

## Conditionalities

Category	FTAA	CAFTA	US-Chile	US-Singapore	US-SACU
<p><b>Trade Barriers</b></p>	<p>Eliminate <b>tariffs</b> over 10 years. Calls for elimination of non-trade barriers.</p> <p>Eliminates the high common external tariff and other domestic regulatory restrictions of the MERCOSUR (the Southern Cone Common Market) would open substantial new trading opportunities for U.S. Firms.</p> <p>Countries' unique cultural heritage and religious beliefs can be regarded as a barrier to trade and could therefore be threatened.</p>	<p>Each country to receive equal tariff treatment; country specific commitments on tariff rate quotas. 80% of US exports of consumer and electrical products duty-free upon implementation of agreement, 85% within 5 years, all remaining tariffs within 10 years.</p>	<p>More than 85% of consumer and industrial products duty-free upon implementation of agreement, most other tariffs eliminated within four years.</p>	<p>U.S. will eliminate 92% of current tariffs on Singapore goods entering U.S. within first 4 years of entry into force of the USSFTA. All the rest will be eliminated within 10 years.</p> <p>Singapore gives 100% preferential zero tariffs.</p> <p>U.S. waives <b>merchandising processing fee.</b></p> <p><b>International standards such as environmental and labor standards would be undermined and domestic regulations concerning these areas could also be regarded as barriers to trade and would therefore be threatened.</b></p>	<p>It is likely that the US will want a plan for BLNS to have a keep some tariffs that will reduce at a rate faster than the WTO sets.</p> <p>The US will not give up its agriculture subsidies. This is already a "sensitive area" in the negotiations.</p>
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<p><b>Reciprocity</b></p>	<p>Recognizes the principle of reciprocity for a few provisions (such as provisions for temporary entry and investment dispute settlement) but not for all.</p> <p>Reciprocity based on conditionality: countries can only expect to gain what they give in</p> <p>There cannot be an expectation of reciprocity between the countries because of the massive differences in size and economy.</p> <p>Equal treatment of unequal parties will result in deepening inequality</p> <p>Not likely that sovereignty of Latin American countries will be respected while calling for them to respect that of U.S.</p>	<p>Reciprocity expected. Specific quotas and protections to be phased out over period of time.</p> <p>Differences between Central American economies and infrastructures are great. Differences between CAFTA region and U.S. even greater. Difficult for smaller economies to compete in reciprocal agreements without protections.</p>	<p>Reciprocal Relationship.</p>	<p>Reciprocity expected.</p> <p>Grants non-reciprocal market access to goods from two Indonesian Islands.</p>	<p>Not likely for BLNS.</p>
<p><b>Competition Policy</b></p>	<p>Public interest regulations would have to be "pro-competitive" and not impair access to markets.</p> <p>State-owned enterprises can be viewed as obstacles to free market.</p>	<p>Requires creation and enforcement of anti-trust laws. Policies to be based solely on commercial grounds. Any policy seen as hindrance to trade subject to potential economic retribution.</p>	<p>Requires enforcement of antitrust laws that prevent anti-competitive business practices. Removal of any state owned monopolies.</p>	<p>Singapore <b>to set up competition regime</b> by 2005.</p> <p>Not to interfere with commercial decisions of GLCs (Government Linked Companies).</p> <p>Small local businesses can be taken over by the larger ones and monopolies.</p>	<p>[to be completed]</p>

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<p><b>Capital Movements</b></p>	<p>No capital controls.</p> <p>Nations could be negatively affected by international capital movements.</p>	<p>No capital controls.</p> <p>All investment related transfers must be permitted to flow freely across borders, including; capital, profits, dividends, capital gains, interest and payments.</p> <p>Is an expanded definition of capital, includes more than those even in NAFTA.</p>	<p>Capital controls removed.</p> <p>Chile only able to enact controls once a crisis has begun. US has right to request damages should losses occur due to restrictions on taking capital out, and for losses associated with bringing capital in.</p> <p>Use of capital controls has historically insulated Chile from economic crises.</p>	<p>No capital controls.</p> <p>Could be negatively affected by international capital movements.</p>	<p>Likely that U.S. will want no barrier to capital flows.</p>

