAFTA presents a more favorable *environment* for cross-border trade and investment and new cross-border, economic and business opportunities among the three contracting parties, than a North America without NAFTA (Garten, 1995). Equally so, a FTAA also can be viewed as being more favorable for those businesses of the thirty-four involved nations seeking cross-border

trade and investment opportunities within the hemisphere than a hemisphere without the FTAA. General reduction of trade and investment barriers, promotion of a top-class intellectual property regime, creation of a viable dispute resolution mechanism for the contracting parties (and in some instances for private parties) - these all can only be estimated as "business facilitators." (*See, e.g.*, Trakman, 1997).

However, NAFTA and a FTAA not so much forge "new territory" but solidify and support what are generally viewed as the fundamental preconditions for effective, long-term trade and direct investment liberalization in an overall favorable trade and investment environment. Such "preconditions" might include for a particular country:

- sound and consistent macroeconomic policies;
- a stable and accountable political system;
- fair, transparent, and efficient administrative system;
- a viable legal and judicial infrastructure receptive to business and commercial activities (including modern property, contract, commercial, secured transactions, corporate and insolvency laws);
- effective and enforceable judicial and non-judicial dispute resolution mechanisms;
- sound corporate governance and accounting systems;
- developing, but stable and transparent financial markets/systems;
- a suitable public transportation, and technological infrastructure;
- a sufficient, stable, and trained workforce;
- reasonable and predictable tax regime (preferably with a favorable double taxation treaty(ies));
- minimum and contained corruption, criminality and terrorism;
- currency convertibility and free capital exchange movements;
- geographic proximity or centrality for trade/business expansion; and
- a true atmosphere of trust and confidence in engaging in local "partnership" or other business contractual arrangements. (Norton, 1999, Secs. III and IV).

When looked at in this context, all of the above factors are not directly dealt with by the FTAA or a FTA.

The reality is that while the actual reduction/elimination of barriers to cross-border trade and investments are centrally important for businesses, these other key, infrastructural elements rest largely within the domain of domestic reform initiatives or of "extra-TAA" intergovernmental cooperative efforts. For instance, sound and consistent macroeconomic policies and political stability clearly facilitate exchange rate stability, which is itself undoubtedly a precondition for effective international trade within any country or region. This is a matter for the government policy and decision-makers.

Additionally, for another example, transparency and accountability in commercial law regimes, particularly regarding corporate and insolvency laws, financial regulation and dispute resolution mechanisms, are essential in attracting foreign trade and direct investment. Many countries in this region have made cognizable legal and regulatory reforms in these and other critical areas of domestic law reform (*e.g.*, in financial regulation/supervision area, see E. Aguirre and J. Norton, 2000).

As a general position the FTAA *process* should continue to facilitate implementation of these preconditions in the various LAC countries as part of an ongoing economic law reform process into the first part of this twenty-first century (Barshefsky, 1999).

A. EXTERNAL FACTORS ON REFORM.

The movement toward market-oriented economic policies by Mexico and other LAC countries came largely from the self-realization of these nations that the old economic development model simply did not work and had become largely counterproductive. This was reinforced in many instances through IMF, World Bank and IDB structural adjustment and assistance packages. The IMF and World Bank structural adjustment packages have traditionally focused on macroeconomic criteria, but increasingly have come to incorporate both structural economic and infrastuctural legal reforms, a trend that became quite evident in packages resulting from the recent 1994-95 Mexican peso crises and the more recent 1997-98 Asian financial crisis. The incorporation of law reform requirements as meaningful aspects of structural adjustment packages and particularly the continuous monitoring of implementation of such law reforms by the international financial institutions as prerequisites to receipt of ongoing multilateral financial assistance in trenches over time, have become modern realities of economic markets (Norton, 1999).

Thus, modernization and upgrading of domestic economic and financial systems have come about through responsible domestic government and intergovernmental reactions to crises and otherwise through cooperative efforts within the hemisphere. Illustrative is the movement toward international approaches to financial supervisory standards. The development of international financial supervisory standards has manifested through global public-private forums such as the Basle Committee on Banking Supervision and the International Organization of Securities Commissions. These multilateral forums have, in recent times, consistently developed supervisory standards for implementation in home country statutory and regulatory frameworks based on input from both regulatory agencies and financial market participants. In particular, the Basle Committee and IOSCO have developed frameworks of "core" principles or standards in recent years for banking and securities markets that should be incorporated into any financial market infrastructure. The global economic order now necessitates that member countries and regional organizations adopt, implement and enforce these principles and standards, as they will undoubtedly continue to be used by IFIs as a meaningful part of continued adjustment packages and ultimately by corporates as a "stability factor" in evaluating potential international banking, finance, and trade opportunities. The LAC countries themselves have and are taking significant initiatives in these areas (*e.g.*, Association of Latin American and Caribbean Bank Supervisors).

