

BRICSAM AND THE NON-WTO

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Abstract

We discuss recent regional trade and economic partnership agreements involving the large population rapidly growing economies (Brazil, Russia, China, India, South Africa, ASEAN, Mexico) who (with the exception of Mexico) are also outside of the OECD. Perhaps 50 out of 300 that exist worldwide now involve BRICSAM countries and most are recently concluded and to be implemented over the next few years. Along with extensive bilateral investment treaties, mutual recognition agreements, and other country (or region) to country arrangement they are part of what we term the non-WTO. We are able to find little literature on these agreements, and our aim is to document and characterize, as much as analyze possible impacts. We note the sharp variation both across countries in the form that agreements take and also across agreements for individual countries. Agreements differ in specificity, coverage and content. In some treaties there are detailed and specific commitments, but these also coexist with seemingly vague commitments and (at times) opaque dispute settlement and enforcement. Whether these represent a partial replacement of WTO process for new negotiated reciprocity-based global trade liberalization over the next decade or so, or largely represent diplomatic protocol alongside significant WTO disciplines is the issue we discuss.

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1. Introduction

Global trade policy debate still largely centres on the WTO and prospects for eventual completion of the Doha Round. This is despite both considerable pessimism as to the likelihood of a significant outcome from the Round and clear evidence of the continued growth and proliferation of regional trade and other arrangements involving a growing number of countries (see Antkiewicz and Whalley (2004) for a discussion of China's new regional trade agreements). As of October 2004, around 300 regional trade, economic partnership, and wider economic cooperation agreements of various forms had been notified to the GATT/WTO, 150 of which are currently in force². A number of further agreements are under active negotiation around the world. World Bank estimates are that regional trade agreements already cover around 40% of world trade and this is expected to increase to more than 50% in 2005³.

In analyzing recent regional trade arrangements involving the population large and rapidly growing largely non-OECD economies (with Mexico being the exception), our aim is to document their content and to provide an assessment of their significance for the trading system. The economies we consider we term the BRICSAM (Brazil, Russia, India, China, South Africa, ASEAN, Mexico). These economies jointly comprise more than 60% of the world's population, and their collective average growth rate in recent years may be in the order of 6-7%. For now their trade with each other is still small, and their joint interest lies more in trade flows to and investment flows from the OECD.

While the scope and content of each bilateral agreement varies across both BRICSAM and partner countries, each of the BRICSAM countries has recently been involved in regional negotiations and more negotiations are under way. We provide an overview of the emerging regional treaty structure for this bloc of countries. We also assess whether instead these bilaterals and plurilaterals could in the future provide the basis for a new non-OECD trade bloc, or whether their coverage and structure is simply too limited, vague or diverse for this yet to be credible.

Our characterization is that these agreements are best understood as conventional trade agreements covering goods and services, to which disciplines covering a series of further issues have been appended, such as competition policy, intellectual property, investment, movement of persons, mutual recognition, and wider economic cooperation. This is evidenced by the terminology for these agreements rapidly moving beyond FTAs to various terms denoting Economic Partnership (the recent Japan-Singapore country agreement, for instance, is a New Age Economic Partnership). But they also vary widely in form, coverage, and content.

Many agreements are relatively recent, with a considerable number of them scheduled to be fully implemented over the next five or so years. Older agreements tend to be relatively simple tariff based arrangements, with the more recent agreements containing commitments in the wider range of areas listed above. Broad ranging bilateral agreements also coexist with separate issue specific non trade bilateral agreements on investment, mutual recognition, and other matters, which we do not discuss here.

We suggest that this regional treaty network among countries embodies three

² See the WTO Report of the Committee on Regional Trade Agreements to the General Council, WT/REG/14, 29 November 2004.

³ See World Bank (2005) and OECD (2003).

broad types of agreements. First come those with large OECD entities (EU, US, Japan); next come those with small entities in their region; and lastly those with other BRICSAM countries. It is the latter and third type that are the most recent, and to be implemented over the next five years. These arrangements vary widely both across BRICSAM (and partner) countries, and also across partner countries or regions within each country's portfolio of arrangements. Some are tariff based FTA's, some include services, some are wider with mutual recognition, competition policy and formal cooperation agreements, others contain new investment provisions or are accompanied by separate bilateral investment treaties, while other have specific add on commitments (air line arrangements, bilateral educational exchanges, bilateral trade promotion).

