



## **CARTIF Negotiation Modalities and Working Terms of Reference (Draft - 13 April 2026)**

### **Objective and Scope**

These Modalities and Terms of Reference establish the framework for the conduct of negotiations under the CARTIF. The modalities apply to all negotiating bodies, processes, and outputs under CARTIF. They aim to ensure that negotiations are:

- **Efficient and timely**
- **Inclusive and transparent among participating countries**
- **Technically robust and results-oriented**

### **A. Guiding Principles**

The negotiation process shall be guided by the following principles:

- 1. Flexibility and Pragmatism**  
Differentiated approaches depending on the complexity and sensitivity of issues.
- 2. Parallel Progression**  
Simultaneous advancement across protocols and thematic areas.
- 3. Transparency and Clarity**  
Clear documentation, communication, and traceability of negotiation progress.
- 4. Efficiency and Resource Optimization**  
Use of appropriate formats (written, virtual, in-person) to maximize outcomes.
- 5. Good Faith and Conduct of Negotiations**
  - avoidance of introducing new issues not directly related to the agreed scope of negotiations;
  - ensure continuity of positions and avoid re-opening provisions where convergence has been recorded, unless justified by new developments.
  - while the overall negotiation is pursued on the principle of 'single undertaking', each issue should be considered on its own merit;
  - avoidance of unnecessary linkage between unrelated issues, while recognizing the integrated nature of negotiations.
- 6. Readiness to Negotiations**  
Participating countries shall ensure that their representatives are duly authorized and possess the necessary mandate to engage in negotiations and express positions.

### **B. Institutional Structure**

#### **1. Chief Negotiators' Meeting (CNM)**

The Chief Negotiators' Meeting shall serve as the decision-making body in the negotiation process.

**Role:**

- Provide strategic direction and oversight
- Take decisions on key issues and unresolved matters
- Endorse consolidated negotiation texts

**Composition:**

- Designated Chief Negotiators and Focal Points from each participating country

**Functions:**

- Review progress across working groups
- Resolve cross-cutting and politically sensitive issues
- Approve milestones, including early harvest outcomes

**Meeting Modality:**

- Primarily in-person, with virtual participation where necessary

## 2. Thematic Working Groups (WGs)

Working Groups operate under the authority of the Chief Negotiators' Meeting.

**Role:**

- Conduct technical negotiations on specific protocols or thematic areas

**Structure:**

- Multiple WGs operating in parallel

**Functions:**

- Review and negotiate bracketed text
- Identify convergence/divergence
- Prepare consolidated draft provisions

**Types of Engagement:**

- Virtual meetings (primary)
- Written exchanges
- In-person sessions (as needed)

## 3. Secretariat Support (ADB / CAREC Secretariat)

**Functions:**

- Provide technical, analytical, and logistical support
- Prepare and circulate updated draft texts
- Maintain document repository (SharePoint)
- Facilitate coordination across WGs and CNM

## 4. Chairing Arrangements

Meetings shall be chaired by the ADB CAREC Secretariat, unless otherwise agreed by the Chief Negotiators, including through a rotating chair arrangement.

## C. Negotiation Modalities

## 1. Hybrid Negotiation Approach

Negotiations shall follow a hybrid modality, combining:

### (a) Written Procedures

Used for:

- Provisions with limited divergence
- Technical clarifications
- Initial comments on draft text

### (b) Virtual Working Group Sessions

Used for:

- Technical discussions
- Line-by-line negotiation of provisions
- Identification of bracketed issues

### (c) In-Person Meetings (Chief Negotiators)

Used for:

- Decision-making
- Resolution of complex or political issues
- Formal endorsement of outcomes

### (d) Silence Procedure

Between formal meetings, decisions may be taken through a silence procedure, whereby a proposal circulated by the ADB CAREC Secretariat shall be deemed adopted if no objection is received within a specified timeframe, normally not less than fifteen (15) working days.