A meaningful but often overlooked aspect of implementing global financial, trade, and legal infrastructure is the necessity of addressing corruption, criminality and terrorism. The FTAA nations have begun to address these issues through distinct domestic, bilateral regional, international cooperative efforts, many of which also address money laundering in attempts to comply with the globally derived OECD Financial Action Task Force (FATF) Recommendations and Basle Committee "Core Principles." Joint, cooperative efforts are also being undertaken as to anti-terrorism measures (Zagaris and Olive, 1999). All of these efforts will need to continue indefinitely as these perils will continue to erode legal infrastructures, political stability, regulatory regimes and economic and financial market policies (*see* Norton, "New Financial Architecture" 1999).

Tax policy is another example that is essentially domestic driven, though also subject to IFI adjustment program commitments. An incidence of significance where domestic

policy becomes transferred through the integration process was evident with the 1993 U.S.-Mexico Double Taxation Treaty. While the public focus was on the NAFTA negotiations, the United States and Mexico successfully completed the most advanced bilateral income treaty. Such a treaty was seen as a concomitant to providing greater certainty in cross-border business activities and in further converging national tax laws and practices (Dell and Polma, 1995).

B. ONGOING DOMESTIC REFORM.

The reform of commercial and property laws, and the quality of judicial administration all remain subject to domestic initiatives and reforms. A case in point can be seen in the secured lending area. Cross-border business depends, to a large extent, upon cross-border financing. Such financing often may be tied to the taking of security. This, in turn, is linked to the degree of "legal security" and legal certainty a cross-border lender can obtain within a particular jurisdiction. Given the divides of approaches between "Common Law" jurisdictions (*e.g.*, the United States and to a large extent Canada) and "Civil Law" jurisdictions (*e.g.*, Mexico), building legal and practical bridges among the laws of the differing jurisdictions becomes important. This may entail a number of domestic options, including innovative and proactive reviews of one's current laws, the adoption of new laws under one's particular legal tradition, or the wholesale or partial adoption of foreign or international models (Banowsky and Guabardi, 1995).

C. THE TRANSPARENCY FACTOR.

For a business to evaluate properly cross-border business opportunities, the quality, predictability, security and transparency of the local economic, political, legal and social environments are largely determinative; these factors remain essentially domestic in character. For instance, transparency is critical so all the various "players" understand and can evaluate the rules of the game and so the game can continue successfully and fairly. As such, legal, accounting, financial, economic and administrative transparency is of the utmost importance in the long-term development of a country's financial system, and trade and investment regimes. Transparency is necessary not only for international investors and businesspeople, but for their domestic counterparts, the corresponding economic and financial markets, and the involved governmental and intergovernmental policy-makers (Norton, Int'l Cooperative Efforts, 1998, at 305-308).

Thus, a FTA network or a FTAA has a practical effect of consolidating and fostering the desired domestic business/commercial orientation and environments of the involved countries.

IV. FTAA as a Matrix of Treaty Arrangements v. Singular Goal.

What exists within our hemisphere is a complex and enlarging matrix of diverse trade and economic treaty arrangements, notwithstanding the move toward a FTAA. In fact, the FTAA is not intended to preempt or to supersede these arrangements, but to supplement and to "overarch" these (*cf.*, Garcia, 1995 and 1997).

A. THE BILATERAL TRADE TREATY.

Such treaty configurations include over fifty bilateral trade and/or investment treaties among the intended FTAA members, most of which came on stream only during this past decade. As to some fifty-eight hemispheric bilateral investment treaties (BITs) reviewed by the OAS Trade Unit for the FTAA Negotiating Group on Investment, fifty-five were concluded after 1990. The broad domestic economic reform undertaken by many LAC nations from the mid-1980s to present has as its logical corollary the need to adopt new investment regimes. This could be accomplished by domestic law and administrative reform and through BITs. With a shift from the Latin aversion to arbitration under the "Calvo doctrine," these BITs incorporated new cross-border, private dispute mechanisms. These bilateral treaties further advanced the pervasive use of the "national treatment standard" and helped reduce or eliminate restrictions in cross-border capital flows and profits repatriation. Thus, the increasing prevalence of BITs has served as a leveler and "liberalizer" of the cross-border business "playing field" within the hemisphere (OAS Compendium, 1999).

B. THE INTEGRATION ARRANGEMENTS.

Then there are the integration arrangements including customs union/common market configuration of MERCOSUR, the Group of Three (Mexico, Columbia, and Venezuela), the Central American Common Market (CACM), the Caribbean Community and Common Market (CARICOM), and the restructured and revitalized Andean Community. The most "integration intensive" of these arrangements is MERCOSUR. MERCOSUR goes beyond the level of free trade among the members to embrace a customs union (*i.e.*, with a common external tariff), a common internal market to cover not only goods but services, establishment labor and capital, and an incipient institutional governments structure (O'Keefe, 1994; and Haines-Ferrari, 1993).