We label this set of arrangements as part of what we term the non-WTO (country to country arrangements negotiated outside the WTO even if notified to the WTO, and often covering non-WTO issues), which we suggest in the years ahead will likely grow (perhaps somewhat chaotically). Given the relative lack of progress multilaterally in the Doha Round, this evolving set of agreements could, in our view, potentially displace the WTO as the leading edge of global reciprocity based negotiated trade liberalization for the next few decades. We offer our attempted synthesis as a first step towards a better understanding and eventual assessment of their impact and significance.

We are able to find little literature which attempts both to summarize the content of these agreements and assess their implications for the evolution of wider world trading system. One position we discuss is that many are relatively light in content, cover small bilateral trade flows, and have limited enforcement mechanisms and so they should be viewed as largely diplomatic and providing only a thin veneer of additional disciplines on the use of trade restricting measures on top of existing multilateral disciplines in the WTO system which remain as the bedrock of the system. An alternative is that this patchwork quilt of country specific arrangements increasingly defines significant new disciplines in the system and both provides coverage of issues beyond what is in the WTO and establishes a potentially new system of global trade management parallel to that in the WTO⁴. Given the seemingly slow progress in the WTO on the new Round and a poisoned atmosphere over WTO dispute settlement and wider process, our view is that their significance merits evaluation. Issues for the BRICSAM countries is their degree of similarity, whether they reflect the emergence of a potential new trade bloc, and even whether these countries would perhaps be negotiating collectively.

⁴ For discussion on the “new regionalism”, North-South, South-South economic cooperation, and RTAs' impact on the world trading system see Majluf (2004); Cernat (2001); Cosby, Lim, Tay, and Walls (2004); Crawford and Laird (2000); and World Bank (2000).

2. A Broad Overview of Regional Agreements in BRICSAM

Regional agreements involving the BRICSAM countries⁵ differ, and sometimes substantially, in scope and specificity. All are bilateral agreements which aim to gradually reduce and/or eliminate tariff barriers, and are typically accompanied by Rules of Origin and safeguard measures. Sometimes, agreements provide for special transitional arrangements in tariffs, such as Early Harvest Programme (e.g. the ASEAN-China) which list goods subject to earlier tariff concessions and/or Normal and Sensitive Tracks which itemize goods for normal and slower tariff elimination (e.g. ASEAN-India). Some agreements also include special sectoral arrangements, provisions for the protection of infant industries (e.g. SADC), customs cooperation and others. Some (typically older) are restricted to the relatively simple tariff based arrangements covering trade in goods.

The more extensive recent agreements involving BRICSAM countries also cover services trade, investment, intellectual property, competition policy, movement of persons, mutual recognition, and other issues. These usually provide for regional scheduling of GATS-like service commitments, and in some cases detailed sectoral arrangements (e.g. in banking, insurance, and telecommunications as in the China-Hong Kong/Macao CEPAs). Some cover mutual recognition of professional qualifications (CEPAs, ASEAN-India), cooperation in tourism (Chinese agreements), intellectual property rights, government procurement (Mexican agreements), cooperation involving small and medium sized enterprises promotion, and investment facilitation. Some agreements also include industrial cooperation through commitments to joint investments in industrial projects, technical and technological cooperation, cooperation of Chambers of Commerce and other bodies.

Most of these regional arrangements have their own separate dispute settlement arrangements, which also vary from agreement to agreement. Dispute settlement mechanism provisions are often negotiated separately from the main agreement and also often follow later after the main agreement. Provisions can take a form of an annex (Mercosur-India) or a separate agreement (China-ASEAN). Some rely on bilateral consultations as a first step to resolving disputes, and then provide for either panels of experts' or tribunal's decision and/or binding arbitration. A few appoint a decision body (typically a council) as the dispute resolution of last resort. As most agreements with dispute settlement arrangements are recent, there is no established record of resolution, and the potential weakness of enforcement of these agreements is widely seen as a potential problem.

Appendix 1 to the paper provides summary tables setting out the main elements of each BRICSAM country's regional trade arrangements. We list partners, dates of signature, length, number of annexes, a brief description of contents, and an

⁵ There are several definitional issues arising as to what constitutes a BRICSAM regional agreement for the purposes of the discussion here. We also do not include separate issue specific treaties (bilateral investment or mutual recognition treaties, for instance) to simplify our task. For discussion of Bilateral Investment Treaties see Peterson (2004). In the case of ASEAN, we only consider agreements negotiated by ASEAN as a single entity. This treatment excludes ASEAN country regional agreements (such as Singapore, or Thailand). See Dayaratna Banda and Whalley (2005) for discussion of these. We also largely consider agreements actually concluded in discussing country arrangements in more detail, rather than also those in negotiation since no text of agreements is available for the latter.

indication of both dispute settlement and the institutional arrangements which underpin the agreement.

