

# BILATERAL AND REGIONAL TRADE AGREEMENTS

COMMENTARY AND ANALYSIS

Edited by

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## BILATERAL AND REGIONAL TRADE AGREEMENTS

As the Doha Development Round trade negotiations have stalled, bilateral and regional free trade agreements have become an important alternative. These agreements have proliferated in recent years, and now all of the major trading countries are engaging in serious bilateral trade negotiations with multiple trading partners.

This book provides a comprehensive study of recent bilateral and regional trade agreements. There are two main aspects. First, it situates bilateral and regional trade agreements in the context of economics, international law and international relations. Second, it surveys the most important recent agreements in relation to each substantive topic covered (e.g. intellectual property, investment, services and social policy) and provides an overview of the law being created in these areas.

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Simon Lester thanks his family, in particular his wife and business partner Kara Leitner for her continued personal support and willingness to provide substantive comments on all of his writing endeavours.

## FOREWORD

This two-volume book provides a critical addition to the literature on international trade law. In chapters that carefully describe and analyse a complex web of multilateral, regional and bilateral trade agreements, this collection shows how, why, when and to what extent states have negotiated and signed regional and bilateral trade agreements in recent years.

It is well recognised by now that the landscape of international trade agreements has changed dramatically over the past decades – from bilateral agreements in the early nineteenth century to the growth of multilateralism and regionalism under the GATT and its successor, the WTO. Until fairly recently, the focus of international trade law was, for the most part, the GATT/WTO, the European Community, the NAFTA and MERCOSUR. However, following the 1999 Seattle Ministerial Conference of the WTO, we have now entered a period that has resurrected bilateralism and created a new form of ‘loose’ regionalism. As a result of the proliferation of such agreements, international trade law now consists of hundreds of new agreements, usually between just two countries, although sometimes more.

Illustrating the changing cycle of such agreements, this collection identifies the multi-faceted evolution of trade agreements and provides the first comprehensive look at the ‘law and policy’ of this recent wave of ‘preferential’ trade agreements (PTAs). The first volume explores different kinds of PTAs, situating each in its particular social, political, economic and cultural context, and offering an assessment of the substantive law of these agreements. The second volume consists of various case studies, which not only analyse the results of each particular trade agreement, but also show the practical side of how the agreements are negotiated. In both volumes, the authors have drawn on their own specialised knowledge of these topics, and the editors should be commended for assembling such an impressive team of contributors. Not only have the editors selected well-credentialed contributors, but they have also been careful to include contributors from academia, practising lawyers and government officials, so as to strike an appropriate balance and appeal to a wide-ranging audience.

The book is important, not simply because it identifies an assortment of trade agreements, but because it demonstrates the manner in which and extent to which they work differently and to different ends. Recognising that trade agreements vary from little more than ‘treaties of friendship’ to agreements supporting significant

economic integration, the contributors explore the extent to which such agreements are used to enhance domestic interests, promote foreign policy and build ever more inventive economic, political, social and cultural alliances. Demonstrating that trade agreements once were centrally preoccupied with the reduction of tariffs, the book shows how trade agreements often transcend tariffs, how they govern investment, intellectual property, labour, the environment, human rights and, ultimately, the domestic policies of states. As the scope of the agreements has expanded from formulaic tariff reductions, the legal and policy issues have become much more complicated. Whereas the previous debate involved mostly the question of how high tariffs should be, the law of today's PTAs asks diverse questions such as: how strongly should intellectual property be protected; how should intellectual property protection relate to access to medicines in poor countries; what impact does trade liberalisation have on labour rights, human rights, and environmental protection; and how should the rights of foreign investors be balanced with the ability of states to regulate. This two-volume set provides a high level of discussion of these issues in the context of the growing body of PTAs.

Nor do the essays in this book avoid controversy. Challenging the perception that free trade agreements are invariably 'free', several chapters reveal the extent to which trade agreements are used to both regulate and constrain trade. They also demonstrate why trade agreements are often appropriately referred to as 'preferential trade agreements'.

Finally and significantly, the editors will undertake in the future to supplement this two-volume collection in response to changes in the continually evolving trade environment. As the landscape grows, the editors will continue to survey it, tracing the path of the evolving field of international economic law. In this way, they will make a lasting contribution to the interdisciplinary landscape that will mark the Twenty First Century trade agreement.

**Leon Trakman**

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- ADF Group Inc v. United States of America*, ICSID Case No ARB(AF)/00/1, (Award of 9 January 2003)
- Aguas del Tunari SA v. Republic of Bolivia*, ICSID Case No ARB/02/3, Decision on Respondent's Objections to Jurisdiction (21 October 2005)
- Aguas Argentinas, SA, Suez, Sociedad General de Aguas de Barcelona, SA and Vivendi Universal, SA v. Argentine Republic*, ICSID Case No ARB/03/19 (France/Argentina and Spain/Argentina BITs), Order in Response to a Petition for Transparency and Participation as Amicus Curiae (12 February 2007)
- Alex Genin, Eastern Credit Limited, Inc and A.S. Baltoil (US) v. Republic of Estonia*, ICSID Case No ARB/99/2, (Award of 25 June 2001)
- American Manufacturing & Trading (AMT) (US), Inc v. Republic of Zaire*, ICSID Case No ARB/93/1 (US/Zaire BIT), (Award of 21 February 1997)
- Antoine Biloune and Marine Drive Complex Ltd v. Ghana Investments Centre and The Government of Ghana*, UNCITRAL, (Award on Jurisdiction and Liability of 27 October 1989)