TRADE RULES
IN THE MAKING
Foreword

This volume arose out of a series of papers prepared for a joint project undertaken by the Organization of American States (OAS), Georgetown University, and the World Trade Organization (WTO). The aim of this undertaking is to support the countries in the Western Hemisphere, particularly the smaller economies, as they move toward open trade and investment relations.

The chapters presented in this volume were first discussed at a conference, held at the OAS headquarters in Washington, D.C., in May 1998. The book targets the key trade issues on the agenda at both the regional and multilateral levels and will serve as a textbook for a training course for government officials from the smaller countries of the Americas. The volume is timely for the countries of the Western Hemisphere, as they are currently negotiating a Free Trade Area of the Americas (FTAA) and preparing for a potential new round of multilateral trade negotiations.

One of the primary principles guiding the FTAA negotiations is that of WTO consistency. Although the need for consistency should be self-evident, as nearly all FTAA participants are members of the WTO, the formal recognition of this principle from the outset of the negotiations is significant—and will have an important impact on the content of the FTAA agreement. In order to comply with the GATT/WTO rules on regionalism, the FTAA will have to
encompass “substantially all” trade among its members, may not raise barriers to trade with outside sources, and must be fully operational within ten years of the signing of the agreement.

The FTAA will address traditional as well as many nontraditional trade issues. In the traditional arena of border measures, the FTAA seeks the removal of all tariffs and other barriers to trade among the participants—a goal not yet achieved in the multilateral arena. Together with issues such as tariff and nontariff barrier reductions, rules of origin, and customs procedures, the negotiators will tackle such new trade issues as competition policy, which has never been the subject of a multilateral agreement, and for which only the European countries have implemented a common regional approach. The difficulties in negotiating an investment agreement should not be underestimated, and issues such as government procurement, while covered in a plurilateral WTO agreement, will pose distinct challenges to the countries of this region. By including new issues and aiming to eliminate barriers to trade and investment, the FTAA is designed not only to be WTO consistent but to go beyond the WTO Agreement.

An important element of the FTAA is its recognition of the different size and levels of development of its members—and its intent to address this. The FTAA will be a unique endeavor to eliminate barriers to trade and investment among the economies of thirty-four countries that vary greatly in terms of size and territory, population, and natural resource endowments. Although reciprocal agreements between large and small countries, almost unheard of in the past, are becoming more and more common, the underlying challenges to ensure the full participation of the smaller economies in the negotiations, as well as the implementation of the agreements, remain.

To facilitate the participation of these small countries in the FTAA process, the OAS, through its Trade Unit and with the financial support of the OAS Inter-American Council for Integral Development (CIDI), has come together with Georgetown University to develop a comprehensive seminar on regional and multilateral trade issues. We hope that the discussions in this book will help clarify the issues that will be negotiated and be a useful resource for the countries as they move toward their goal of trade and investment liberalization.

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FOREWORD
Acknowledgments

Although three names are listed on the cover of this book, a much larger number of people have contributed to the construction of this volume.

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Contents

Trade Rules in the Making: An Overview .......................... 1
*Miguel Rodríguez Mendoza, Patrick Low, and Barbara Kotschwar*

**PART ONE  REGIONALISM AND MULTILATERAL RULES**

1. Regionalism, Multilateralism, and Deeper Integration: Changing Paradigms for Developing Countries ............. 23
*Robert Z. Lawrence*

2. Regionalism and WTO Rules: Problems in the Fine Art of Discriminating Fairly ............................................ 47
*Robert E. Hudec and James D. Southwick*

3. Dealing with Latin America’s New Regionalism ................. 81
*Miguel Rodríguez Mendoza*
# CONTENTS

## PART TWO  PREFERENTIAL TRADE AND REGIONAL AGREEMENTS

4. Developing Countries and Trade Preferences  
   *Bonapas Francis Onguglo*  
   Page 109

5. Small Countries and the Free Trade Area of the Americas  
   *Barbara Kotschwar*  
   Page 134

6. Preferential and Nonpreferential Trade Flows in World Trade  
   *Jean-Marie Grether and Marcelo Olarreaga*  
   Page 159