What is striking from the tables in this Appendix is both the number and diverse form that these agreements take, with the considerable variation by country. Some countries (such as India) have older and long standing regional arrangements with smaller entities close by (in South Asia) most of which are tariff based, while newer agreements with larger entities cover more than tariffs. Still others are broader in country coverage. India, Brazil, and South Africa, for instance, are currently involved in negotiating the establishment of a trilateral commission (IBSA) which will include an explicitly 3-country arrangement.

Table 1. BRICSAM regional agreements before and after 2000 by country/region

Country	Number of Agreements			Total by country
	Concluded before 2000	Concluded after 2000	Currently in negotiation	
<i>Brazil*</i>	5	5	1	11
<i>Russia</i>	3	4	4	11
<i>India</i>	6	7	8	21
<i>China</i>	0	6	3	9
<i>South Africa</i>	2	2	7	11
<i>ASEAN</i>	0	5	2	7
<i>Mexico</i>	7	5	6	18
Total	23	34	31	88

**Including those negotiated jointly with other Mercosur countries*

Table 1 indicates that BRICSAM countries have concluded 57 agreements (23 before 2000, 34 after 2000), and have 31 other in negotiation⁶. The majority of these were signed within last 5 years. The 23 agreements signed before 2000 are mostly simple tariff based arrangements with small entities in the region (exceptions being NAFTA, Mercosur, and EU agreements with Russia, Mexico, and South Africa). The 34 more recent agreements signed after 2000 are more comprehensive, and are aimed at broader economic partnerships covering not only goods trade but also services, investment and economic cooperation.

Judged solely by the numbers of agreements, Mexico and India seem the most active negotiators among the BRICSAM countries. The number of agreements in place or still in negotiation does not, however, reflect the significance of particular trade negotiations. Examples here are Brazil and Russia. While Brazil has signed only one regional agreement so far (Mercosur), it is a major and significant agreement. But as a key part of Mercosur, Brazil has also signed RTAs with 9 countries/groups of countries. Brazil is also centrally involved in negotiations on a Free Trade Agreement of the Americas (FTAA) which would cover more than 30 countries in Northern, Central, and Southern Americas. Russia, in turn, has few formal agreements and these are with former CIS states, but is also currently involved in WTO accession

⁶ ASEAN countries, such as Singapore, Thailand, and Malaysia who have individually concluded regional agreements are not included in the data reported in Table 1.

negotiations and has concluded a number of bilateral agreements with members of the WTO working party on accession, and has also completed a partnership agreement with the EU.

China has been active in exploring regional options after WTO accession in 2002; and is seemingly not using a template trade agreement for her negotiations, but rather tailoring agreements to inclinations of partners⁷. Elsewhere in Asia, ASEAN seems to be taking an opposite approach. While for now only framework agreements, ASEAN's arrangements are similar to each other and seemingly reflect an approach to negotiations which involves a precise plan of what is to be later negotiated. ASEAN, like China, is also negotiating sequentially, subsequently expanding initial framework agreements once in place⁸. South Africa's efforts on expanding trade and economic cooperation ties have until recently been focused on the Southern African region and the European Union. But now South Africa is in negotiation with the US, Mercosur, Israel, India, Japan, and China, and EFTA.

⁷ See Antkiewicz, Whalley (2005).

⁸ See two new ASEAN-China framework agreements signed in November 2004 containing more details on Rules of Origin and setting out a Dispute Settlement Mechanism available on www.aseansec.org .

3. Country Specific Summaries of Agreements

This section outlines the regional agreements picture by BRICSAM country⁹. We proceed from more active to less active negotiating countries.

India

India is a BRICSAM country currently extremely active in regional negotiation, 13 agreements have already been signed, and negotiations are ongoing with 8 countries (or group of countries). Of the 13 concluded agreements, 11 are with smaller countries in the region, and 2 are with other BRICSAM (non-OECD countries). They range from tariff based to more extensive arrangements.

It is only recently that India has been active in negotiating comprehensive regional trade agreements, since earlier trade agreements were limited in scope and were with countries within the region: Ceylon (1961), Bangladesh (signed in 1980 and valid till 2001), and the Maldives (1981). These agreements were general, and short (no more than 4 pages of text). None of them contained annexes or additional protocols. In each agreement India and her respective partner agreed to grant each other no less favourable treatment than they would give to any third country, but then qualified this commitment in various ways.