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IPRs	TRIPS-Plus regime. Attempts to standardize U.S. IP law.	TRIPS-Plus regime.	TRIPS-Plus regime.	TRIPS-Plus regime.	Expand upon TRIPS to include U.S.
Medicine	<b>Medicine:</b> -Patenting laws are used by huge pharmaceutical companies to monopolize treatments and medicines needed by many to survive. These corporations almost always hike prices to unseemly levels, making it impossible for the world's poor to get the care they need.	<b>Medicine-</b> IP provisions stronger than those in WTO. Restricts development of competitive markets for medicines. U.S. Asking for 25-30 year protection period for IP rights, an increase over the 20 years provided under the WTO.	<b>Medicine-</b> Restricts granting of compulsory licenses, limits exceptions that facilitate rapid introduction of generic medicines. As a form of investment, subject to investor-state dispute mechanism.	<b>High level IP rights</b> protection amounts to extension of U.S. IP laws  <b>Medicine:</b> further enhances Singapore's value position on pharmaceuticals industry. IP rights on public health (development of Singapore as an IP hub for companies doing business in Asia). Limits use of compulsory licensing which is important mechanism for governments to obtain affordable medicines. Extends the term of patent protection which will in turn delay the introduction of generic competition.	Patent law as well as to create mechanisms enforcement
Agriculture	Restricts governments' ability to offer cheaper generic medicines Can weaken government's ability to offer affordable, generic medicines.	Potentially harmful to this region with high prevalence of HIV/AIDS virus. <b>Agriculture-</b> Allows for patenting of life forms; All parties must comply with UPOV 1991 (Union for the Protection of New Varieties of Plants), first FTA to contain this provision.	<b>Agriculture-</b> Patenting of life forms to be guaranteed, a stronger provision than that provided in WTO.	Will strengthen IP protections that are vital for the specialty industries such as biotechnology, entertainment, info-communications. This can have negative consequences for the ASEAN countries.	
Indigenous Knowledge	<b>Agriculture:</b> prevents farmers from using saved seeds. Permits patenting of plants and animals.  <b>Indigenous Knowledge:</b> in danger of being patented.	<b>Indigenous Knowledge:</b> Patenting of life forms threatens protection of indigenous knowledge, biodiversity of region, and food security.			

## Sectors

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<p><b>Services</b></p>	<p>U.S. proposes the services provision to be comprehensive and include all service sectors and service suppliers          Requires governments to give foreign corporations equal access/same treatment to compete with government services.          Allow corporations to control judicial systems, water, supplies, schools, or even police departments.          No limit on the number of private education or health care or prison or water supply companies that can operate in a given state or community          Attempts to increase and broaden the benefits of e-commerce.          Service sector workers could face substantial job losses.          Would encourage privatization and the 'outsourcing' of services.</p>	<p>Entirety of service markets subject to "national treatment." Negative-list approach; list of excluded services to be completed March 24, 2004.          Under WTO, 5 year standard period to complete exclusionary lists.          Elected governments bound by these agreements, unable to adjust services or protections regardless of changing needs and expectations of civilian populations.          Privatization threatens affordable access to basic services.</p>	<p>Entirety of service markets subject to "national treatment." Including health, education and telecommunications.          Allows U.S. firms to invest in and manage Chilean pensions.</p>	<p>Non-discriminatory access to U.S. market          Under e-commerce provision, the e-commerce products will gain permanent duty-free status.          Financial services: gives U.S. access to retail banking          Professional services: ease entry for legal, architectural, engineering and other services          Liberalizes IT services.          Liberalizes market access on telecommunication services.          Services provisions will have negative impacts on the ability of the government to enact and maintain procurement policies they also lack an exception for conservation of natural resources as is found in the GATT.          U.S. Banks, telecommunication, insurance companies enjoy comparative advantage over Singaporean firms, USSFTA will dismantle those barriers.</p>	<p>Wants a list of services that will not be privatized, while U.S. wants a list that will.</p>