7. Regional Trade Arrangements: Lessons from Past Experiences  
   *Roberto Bouzas*  
   Page 180

## PART THREE  ENHANCING TRADE RULES

8. Multilateral Approaches to Market Access Negotiations  
   *Sam Laird*  
   Page 205

9. Multilateral and Regional Liberalization of Trade in Services  
   *Francisco Javier Prieto and Sherry M. Stephenson*  
   Page 235

10. Rules of Origin in Free Trade Agreements in the Americas  
    *Luis Jorge Garay S. and Rafael Cornejo*  
    Page 261

11. Standards and Technical Barriers to Trade in the Free Trade Area of the Americas  
    *Sherry M. Stephenson*  
    Page 280
CONTENTS

12. Import-Relief Laws: The Role of Safeguards
   Murray G. Smith

13. How Long Can You Tread Water?
    The Anti-Economics of Trade Remedy Law
    Brian R. Russell

14. Antidumping Policy as a System of Law
    Gary N. Horlick and Steven A. Sugarman

15. The GATT/WTO Dispute Settlement System and
    the Negotiations for a Free Trade Area of the
    Americas
    Rosine M. Plank-Brumback

PART FOUR  THE NEWEST TRADE
POLICY ISSUES

16. Toward an Investment Agreement in the Americas:
    Building on the Existing Consensus
    Maryse Robert and Theresa Wetter