Equally significant, MERCOSUR has actively pursued accession arrangements with Chile and Bolivia, and is endeavoring to consult and work closely with other Latin American groupings (*e.g.*, with the Andean Community). In fact, we see other cross-grouping linkages coming on stream (*e.g.*, G-3 with CARICOM and possibly with CACM).

All this is occurring notwithstanding active, direct, and ongoing FTAA negotiations among the thirty-four countries. As such, the hemispheric "playing field" is in a state of constant flux. Further, the various hemispheric groupings are beginning to adopt common positions on FTAA-related matters—a fact that could well change the dynamics of the FTAA negotiations process (*cf.* Guira, 1997).

C. THE HEMISPHERIC FTAS.

Add to the above, a half-dozen or so FTAs among the FTAA members-to-be. For example, FTAs have been concluded between Mexico and Bolivia, Mexico and Costa Rica, Mexico and Nicaragua, and Mexico and Chile. In fact, Canada has entered into a FTA with Chile, even though Chilean accession to NAFTA has been forestalled. Chile itself has been active in spinning a web of trade and investment arrangements throughout the hemisphere: as mentioned above, FTAs with Canada and Mexico, associate status and now full status with MERCOSUR, and separate bilaterals with Columbia, Ecuador, and Venezuela.

D. The Externals.

What makes this matrix even more intriguing and interesting are the EU arrangements with Mexico and MERCOSUR, and other external negotiations such as with the "Pacific Five." The EU configuration fills part of a void by U.S. diminishment of leadership in the current hemispheric trade negotiation processes. The significance of the new external factor to the overall FTAA dynamics remains to be seen (www.eurosur.org/eurosur).

As to a Pacific Five grouping involving the United States, this most likely could be negotiated without "fast track" authority as the involved Asian Nations are developed non-low-cost labor economies (i.e., Australia, New Zealand and Singapore; Chile and the United States are the two Western Hemispheric Members).

E. Attempted Evaluation of the Matrix.

Certainly this matrix evidences an ongoing and proactive desire among our hemispheric partners for freer trade and investment and, even in some instances, for genuine levels of economic integration. But where do U.S. businesses fit into the maze? Can conflicting or differing rules of origin be reconciled so as not to disadvantage U.S. interests? Will new sub-regional trade blocs such as MERCOSUR prove to be overtly or laterally protectionist vis-á-vis the United States? Will the New Latin and Caribbean flirtations with the EU cut against U.S. interests? These are very real but incredibly difficulty issues to decipher.

On a positive note, the matrix does appear to lend itself to enhanced transparency for doing business within and throughout the hemisphere: this can only benefit U.S. cross-border business activities. In fact, transparency may be the most significant consequence and characteristic. U.S. businesses and business lawyers have traditionally shown themselves to be quite innovative when faced with complexities. So long as they have sufficient "hard" information upon which to evaluate the systemic complexities, then this [somewhat cynically] could even lead (on a short-term, medium-term basis) to competitive advantages through "jurisdictional and legal arbitrage."

Also, the matrix favors an increase in cross-border joint ventures; generally greater enforcement of liberal trade and investment policies; the creation of new dispute resolution mechanisms; and the improvement of domestic commercial and business law infrastructures. Where there exists complexities, but with shared policy objectives (i.e., an embrace of trade and investment liberalization), the tendency of business could be to go forward with local partners. The local partners can assist in managing better these complexities and can be more reliable co-venturers as the broad governmental objectives will (in most, but not all instances) be more closely aligned than divergent. Moreover, such an environment may encourage the further development of an alternative, cross-border, commercial dispute resolution mechanism, as well as greater practical intergovernmental and inter-bureaucratic cooperation and collaboration. (Lindsay and Blackaby).

One of the real challenges of the FTAA process is to bring into the sunlight this matrix of numerous and diverse treaty arrangements for analyses and better coordination and compatibility, thereby benefiting all members of the impending FTAA (Garcia, 1997).

V. Concluding Observations: Prospects for the FTAA.

Virtually all of this presentation either has avoided or skirted around any direct discussion of the seriousness and potential value for U.S. businesses of a FTAA. This should not be taken, however, as an indication that the FTAA will not be a major milestone in the history of hemispheric cooperation nor be a presenter of new and significant business opportunities for interested U.S. businesses. The drawback for businesspeople is that it is currently hard to discern coherence and definitiveness to the process.

A. The Negotiation Process and Structure.

When one tracks through the Joint Declaration of the Leaders of State and Governments at the First Summit of the Americas (Miami, 1994), the Second Summit of the Americas (Santiago, 1998), and the series of five Trade Ministerial Declarations to date (Denver in 1995, Cartagena in 1996, Belo Horizonte in 1997, San Jose in 1998, and Toronto in 1999), one begins to glean a very comprehensive planning and negotiating process—a process that could well overshadow in significance any end result. With an overall "Plan of Action" being periodically assessed and refined; with the original thirteen Working Groups streamlined down to nine Negotiating Groups; and with technical assistance and support from the OAS, the IDB and ECLAC, we confront what must be one of the most sophisticated multilateral trade negotiating processes in history.