Category	FTAA	CAFTA	US-Chile	US-Singapore	US-SACU
<p><b>Agriculture (food security)</b></p>	<p>Would eliminate export subsidies on agricultural products exported from non FTAA countries to FTAA parties until achievement of multilateral elimination of export subsidies for agricultural products.</p> <p>Nations are forced to abandon policies that protect self-sufficiency (regarded as barriers to trade). Subsidies for subsistence corps and domestic consumption foodstuffs are not allowed.</p> <p>No provision on agrarian reforms.</p> <p>Small farmers would go out of business and migration to urban areas and other countries would increase.</p> <p>Product liberalization only; based on competitive criteria.</p> <p>Would require countries to adopt international or subregional sanitary and phytosanitary standards in order to make them compatible with other countries.</p>	<p>Tariffs eliminated on all products except sugar for the U.S., fresh potatoes and onions for Costa Rica, and white corn for other Central American nations. Eventual phase out of all products over 5-15 years. Farmer's right to save seed overridden; restricts exemptions on GMO food, would restrict Central American participation in Cartagena Protocol on Biosafety.</p> <p>Barring of GMOs not permitted, threatens agricultural biodiversity, national sovereignty, and potential trade with nations that don't accept GMOs.</p>	<p>75% of all tariffs removed immediately, all remaining within 12 years.</p> <p>Chile to remove price band policy on staple goods.</p> <p>Preserves the right to continue subsidies if a third party subsidy still exists, e.g. EU agricultural subsidies permit continued use of US subsidies.</p> <p>The subsidy provision essentially ensures continued U.S. subsidies, Chilean agriculture at an enormous disadvantage.</p>	<p>Agriculture accounts for only 1% of Singapore's total domestic exports.</p> <p>Singapore is a net importer of agricultural products.</p>	<p>Gains for U.S. Agribusiness access, enabling dumping to push out small farmers.</p>

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<p><b>Textiles</b></p>	<p>U.S. proposed to reduce tariffs to zero by 2010 for all countries that provide reciprocal access.</p> <p>A few countries such as Brazil support and ready to compete in a tariff-free zone if there is reciprocity</p> <p>press for the more stringent rule of origin, yarn-forward rule than NAFTA.</p> <p>U.S. textile and apparel sectors have been utilizing NAFTA to their advantage and thus more stringent yarn-forward-rule in FTAA could have negative impact on especially Andean countries since they export large amount to other countries</p> <p>Could result in unfair trade from cheap textile imports especially when U.S. still has above-average tariffs protecting its textile industry.</p>	<p>All textiles and apparel immediately receive tariff free status, providing they meet rule of origin standards. Permits fabrics made within CAFTA countries with Mexican or Canadian sources to receive non-tariff status; seen as a step in hemispheric integration.</p> <p>Central America has high economic dependence upon textile industry; as exporters of textiles, not originator, rule of origin demands could threaten textile industry.</p>	<p>All textiles and apparel immediately receive tariff free status, providing they meet rule of origin standards. Limited amount of textiles and apparel containing non-US or non-Chilean yarns, fibers or fabrics may qualify for duty free treatment as well.</p>	<p>All Singapore originating textiles and garments will be duty-free upon entry into force of the agreement.</p> <p>If textiles meet the yarn-forward rule of origin (a tariff preference level mechanism allows for exemptions during the transition period).</p> <p>Each product has its own rule of origin (knitted, cut and sawn, etc)</p> <p>conditions: yarn used/fabric making must be Singapore origin; cutting and sewing and remaining finishing operations must be carried out in Singapore and/or U.S.</p> <p>Chemical and petrochemical products, in an industry <b>dominated by large and multinational companies, will reap most</b> of the estimated \$ 146 million a year in tariff savings.</p>	<p>Main South African industry export. This will turn partly on rules of origin.</p>