These early agreements were expanded on in the 1990s. The 1991 trade treaty with Nepal contains a no less favourable clause, and is also short (4 pages of text), but contains 5 annexes specifying the terms of reduction of tariffs and quantitative restrictions between the two countries, Rules of Origin, and goods subject to preferential treatment. In 1995, India signed a first free trade agreement with Bhutan, but again with vague language. Article 1, for instance, contains commitments to free trade and commerce between India and Bhutan, but allows Bhutan to protect its industries through non-tariff restrictions if necessary. There is no list of goods covered by the agreement, nor any Rules of Origin. In 1998, Sri Lanka and India signed a bilateral tariff based FTA (10 pages of text and 3 annexes) which sets out detailed concessions by both sides with detailed Rules of Origin (Annex C). Currently, India and Sri Lanka are negotiating a Comprehensive Economic Partnership Agreement that is to be an extension of this FTA more in keeping with current agreements.

It is only since 2003 that India has been more active in negotiation outside of South Asia. Preferential trade agreements have been concluded with Afghanistan (2003) and Mercosur (2004). The India-Afghanistan agreement is 6 pages long and contains 3 annexes and covers trade in goods, tariff reductions (with lists of goods from each country), detailed Rules of Origin, exemption and safeguards clauses, dispute settlement provisions and an institutional framework. The PTA with Mercosur, signed at the beginning of 2004, contains 13 pages of text and has 5 annexes (which are still being negotiated) and replaces an initial framework agreement signed a year earlier.

The later agreement sets out tariff liberalisation (Annexes 1 and 2 present lists of goods), exemptions, Rules of Origin (Annex 3), safeguard measures (Annex 4), and

⁹ We could alternatively group by area (BRICSAM agreements and their treatment of goods trade, services, competition policy, etc.) as well as considering agreements with types of partners (EU, US, small neighbouring countries, other BRICSAM countries).

an institutional framework. Broad dispute settlement provisions are set out in Annex 5 with details still under negotiation. India is also currently negotiating a tariff based PTA with Egypt, covering trade in goods only (tariff reduction, and Rules of Origin).

India was also party to the negotiations on a South Asian Association for Regional Cooperation (SAARC) in 2004. In this, India concluded a free trade agreement with other SAARC member countries, covering goods trade liberalisation through tariff, para-tariff and non-tariff restriction reduction/elimination. There are also sensitive tracks and exemptions, and dispute settlement, safeguards, and institutional arrangements. Rules of Origin for the agreement are still being negotiated. The agreement is 14 pages long and with no annexes, but these are to be attached when negotiations are completed.

India has recently completed four other framework agreements with both FTA elements and comprehensive economic cooperation commitments. Three of these are between India and regional groups of countries e.g. ASEAN (2003), BIMST-EC (2004), GCC (2004), and one with Thailand. These agreements go beyond trade in goods and also cover services, investment, and economic cooperation.

The ASEAN agreement is 10 pages long and has 3 annexes. The agreement is for the two countries to negotiate an ASEAN-India Regional Trade and Investment Area. This will involve progressive tariff and non-tariff barrier elimination in goods and services, establishment of a liberal and competitive investment regime, trade and investment facilitation measures, and an expansion of broader economic cooperation. This agreement also specifies a Normal and a Sensitive Track for goods trade, but details such as lists of goods, Rules of Origin, and safeguards remain to be finalized. To speed up the implementation of the agreement, the two parties have also agreed on Early Harvest Programme. Three annexes detail both the goods covered by the Programme and other areas of cooperation. A dispute settlement mechanism has not yet been established, but a Negotiating Committee for this has been created.

The BIMST-EC (Bangladesh, India, Myanmar, Sri Lanka, Nepal, Bhutan, Thailand Economic Cooperation) agreement is similar to the one India has concluded with ASEAN. In goods trade the two parties agree to a Fast and Normal Track for tariff elimination with exclusion of the goods to be detailed in a Negative List (details of the list are yet to be announced); with Rules of Origin, safeguards, elimination of non-tariff barriers, dispute settlement mechanisms yet to be negotiated. This agreement also sets out areas of economic cooperation: mutual recognition arrangements, customs cooperation, trade finance, e-commerce, visa and travel facilitation. There is no Early Harvest Programme specified in BIMST-EC agreement, but institutional arrangements for this have been agreed and details will follow.