Ms. Stephenson, very ably and insightfully, takes us through this FTAA negotiation process, so I will not belabor the details. But let me highlight what I think are several significant points respecting this process, from a business perspective:

1. The process is largely transparent, with an extensive Web site and extensive, publicly disseminated reports making readily accessible the breadth, depth and current status of the negotiations underway.
2. Each Negotiating Group has a set agenda, reviewed, refined and revised at each Trade Ministerial Meeting.
3. Each Group is an active "working party" as to a large range of significant issues being put on the table for review, discussion and consideration by the thirty-four participating countries.
4. This in-depth, broad and ongoing level of hemispheric cooperation is unprecedented. Even if many issues are not resolved and even if the FTAA target dates of 2003 (for completion of substantive negotiations) and 2005 (for formal enactment) are delayed or abandoned, such serious and open discussions over a prolonged period of time can only prove beneficial for a hemispheric environment conducive to free trade, investment and hemispheric business opportunities (Stephenson, 2000).

B. A FTAA by 2005?

Crystal ball gazing is generally not the "bread and butter" of sound business decision-making or of sound business law judgments. So, I will leave such prognostication to the politicians and policymakers. I suggest this election year the FTAA will not appear on either candidates "radar screen" for international trade issues: WTO, "globalization," and maybe even China (notwithstanding recent granting of permanent normal trade status by

the U.S.), will probably occupy this turf. In actuality, both of the main presidential candidates are, on record, as being supportive of both NAFTA and the FTAA. Despite increasingly strong pressure from the Right and Left for a new protectionism, neither candidate will probably be drawn into the debate; but, each will probably let the planned FTAA intergovernmental processes continue on course. A president-elect then will have a period of several years to leave his mark on the process and to reevaluate and "even" redefine it.

This, however, will not ensure eventual passage. I agree with Mr. Sidney Weintraub that for the United States to obtain passage of the FTAA, the president will have to be given "fast-track authority" by the Congress (Weintraub, 2000). Though some speculate that President Clinton's failure to secure "fast-track" for Santiago had more to do with the person than the subject matter, I suspect that any president is going to find it an "up-road" struggle against an increasingly recalcitrant and parochial Congress (*see, inter alia*, James and Lusztig, 2000 on "fast track.").

Some speculate that the recent Seattle WTO debacle holds new opportunities for the FTAA process, as it is now "the only game in town." The reality, however, may be that there is, at least at the moment, *no* trade game in town (Bergsten, 1999).

The same forces that forced comprehensive side agreements to the NAFTA before it was passed are still there in the wings. The expanded ménage that disabled Seattle is growing with the disenchanted and disenfranchised from the relentless and disorientating globalization processes. Add to this the emotionalism on drugs and immigration issues that will irrationally join the onslaught against FTAA. Not too pleasant a picture! And this is a picture snapped during a period of unprecedented, prolonged economic prosperity in the United States—when the "feel good factor" should be at its highest. What type of photo will emerge if the United States has an economic downturn at any time prior to 2005? Also, it needs to be kept in mind that a FTAA with thirty-four divergent countries is a much more difficult proposition in and of itself than was the NAFTA negotiation.

C. A FTAA AND U.S. BUSINESS: A SUMMATION.

Where does all this lead us—complexity, fragmentation, uncertainty, reactionism? From a business perspective, it leads us to a situation that, in fact, may hold out significant long-term opportunities and benefits for U.S. business and the U.S. economy. Even more importantly, a successful FTAA holds out a hemisphere of greater peace, prosperity, security, harmony and social justice for current and future generations of "Americans." However, on 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. With these givens, good businesspeople and business lawyers should be able to figure out the "course," and (at a minimum) to "stay the course."

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Appendix A – List of Economic and Trade Integration Arrangement in Western Hemisphere, with country membership

A-1. Trade and Integration Agreements

Andean Community	CARICOM	Group of Three
Bolivia	Antigua and Barbuda	Colombia
Columbia	Bahamas	Mexico
Ecuador	Barbados	Venezuela
Peru	Belize	
Venezuela	Dominica	
	Grenada	
	Guyana	
	Haiti	
	Jamaica	
	Montserrat	
	St. Kitts and Nevis	
	St. Lucia	
	St. Vincent and the Grenadines	
	Suriname	
	Trinidad and Tobago	

MERCOSUR	NAFTA
Argentina	Canada
Brazil	Mexico
Paraguay	United States of America
Uruguay	