## Investment

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National Treatment	<b>National treatment:</b> "investor-state" clause would give investors the power to challenge national and local laws. ( sue governments before secret transnational arbitration panels ) Requires MFN (Most Favored Nation) treatment.	<b>National Treatment:</b> "National treatment", "Most favored nation treatment"; Provision beyond that of the WTO in its guarantee of identical treatment for investors.	<b>National Treatment;</b> "National Treatment", "Most Favored Nation Treatment". Provision beyond that of the WTO in its guarantee of identical treatment for investors.	<b>National Treatment:</b> investor-state mechanism would let foreign corporations challenge public interest laws. MFN(Most Favored Nation) treatment as a final stage	For all investors.  Likely there will not be any performance criteria.
Performance Criteria	<b>Performance Criteria:</b> no performance requirements.	<b>Performance Criteria:</b> No performance requirements; environmental or developmental policies not permitted if they interfere with flow of investments.	<b>Performance Criteria:</b> No performance requirements; environmental or developmental policies not permitted if they interfere with flow of investments.	<b>Performance Criteria:</b> no performance requirements.	Likely there will be national treatment and a company can sue a stat. Judging from the IP stance of the U.S., this will be included.
Government Procurement	<b>Government Procurement:</b> government purchasing decisions should be succumb to corporate interests (local producers will no longer be supported by government) Small Businesses: FTAA favors large businesses and would hurt the small or medium ones.	<b>Government procurement:</b> governments may not take into account development concerns in deference to commercial considerations.	<b>Government Procurement:</b> Governments prohibited from granting contracts for anything but purely commercial considerations, corporations may sue governments for compensation due to procurement.	<b>Government Procurement:</b> commitment to market access for contracts above certain minimum value. Suppliers from both countries will be adopted equal, non-discriminatory opportunities in the procurement of each other's government project tenders above \$110,000. Negative list approach.	Likely there will be national treatment and a company can sue a stat. Judging from the IP stance of the U.S., this will be included.
Special & Differential Treatment	<b>Special &amp; Differential Treatment:</b> in less concrete manner; no explicit mention of compensation funds.	<b>Special &amp; Differential Treatment:</b> None.  Threatens the effectiveness of FDI to create sustainable economic and social development. Governments losing autonomy.	"Investor-state mechanism" allows foreign investors to demand compensation for public interest laws regulating investments that potentially jeopardize their profits.	<b>Special &amp; Differential Treatment:</b> None.	Likely there will be national treatment and a company can sue a stat. Judging from the IP stance of the U.S., this will be included.
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<p><b>Preferential Treatment</b></p>	<p>Import duty is zero-rated. Under the MAI, foreign investors were to be guaranteed treatment better or equal to domestic investors. This would require the elimination of any laws, regulations, or practices that give preferential treatment to locally produced goods or national businesses. The FTAA would require governments to establish an "open and transparent" policy for government procurement. It forces governments to reveal their procedures and the sources from which they purchase their goods and services. This would be the first step in ensuring that governments are not giving preferential treatment to local producers and suppliers.</p> <p>This would give wealthy multinational corporations an unprecedented advantage in establishing monopolies in poorer countries.</p>	<p>None.</p> <p>None despite differences in economies, industries, and levels of political and social development among countries. Some differences in protectionism among nations (see agriculture, services). This protectionism is more reflective of differences in bargaining power than a recognition of various needs among nations. Potential to impede integration and to increase inequalities among nations.</p>	<p>None afforded.</p> <p>Chile has strong economic security, liberalization of the economy compared to other developing economies.</p>	<p>Under the Integrated Sourcing Initiative (ISI), which applies to non-sensitive, globalised sectors such as IT, over 100 hi-tech goods, which already enter into the US duty-free, when exported from Singapore to the US, can be given preferential treatment, such as less administrative hassle.</p> <p>Singapore will implement systems and procedures to ensure that only legitimate goods can claim preferential treatment under the USSFTA.</p> <p>Service suppliers from both sides will be assured of fair and non-discriminatory treatment and market access unless there are parties specifically exempted in writing.</p> <p>Multinational corporations and monopolies can negatively effect the local or small businesses.</p>	<p>It is likely that this will enter into the agreement, as both sides mention it as a priority. Especially for BLNS.</p>