17. Approaches to Competition Policy
    Edward M. Graham

18. Competition Policy and Regional Trade Agreements
    José Tavares de Araujo, Jr., and Luis Tineo

19. Opening Government Procurement Markets
    Simeon A. Sahaydachny and Don Wallace, Jr.

20. Labor Rights
    Craig VanGrasstek

21. Trade and the Environment
    Gary P. Sampson
Contributors

Index

Tables

1-1. Regionalism: Old and New 31
3-1. Mercosur Exports, 1970–97 87
3-2. Mercosur Imports from Various Sources, 1990–97 88
3-3. Andean Community Total and Intra-Community Trade, 1970–97 93
3-4. Intraregional Trade as a Share of Total Trade, 1970–97 96
3-5. Simple Concentration Indexes for the Mercosur and the Andean Community, 1970–97 98
5-1. Territorial Size: Landmass and Export Diversity in the Western Hemisphere 142
5-2. Market Size in the Western Hemisphere 146
5-3. Human Development Indicator Ranking for Countries of the Western Hemisphere 148
5-4. Trade Taxes as a Percentage of Government Revenue in the Western Hemisphere, 1994 150
6-1. Percentage of Trade Represented in the Sample by Region, 1988–97 165
6-2. Share of Total World Trade Represented by Preferential Trade, 1988–97 166
6-3. Share of Preferential Trade by Region, 1988–97 167
6-4. Share of Preferential Trade Represented by GSP Trade, 1988–97 169
6-5. Share of Preferential Trade and Relationship to Size of Country, 1988–97 172
6-6. Share of Preferential Trade and GDP per Capita, 1988–97 173
8-1. Pre- and Post–Uruguay Round Scope of Bindings for Industrial Products (Excluding Petroleum) 207
8-2. Post–Uruguay Round Applied and Bound Tariff Rates of Developed and Developing Countries by Major Product Group 209
8-3. Changes in Tariff Escalation since the Uruguay Round on Products Imported by Developed Economies from Developing Economies 212
8-4. Structure of Applied Tariffs in Canada, the EC, Japan, and the United States, 1989 and 1996 213
8-5. Import Coverage of Major Nontariff Barriers in Canada, the EC, Japan, and the United States, 1989 and 1996 226
8-6. Sectoral Production Coverage of Nontariff Barriers in Canada, the EC, Japan, and the United States, 1989 and 1996 227
9-1. Countries with High Levels of Specialization in Service Exports, 1994 239
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-2. Countries with Moderate to Average Levels of Specialization in</td>
<td></td>
</tr>
<tr>
<td>Service Exports, 1994</td>
<td>240</td>
</tr>
<tr>
<td>9-3. Countries with Low Levels of Specialization in Service Exports,</td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>240</td>
</tr>
<tr>
<td>9-4. Principles on Trade in Services</td>
<td>246</td>
</tr>
<tr>
<td>9-5. Provisions and Disciplines on Trade in Services in Various</td>
<td></td>
</tr>
<tr>
<td>Agreements</td>
<td>248</td>
</tr>
<tr>
<td>9-6. Market Access for Service Providers in Various Agreements</td>
<td>249</td>
</tr>
<tr>
<td>9-7. Negotiating Modality for Services in Various Agreements</td>
<td>249</td>
</tr>
<tr>
<td>9-8. Exclusions from Coverage of Service Liberalization in Various</td>
<td>251</td>
</tr>
<tr>
<td>Agreements</td>
<td></td>
</tr>
<tr>
<td>11-1. Compliance with the Obligations of the WTO TBT</td>
<td>289</td>
</tr>
<tr>
<td>Agreement by Participants in the FTAA Negotiation Process</td>
<td></td>
</tr>
<tr>
<td>11-2. Participation of National Standardizing Bodies of FTAA Members</td>
<td>291</td>
</tr>
<tr>
<td>in International and Regional Standards Organizations (the ISO</td>
<td></td>
</tr>
<tr>
<td>and COPANT) at the end of 1996</td>
<td></td>
</tr>
<tr>
<td>11-3. MRA-Type Arrangements on Product Testing by Members of</td>
<td>295</td>
</tr>
<tr>
<td>the Western Hemisphere</td>
<td></td>
</tr>
<tr>
<td>14-1. Synthesis (figures)</td>
<td>354</td>
</tr>
<tr>
<td>15-1. Features of the WTO Dispute Settlement System</td>
<td>384</td>
</tr>
<tr>
<td>20-1. Alternate Definitions of Principal Labor Standards</td>
<td>490</td>
</tr>
<tr>
<td>20-2. Comparison of the International Labor Organization and the</td>
<td>497</td>
</tr>
<tr>
<td>World Trade Organization</td>
<td></td>
</tr>
<tr>
<td>20-3. Investigations of Workers’ Rights in Latin American and</td>
<td>506</td>
</tr>
<tr>
<td>Caribbean Countries under the Generalized System of Preferences</td>
<td></td>
</tr>
</tbody>
</table>

### Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-1. Tariff Liberalization in the Mercosur, 1985–95</td>
<td>86</td>
</tr>
<tr>
<td>3-2. Andean Community Tariff Reduction, 1985–97</td>
<td>92</td>
</tr>
<tr>
<td>3-4. Trade Barriers Test</td>
<td>101</td>
</tr>
<tr>
<td>3-5. “Substantially All Trade” Test</td>
<td>102</td>
</tr>
<tr>
<td>8-1. Implications of Various Tariff-Cutting Formulas</td>
<td>222</td>
</tr>
<tr>
<td>9-1. Trade in Services as a Percentage of Total GDP in the Western</td>
<td>241</td>
</tr>
<tr>
<td>Hemisphere, 1985 and 1995</td>
<td></td>
</tr>
<tr>
<td>9-2. Growth of Trade in Goods and Services in the Western</td>
<td>243</td>
</tr>
<tr>
<td>Hemisphere, 1985–95</td>
<td></td>
</tr>
<tr>
<td>9-3. Agreements on Services in the Western Hemisphere at the</td>
<td>245</td>
</tr>
<tr>
<td>Multilateral, Regional, and Bilateral Levels</td>
<td></td>
</tr>
<tr>
<td>9-4. Matrix of Possible Elements of Agreements on Trade in Services</td>
<td>253</td>
</tr>
</tbody>
</table>