A-2. Bilateral Free Trade Agreements

Bolivia - Mexico
Canada - Chile
Central America - Dominican Republic
Chile - Mexico
Costa Rica - Mexico
Mexico - Nicaragua

Appendix B –List of Trade and Investment Treaties intra-Western Hemisphere

B. Bilateral Investment Treaties

ARGENTINA

Bolivia	Convenio entre la República de Bolivia y la República Argentina para la Promoción y Protección Recíprocas de Inversiones, 17 de marzo de 1994.
Canada	Agreement between the Government of Canada and the Government of the Republic of Argentina for the Promotion and Protection of Investments, 5 November 1991.
Chile	Tratado entre la República de Argentina y la República de Chile sobre Promoción y Protección Recíproca de Inversiones, 2 de agosto de 1991.
Costa Rica	Acuerdo entre el Gobierno de Costa Rica y el Gobierno de la República de Argentina para la Promoción y Protección Recíprocas de Inversiones, 21 de mayo de 1997.
Ecuador	Convenio entre el Gobierno de la República del Ecuador y el Gobierno de la República Argentina para la Promoción y Protección Recíproca de Inversiones, 18 de febrero de 1994.
El Salvador	Acuerdo entre la República de El Salvador y la República de Argentina para la Promoción y Protección Recíproca de Inversiones, 9 de mayo de 1996.
Guatemala	Acuerdo entre la República de Argentina y la República de Guatemala para la Promoción y Protección Recíproca de Inversiones, 21 de abril de 1998.
Jamaica	Agreement between the Government of Jamaica and the Government of the Argentine Republic on the Promotion and Reciprocal Protection of Investments, 8 February 1994.
Mexico	Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de la República de Argentina para la Promoción y Protección Recíproca de Inversiones, 13 de noviembre de 1996.
Nicaragua	Acuerdo entre el Gobierno de la República de Nicaragua y el Gobierno de la República de Argentina para la Promoción y Protección Recíprocas de Inversiones, 10 de agosto de 1998.
Panama	Convenio entre la República de Argentina y la República de Panam· para la Promoción y Protección Recíproca de las Inversiones, 10 de mayo de 1996.

Peru — Convenio entre el Gobierno de la República de Argentina y el Gobierno de la República del Perú sobre Promoción y Protección Recíproca de Inversiones, 10 de noviembre de 1994.

United States — Agreement between the United States of America and the Argentine Republic concerning the Reciprocal Encouragement and Protection of Investment, 14 November 1991.

Venezuela — Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República de Argentina para la Promoción y Protección Recíprocas de Inversiones, 16 de noviembre de 1993.

BARBADOS

Canada — Agreement between the Government of Canada and the Government of Barbados for the Reciprocal Promotion and Protection of Investments, 29 May 1996.

Venezuela — Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de Barbados para la Promoción y Protección de Inversiones, 15 de julio de 1994.

BOLIVIA

Argentina — Convenio entre la República de Bolivia y la República Argentina para la Promoción y Protección Recíprocas de Inversiones, 17 de marzo de 1994.

Chile — Acuerdo entre la República de Bolivia y la República de Chile para la Promoción y Protección Recíproca de Inversiones, 22 de septiembre de 1994.

Ecuador — Convenio entre la República de Bolivia y la República de Ecuador para la Promoción y Protección Recíproca de Inversiones, 25 de mayo de 1995.

Peru — Convenio entre el Gobierno de la República del Perú y el Gobierno de la República de Bolivia sobre Promoción y Protección Recíproca de Inversiones, 30 de julio de 1993.

United States — Treaty between the United States of America and the Government of the Republic of Bolivia concerning the Encouragement and Reciprocal Protection of Investment, 17 April 1998.

BRAZIL

Chile — Acuerdo entre el Gobierno de la República de Chile y el Gobierno de la República Federativa de Brasil para la Promoción y Protección Recíproca de Inversiones, 22 de marzo de 1994.

Venezuela	Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República Federativa de Brasil para la Promoción y Protección Recíproca de las Inversiones, 4 de julio de 1995.

CANADA

Argentina	Agreement between the Government of Canada and the Government of the Republic of Argentina for the Promotion and Protection of Investments, 5 November 1991.
Barbados	Agreement between the Government of Canada and the Government of Barbados for the Reciprocal Promotion and Protection of Investments, 29 May 1996.
Costa Rica	Agreement between the Government of Canada and the Government of the Republic of Costa Rica for the Promotion and Protection of Investments, 18 March 1998.
Ecuador	Agreement between the Government of Canada and the Government of the Republic of Ecuador for the Promotion and Reciprocal Protection of Investments, 29 April 1996.
Panama	Treaty between the Government of Canada and the Government of the Republic of Panama for the Promotion and Protection of Investments, 12 September 1996.
Trinidad	Agreement between the Government of Canada and the Government of Tobago the Republic of Trinidad and Tobago for the Reciprocal Promotion and Protection of Investments, 11 September 1995.
Uruguay	Agreement between the Government of Canada and the Government of the Eastern Republic of Uruguay for the Promotion and Protection of Investments, 29 October 1997.
Venezuela	Agreement between the Government of Canada and the Government of the Republic of Venezuela for the Promotion and Protection of Investments, 1 July 1996.