## Rights and Governance

Category	FTAA	CAFTA	US-Chile	US-Singapore	US-SACU
<b>Labor</b> <b>Gender</b> <b>Children</b> <b>Civil Liberties</b>	<p><b>Labor:</b> recognizes the <b>right of each country to establish its own</b> labor standards, and to adopt or modify its labor laws accordingly</p> <p><b>Gender:</b> Women will face declining wages and increased workloads, worsening gender inequalities. standards will be lowered. Living wage laws, certain labor agreements, government contract preferences for women and minorities would be prohibited.</p> <p>No provision on human rights or restriction on child labor. Threat to civil liberties.</p>	<p><b>Labor:</b> Nations must strive to meet ILO standards; only enforceable provision is that governments maintain domestic labor policies regardless of their nature or adequacy.</p> <p>Inadequate labor protections in a region criticized by ILO for labor standards.</p> <p><b>Gender:</b> Analysis pending. Women in Central America comprise the poorest and most vulnerable groups. Liberalization without sensitivity to womens' needs likely to increase vulnerability.</p>	<p><b>Labor:</b> Nations must strive to meet ILO standards; only enforceable provision is that governments maintain domestic labor policies regardless of their nature or adequacy.</p> <p><b>Gender:</b> Official gender impact analysis relegated to two paragraphs; ineffective analysis.</p>	<p><b>Labor:</b> both sides commit to <b>enforce their own domestic laws</b> regarding labor or environment.</p> <p>Does not require Singapore to adopt or enforce core international ILO standards.</p> <p>Allows the establishment of sweatshop haven which will be harmful for workers (including women and child labor) in the Indonesia Islands and thus affect civil liberties in those countries.</p>	<p>Labor is mentioned, but without specifics</p> <p>Gender: [to be completed]</p>

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<p><b>Environment</b></p>	<p>Recognizes the <b>right of each country to establish its own level</b> of environmental protection and environmental development priorities.</p> <p>Would promote unbridled hemisphere-wide consumption of forest products without a single forest or biodiversity safeguard.</p>	<p>Governments required to uphold existing domestic environmental standards, shall not fail to either enforce or not enforce environmental standards in a manner affecting trade; sustained failure to enforce environmental standards may result in monetary fine.</p> <p>Ecologically unique region threatened by environmental provisions that do not expect improvements in existing environmental protection laws.</p>	<p>Governments required to uphold existing domestic environmental standards shall not fail to either enforce or not enforce environmental standards in a manner affecting trade; sustained failure to enforce environmental standards may result in monetary fine.</p> <p>No citizen petition mechanism, corporations may raise complaints if environmental policy affects trade or investment.</p>	<p>Both commit to <b>enforce their own domestic environmental laws.</b></p> <p>This will undermine the international environmental laws. Could result in more illegal cut timber (Singapore plays major international role in smuggling of illegal cut timber) and other prohibited materials.</p> <p>Does not protect against illegal transshipment of endangered plant and animal species</p>	<p>Environment is mentioned by both sides as an issue, but without specifics.</p>

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<p><b>Immigration</b></p>	<p>Favor <b>open borders</b>. Allow corporations to "import workers" for specific jobs.</p> <p>Immigrant workers could be <b>treated improperly</b>; they will be deported if they start to organize.</p> <p>Could result in increase tension between immigrant workers and native-born US workers.</p>	<p>Limited number of professional visas permitted. Provisions and impact similar to that of Chile-Singapore agreements.</p> <p>No protection or agreement made regarding migrant workers already in the U.S.</p>	<p>Limited number of professional visas permitted. U.S. free to enter Chile without limit. U.S. employers free to employ Chilean workers without regard to impact on domestic labor force.</p> <p>Limited oversight from Department of Labor and few workers' guarantees leaves open possibility for labor exploitation. Possibility to undermine U.S. labor force, lower domestic wages. Overrides existing U.S. labor laws.</p>	<p><b>Quota for temporary entry</b> of professionals or business visitors without the need for certificate, labor market test, subject to security and immigration laws</p> <p>Could result in an <b>improper treatment</b> of Singaporean workers and wage-decline for U.S. workers</p>	<p>[To be completed]</p> <p>Most likely, there will be little to nothing in the agreement on immigration.</p>

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<b>Transparency</b>	<p>Civil society representatives are being <b>barred</b> from the negotiations and their concerns are not being addressed. Transparency for a few provisions such as government procurement.</p>	<p>Text classified for foreign policy and national security reasons, not released to public until agreement completed; negotiations completed within one year time frame.</p> <p>Short negotiation period increased the inability of civilian groups to make effective analysis, a likely negotiation pattern for future FTAs.</p>	<p>Text classified for foreign policy and national security reasons, texts not published until more than 4 months after completion of agreement. No effective means created for civil society participation.</p>	<p>Includes provision to make public consultation the norm when introducing new regulations or amending the existing ones</p> <p>Under investment section, regulatory authorities bound to high standards of openness and transparency, including provisions for advance notice, reasonable comment periods and publication of regulations.</p>	<p>Civil society representatives are not participating in negotiations. The public is not given any details of the negotiations.</p>