## 2. Differentiated Treatment of Protocols

Protocols shall be categorized as follows:

<b>Category</b>	<b>Modality</b>
<b>Low-divergence protocols</b>	Primarily written procedures
<b>Moderate complexity</b>	Virtual WG discussions
<b>High-sensitivity / political issues</b>	Escalation to CNM

## 3. Negotiation Text Management

- A single consolidated draft (bracketed text) shall serve as the basis for negotiations
- All proposed changes shall be:
  - Clearly tracked
  - Attributed where necessary
- Brackets shall indicate:
  - Alternative formulations
  - Unresolved issues
- Each revision of the draft text shall be issued with a version number and date, and shall clearly reflect changes from previous versions.

#### **4. Decision-Making**

- Decisions shall be taken by consensus. For the purposes of these modalities, consensus is understood as the absence of formal objection.
- Issues that cannot be resolved at Working Group level within a timeframe agreed by the Working Group or, in the absence of agreement, determined by the Secretariat in consultation with delegations, shall be formally escalated to the Chief Negotiators' Meeting, accompanied by a brief outlining options and positions.
- No provision is considered agreed until final agreement is reached on the full package

### **D. Roles and Responsibilities**

#### **1. Chief Negotiators**

- Represent national positions
- Provide instructions to technical teams
- Engage in decision-making at CNM level

#### **2. National Focal Points**

- Coordinate national inputs
- Ensure timely communication with Secretariat
- Facilitate internal consultations

#### **3. Working Group Leads (if designated)**

- Coordinate discussions within WGs
- Ensure progress and reporting

### **E. Documentation and Communication**

#### **1. Language of Negotiations**

- Official language of negotiations is English.
- Translations may be provided by the ADB CAREC Secretariat for facilitation purposes only and shall not constitute legally binding versions.

#### **2. Document Management**

- All documents communicated through ADB CAREC Secretariat and shared via secure SharePoint platform managed by ADB CAREC Secretariat
- Access limited to official delegations

#### **3. Types of Documents**

- Bracketed negotiation text in English language
- Meeting summaries
- Technical notes and analytical papers

#### **4. Confidentiality**

- Negotiation documents are confidential
- External communication subject to agreed guidelines

### **F. Technical Assistance and Capacity Building**

- Support provided on a demand-driven basis
- Technical assistance shall be provided upon request and subject to availability of resources.
- ADB and partners will mobilize resources accordingly.

## G. Work Plan and Timeline

### 1. Preparatory Phase (March–May 2026)

- Finalization of modalities and WG structure
- Circulation of updated draft text
- Capacity-building support

### 2. Zero Round (June 2026)

- Formal launch of negotiations
- Initial WG sessions
- CNM meeting

### 3. Negotiation Phase (Post-June 2026)

- Iterative rounds of:
  - Written submissions
  - WG discussions
  - CNM decisions

The timeline may be adjusted by the Chief Negotiators' Meeting based on progress and evolving circumstances.

## H. Early Harvest Mechanism

- Identification of areas of early convergence
- Possibility to:
  - Conclude selected protocols early
  - Announce interim deliverables
- Early harvest outcomes shall not prejudice the overall balance of the final agreement.

## I. Initial Working Groups

- **High Priority - High-sensitivity / political issues**
  - Framework Agreement (CNM)
  - Trade Facilitation (Thematic Experts)
  - Digital Trade and E-Commerce (Thematic Experts)
  - Rules and Procedures on the Settlement of Disputes (Thematic Experts)
- **Low Priority - Moderate complexity** (based on the outcomes of the written exchanges)
  - Sanitary & Phytosanitary Measures
  - Technical Barriers to Trade
  - Trade in Services Cooperation
  - Green Economy
- **No Need - Low-divergence protocols**
  - Services Domestic Regulation
  - Investment Facilitation
  - Supply Chain Connectivity

## J. Review and Adaptation

- Modalities may be reviewed and adjusted by Chief Negotiators as needed
- Adjustments to reflect:
  - Negotiation progress
  - Emerging priorities
  - Resource considerations