CHILE

Argentina	Tratado entre la República de Argentina y la República de Chile sobre Promoción y Protección Recíproca de Inversiones, 2 de agosto de 1991.
Bolivia	Acuerdo entre la República de Bolivia y la República de Chile para la Promoción y Protección Recíproca de Inversiones, 22 de septiembre de 1994.

Brazil	Acuerdo entre el Gobierno de la República de Chile y el Gobierno de la República Federativa de Brasil para la Promoción y Protección Recíproca de Inversiones, 22 de marzo de 1994.
Costa Rica	Acuerdo entre la República de Chile y la República de Costa Rica para la Promoción y Protección Recíproca de las Inversiones, 11 de julio de 1996.
Ecuador	Convenio entre el Gobierno de la República de Chile y el Gobierno de la República del Ecuador para la Promoción y Protección Recíprocas de Inversiones, 27 de octubre de 1993.
El Salvador	Acuerdo entre la República de El Salvador y la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.
Guatemala	Acuerdo entre la República de Guatemala y la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.
Honduras	Acuerdo entre la República de Honduras y la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 11 de noviembre de 1996.
Nicaragua	Acuerdo entre la República de Chile y la República de Nicaragua para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.
Panama	Convenio entre la República de Panamáy la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.
Paraguay	Acuerdo entre la República de Chile y la República del Paraguay para la Promoción y Protección Recíproca de las Inversiones, 7 de agosto de 1995.
Uruguay	Acuerdo entre la República de Chile y la República Oriental del Uruguay para la Promoción y Protección Recíproca de las Inversiones, 26 de octubre de 1995.
Venezuela	Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República de Chile sobre Promoción y Protección Recíproca de Inversiones, 2 de abril de 1993.
COLOMBIA	
Peru	Convenio entre la República de Colombia y el Gobierno de la República del Perú sobre Promoción y Protección Recíproca de Inversiones, 26 de abril de 1994.

COSTA RICA

Argentina	Acuerdo entre el Gobierno de Costa Rica y el Gobierno de la República de Argentina para la Promoción y Protección Recíprocas de Inversiones, 21 de mayo de 1997.
Canada	Agreement between the Government of Canada and the Government of the Republic of Costa Rica for the Promotion and Protection of Investments, 18 March 1998.
Chile	Acuerdo entre la República de Chile y la República de Costa Rica para la Promoción y Protección Recíproca de las Inversiones, 11 de julio de 1996.
Paraguay	Acuerdo entre la República de Costa Rica y el Gobierno de la República del Paraguay para la Promoción y Protección Recíproca de Inversiones, 29 de enero de 1998.
Venezuela	Acuerdo entre la República de Venezuela y la República de Costa Rica para la Promoción y Protección Recíproca de Inversiones, 17 de marzo de 1997.

DOMINICAN REPUBLIC

Ecuador	Acuerdo para la Promoción y Protección de Inversiones entre el Gobierno de la República del Ecuador y el Gobierno de la República Dominicana, 26 de junio de 1998.

ECUADOR

Argentina	Convenio entre el Gobierno de la República del Ecuador y el Gobierno de la República Argentina para la Promoción y Protección Recíproca de Inversiones, 18 de febrero de 1994.
Bolivia	Convenio entre la República de Bolivia y la República de Ecuador para la Promoción y Protección Recíproca de Inversiones, 25 de mayo de 1995.
Canada	Agreement between the Government of Canada and the Government of the Republic of Ecuador for the Promotion and Reciprocal Protection of Investments, 29 April 1996.
Chile	Convenio entre el Gobierno de la República de Chile y el Gobierno de la República del Ecuador para la Promoción y Protección Recíprocas de Inversiones, 27 de octubre de 1993.

El Salvador Convenio entre el Gobierno de la República del Ecuador y el Gobierno de la República de El Salvador para la Promoción y Protección Recíprocas de Inversiones, 16 de mayo de 1994.

Paraguay Convenio entre la República del Paraguay y la República del Ecuador sobre Promoción y Protección Recíproca de Inversiones, 28 de enero de 1994.

Dominican Republic
Acuerdo para la Promoción y Protección de Inversiones entre el Gobierno de la República del Ecuador y el Gobierno de la República Dominicana, 26 de junio de 1998.

United States Treaty between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment, 27 August 1993.

Venezuela Convenio entre el Gobierno de la República de Venezuela y el Gobierno de la República del Ecuador para la Promoción y Protección Recíprocas de Inversiones, 18 de noviembre de 1993.