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<p><b>Rule of Origin</b></p>	<p>Importing party would be <b>waived the certificate of origin</b> requirement if the amount of imports do not exceed one thousand U.S. Dollars.</p>	<p>Rule of origin protections clearly defined.</p>	<p>Product specific rule of origin provisions. Shipments of goods under US\$2500 free from Rule of Origin requirements. Responsibility for declaring origin lies with importer.</p>	<p>Certain manufacturing processes must be conducted in Singapore. Product-specific, i.e. one rules applies for every product. (Annex 3 A of USSFTA) 35-60% domestic value-added  <b>Integrating Sourcing Initiative (ISI):</b> specific goods may be considered originating goods for purposes of the Agreement when shipped between the U.S. and Singapore, regardless of whether they satisfy the other applicable rules of origin.</p>	<p>[to be completed]</p>

## Dispute Settlement

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<p><b>Dispute Settlement</b></p>	<p>Subject to <b>investor-to-state</b> suits.            Decisions are made in <b>secret courts</b>            If a government is taken to court, and its regulation is judged to be a "barrier to trade," then that regulation will be overturned. The losing country must repeal the law, or else pay cash compensation for lost profit or face devastating trade sanctions.</p> <p>This infringes upon the sovereignty of state and undermines the role of the state.</p>	<p>Subject to investor state provisions.            Allows corporations to sue governments for compensation of lost profits.            No effective means for civil society input or concern.            Commercial disputes afforded greater access to and protection under dispute settlement procedures than labor or environmental disputes.</p>	<p>Subject to investor state provisions.            Allows corporations to sue governments for compensation of lost profits.            No effective means for civil society input or concern.            Commercial disputes afforded greater access to and protection under dispute settlement procedures than labor or environmental disputes.</p>	<p><b>Joint committee</b> composed with USTR and counterparts to establish <b>independent tribunals</b> and clear dispute mechanisms.            This mechanism emphasizes cooperation and consultation rather than traditional trade sanctions by allowing a party to pay a monetary assessment into a common fund. The common fund will be used to facilitate trade between the parties.</p>	<p>U.S. Will likely want court settlements for foreigners suing to be outside of the country and without representation from the populous.</p>

## Regional Impacts

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<p>Impact of FTAs on Other Existing Regional Agreements</p>	<p><b>MERCOSUR</b> (the Southern Cone Common Market), <b>ANDEAN</b> Community, <b>CACM</b> (Central American Common Market), Caribbean Basin Trade Partnership Act (<b>CBTPA</b>), and <b>CARICOM</b> (Caribbean Community &amp; Common Market) will be divided and undermined</p> <p>Existing SAPs will be reinforced.</p>	<p>Subjugates trade provisions of the CBI, the GSP, the Central American Common Market, as well as any other FTAs the region signs.</p> <p>Under the CBI, all C. Am. exports to U.S. were duty free. Revenue from importation of U.S. goods lost under FTA, serious economic concern. Failure to protect labor and environmental rights in CBI and GSP allowed for negotiation of trade preferences, a much stronger provision than in CAFTA.</p>	<p>Would override U.S.-Chile relationship in GSP, Chile's "associate" membership status in MERCOSUR, as well as the FTAs Chile has signed with the EU and Canada.</p> <p>Reflects U.S. desire to create a foundation for the creation of the FTAA. Chile is South America's most stable economy, an FTA with them pressures other nations to accept FTAA.</p>	<p>Future FTAs with other individual <b>ASEAN</b> countries will be based on this model and thus ASEAN will be undermined economically as well as politically.</p> <p><b>AFTA</b> (Asian Free Trade Area) could also be undermined.</p> <p>Could be result in proliferation of bilateral TIFAs (Trade and Investment Facilitation Agreements) and FTAs.</p>	<p>SADC. While it is argued that that the agreement may help the economy of the region, the effect on regional agreements has largely remained unspecified.</p>