EL SALVADOR

Argentina Acuerdo entre la República de El Salvador y la República de Argentina para la Promoción y Protección Recíproca de Inversiones, 9 de mayo de 1996.

Chile Acuerdo entre la República de El Salvador y la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.

Ecuador Convenio entre el Gobierno de la República del Ecuador y el Gobierno de la República de El Salvador para la Promoción y Protección Recíprocas de Inversiones, 16 de mayo de 1994.

Peru Acuerdo entre el Gobierno de la República de El Salvador y el Gobierno de la República de Perú para la Promoción y Protección Recíproca de Inversiones, 13 de junio de 1996.

GRENADA

United States Treaty between the United States of America and Grenada Concerning the Reciprocal Encouragement and Protection of Investment, 2 May 1986.

GUATEMALA

Argentina Acuerdo entre la República de Argentina y la República de Guatemala para la Promoción y Protección Recíproca de Inversiones, 21 de abril de 1998.

Chile Acuerdo entre la República de Guatemala y la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.

HAITI

United States Treaty between the United States of America and the Republic of Haiti Concerning the Reciprocal Encouragement and Protection of Investment, 13 December 1983.

HONDURAS

Chile Acuerdo entre la República de Honduras y la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 11 de noviembre de 1996.

United States Treaty between the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, 1 July 1995.

JAMAICA

Argentina Agreement between the Government of Jamaica and the Government of the Argentine Republic on the Promotion and Reciprocal Protection of Investments, 8 February 1994.

United States Treaty between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment, 4 February 1994.

MEXICO

Argentina Acuerdo entre el Gobierno de los Estados Unidos Mexicanos y el Gobierno de la República de Argentina para la Promoción y Protección Recíproca de Inversiones, 13 de noviembre de 1996.

NICARAGUA

Argentina Acuerdo entre el Gobierno de la República de Nicaragua y el Gobierno de la República de Argentina para la Promoción y Protección Recíprocas de Inversiones, 10 de agosto de 1998.

Chile Acuerdo entre la República de Chile y la República de Nicaragua para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.

United States Treaty between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment, 1 July 1995.

PANAMA

Argentina Convenio entre la República de Argentina y la República de Panamá para la Promoción y Protección Recíproca de las Inversiones, 10 de mayo de 1996.

Canada Treaty between the Government of Canada and the Government of the Republic of Panama for the Promotion and Protection of Investments, 12 September 1996.

Chile Convenio entre la República de Panamáy la República de Chile para la Promoción y Protección Recíproca de las Inversiones, 8 de noviembre de 1996.

United States Treaty between the United States of America and the Republic Panama Concerning the Treatment and Protection of Investment, 27 October 1982.

Uruguay Convenio entre la República de Panam· y la República Oriental del Uruguay para la Promoción y Protección Recíproca de Inversiones, 15 de septiembre de 1998.

PARAGUAY

Chile Acuerdo entre la República de Chile y la República del Paraguay para la Promoción y Protección Recíproca de las Inversiones, 7 de agosto de 1995.

Costa Rica Acuerdo entre la República de Costa Rica y el Gobierno de la República del Paraguay para la Promoción y Protección Recíproca de Inversiones, 29 de enero de 1998.

Ecuador Convenio entre la República del Paraguay y la República del Ecuador sobre Promoción y Protección Recíproca de Inversiones, 28 de enero de 1994.

Peru Convenio entre la República del Perú y la República del Paraguay sobre Promoción y Protección Recíproca de Inversiones, 31 de enero de 1994.

Venezuela Convenio sobre Promoción y Protección Recíproca de Inversiones entre el Gobierno de la República de Venezuela y el Gobierno de la República del Paraguay, 5 septiembre de 1996.

PERU

Argentina Convenio entre el Gobierno de la República de Argentina y el Gobierno de la República del Perú sobre Promoción y Protección Recíproca de Inversiones, 10 de noviembre de 1994.

Bolivia Convenio entre el Gobierno de la República del Perú y el Gobierno de la República de Bolivia sobre Promoción y Protección Recíproca de Inversiones, 30 de julio de 1993.

Colombia Convenio entre la República de Colombia y el Gobierno de la República del Perú sobre Promoción y Protección Recíproca de Inversiones, 26 de abril de 1994.

El Salvador Acuerdo entre el Gobierno de la República de El Salvador y el Gobierno de la República de Perú para la Promoción y Protección Recíproca de Inversiones, 13 de junio de 1996.

Paraguay Convenio entre la República del Perú y la República del Paraguay sobre Promoción y Protección Recíproca de Inversiones, 31 de enero de 1994.

Venezuela Convenio entre el Gobierno de la República de Venezuela y el Gobierno de la República del Perú sobre la Promoción y Protección de Inversiones, 12 de enero de 1996.

TRINIDAD & TOBAGO

Canada Agreement between the Government of Canada and the Government of the Republic of Trinidad and Tobago for the Reciprocal Promotion and Protection of Investments, 11 September 1995.

United States Treaty between the Government of the United States of America and the Government of the Republic of Trinidad and Tobago Concerning the Encouragement and Reciprocal Protection of Investment, 26 September 1994.

UNITED STATES

Argentina Agreement between the United States of America and the Argentine Republic Concerning the Reciprocal Encouragement and Protection of Investment, 14 November 1991.

Bolivia Treaty between the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, 17 April 1998.

Ecuador	Treaty between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment, 27 August 1993.
Grenada	Treaty between the United States of America and Grenada Concerning the Reciprocal Encouragement and Protection of Investment, 2 May 1986.
Haiti	Treaty between the United States of America and the Republic of Haiti Concerning the Reciprocal Encouragement and Protection of Investment, 13 December 1983.
Honduras	Treaty between the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, 1 July 1995.
Jamaica	Treaty between the United States of America and Jamaica Concerning the Reciprocal Encouragement and Protection of Investment, 4 February 1994.
Nicaragua	Treaty between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment, 1 July 1995.
Panama	Treaty between the United States of America and the Republic of Panama Concerning the Treatment and Protection of Investment, 27 October 1982.
Trinidad & Tobago	Treaty between the Government of the United States of America and the Government of the Republic of Trinidad and Tobago Concerning the Encouragement and Reciprocal Protection of Investment, 26 September 1994.

URUGUAY

Canada	Agreement between the Government of Canada and the Government of the Eastern Republic of Uruguay for the Promotion and Protection of Investments, 29 October 1997.
Chile	Acuerdo entre la República de Chile y la República Oriental del Uruguay para la Promoción y Protección Recíproca de las Inversiones, 26 de octubre de 1995.
Panama	Convenio entre la República de Panamáy la República Oriental del Uruguay para la Promoción y Protección Recíproca de Inversiones, 15 de septiembre de 1998.

VENEZUELA

Argentina	Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República de Argentina para la Promoción y Protección Recíprocas de Inversiones, 16 de noviembre de 1993.
Barbados	Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de Barbados para la Promoción y Protección de Inversiones, 15 de julio de 1994.
Brazil	Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República Federativa de Brasil para la Promoción y Protección Recíproca de las Inversiones, 4 de julio de 1995.
Canada	Agreement between the Government of Canada and the Government of the Republic of Venezuela for the Promotion and Protection of Investments, 1 July 1996.
Chile	Acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República de Chile sobre Promoción y Protección Recíproca de Inversiones, 2 de abril de 1993.
Costa Rica	Acuerdo entre la República de Venezuela y la República de Costa Rica para la Promoción y Protección Recíproca de Inversiones, 17 de marzo de 1997.
Ecuador	Convenio entre el Gobierno de la República de Venezuela y el Gobierno de la República del Ecuador para la Promoción y Protección Recíprocas de Inversiones, 18 de noviembre de 1993.
Paraguay	Convenio sobre Promoción y Protección Recíproca de Inversiones entre el Gobierno de la República de Venezuela y el Gobierno de la República del Paraguay, 5 septiembre de 1996.
Peru	Convenio entre el Gobierno de la República de Venezuela y el Gobierno de la República del Perú sobre la Promoción y Protección de Inversiones, 12 de enero de 1996.

Other Relevant Arrangements

OAS	SELA
Antigua & Barbuda	Argentina
Argentina	Bahamas
Bahamas	Barbados
Barbados	Belize
Belize	Bolivia
Bolivia	Brazil
Brazil	Colombia
Canada	Costa Rica
Chile	Chile
Colombia	Cuba
Costa Rica	Ecuador
Cuba (excluded from participation since 1962)	Dominican Republic
Dominica	El Salvador
Dominican Republic	Grenada
Ecuador	Guatemala
El Salvador	Guyana
Grenada	Haiti
Guatemala	Honduras
Guyana	Jamaica
Haiti	Mexico
Honduras	Nicaragua
Jamaica	Panama
Mexico	Paraguay
Nicaragua	Peru
Panama	Suriname
Paraguay	Trinidad & Tobago
Peru	Uruguay
St. Lucia	Venezuela
St. Vincent & the Grenadines	
Suriname	
St. Kitts & Nevis	
Trinidad & Tobago	
United States of America	
Uruguay	
Venezuela	

ACS

Antigua & Barbuda
Bahamas
Barbados
Belize
Colombia
Costa Rica
Cuba
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
St. Kitts & Nevis
St. Lucia
St. Vincent & the Grenadines
Suriname
Trinidad & Tobago
Venezuela
Aruba
The Netherlands & Antilles
France

OECS

Antigua & Barbuda
Dominica
Grenada
Montserrat
St. Kitts & Nevis
St. Lucia
St. Vincent & the Grenadines
Anguilla
British Virgin Islands