A further framework agreement (though not as detailed) is with the Gulf Cooperation Council (GCC) signed in 2004. It is only 4 pages long and has no annexes, but it also sets out a broad framework for further negotiations. The agreement is for the two parties to initiate discussions on the feasibility of a FTA between India and GCC and commits the parties to economic cooperation in various areas. They establish a Joint Committee as a means of facilitating further cooperation and negotiation.

The last of these recently concluded framework agreements is the India-Thailand Framework Agreement for Establishing the FTA, which was signed in 2004. It contains 9 pages of text and 1 annex and is similar in scope to the ASEAN agreement. The two countries agree to negotiate a FTA through progressive

elimination of barriers to goods trade, liberalisation of services trade, establishment of an open investment regime, and economic cooperation in other areas. In goods trade the two countries also agree to a Normal and Sensitive Track, as well as an Early Harvest Scheme (list of goods are contained in Annex 1). Rules of Origin, non-tariff barriers, safeguard and anti-dumping measures, and a dispute settlement mechanism are to be further negotiated. Liberalisation of services trade and investment facilitation measures are not detailed in the agreement but are to follow (the same as ASEAN and BIMST-EC). Economic cooperation commitments are similar to those in the ASEAN agreement. India and Thailand have also established a Trade Negotiating Committee to coordinate these activities.

India has also been involved in regional negotiations with other countries (and groups of countries). The list includes Chile (FTA), China (Joint Study Group on feasibility of comprehensive trade and economic cooperation), Egypt (PTA), IBSA (trilateral commission between Brazil, India and South Africa), Mauritius (Joint Study Group on a comprehensive agreement), Korea and Japan (Joint Study Groups on a comprehensive economic partnership), Singapore (comprehensive agreement in negotiation), and SACU (PTA). No agreements with those countries have yet been signed.

Mexico

Among BRICSAM countries, Mexico has signed the most free trade agreements; 5 of these are with other OECD countries either alone (Japan, Israel) or with a regional bloc (USA and Canada in NAFTA, EU, and EFTA). The remaining 7 are with smaller entities in the region.

Between 1990 and 2004 Mexico signed 12 FTAs (chronologically) with: Chile, Group of Three (Colombia, Venezuela), Nicaragua, NAFTA, Costa Rica, Bolivia, EU, Israel, Northern Triangle (Honduras, Guatemala, El Salvador), EFTA, Uruguay, and Japan. Mexican FTA agreements are similar in coverage. They focus on tariff based provisions, without specific commitments in services and investment. They provide for dispute settlement with enforcement measures (suspension of benefits). Some of the FTAs are also accompanied by other agreements (e.g. Environmental and Labour Cooperation Agreements in NAFTA)¹⁰.

Most of these Mexican FTAs have texts of more than 150 pages and have many annexes to specific chapters and/or articles, the exceptions being the EU and EFTA agreements which are shorter (33 and 49 pages respectively), but annexes to these agreements are long and detailed.

The FTAs cover tariff elimination in goods trade, prohibition of non-tariff restrictions on exports/imports, safeguards and standards related measures including sanitary and phytosanitary provisions. They also contain detailed Rules of Origin, provide for customs cooperation, competition policy cooperation and intellectual property protection. The annexes detail lists of goods subject to tariff reduction/elimination, quantitative restrictions in cross border services, and exceptions.

In the services and investment areas, Mexican FTAs do not include specific commitments, but instead contain non-discrimination provisions (e.g. national

¹⁰ For more discussion of Mexican trade agreements see Ibarra-Yunez (2001).

treatment, most favoured nation treatment, prohibition of performance requirements, expropriation and compensation etc.) and dispute settlement mechanism for investors. In services Mexico and respective partners go beyond the GATS in providing for equal treatment of foreign investors, agreement on licensing and certification arrangements, and professional qualification mutual recognition. These agreements also contain a broad commitment to further liberalize trade in services. These agreements exclude air transportation services as these are covered by other bilateral arrangements, but rules of access to and use of public telecommunications transport networks and services are specified. Mexican FTAs also contain arrangements for temporary entry for business persons.

Mexican FTAs also include provisions on government procurement and prohibition of unfair trade distorting practices, e.g. export subsidies, and mechanisms of investigation and compensation. They provide for bilateral institutional arrangements, establishing joint administrative commissions, Secretariats, working groups and/or sub-committees. Disputes between parties are to be resolved by bilateral consultation or mediation through a joint commission. If no solution is found, an Arbitral Panel or Tribunal may be set up (the arbitration body may ask a panel of experts for assistance). The complaining party may suspend the application of benefits to the party complained against until implementation of the Panel's final report. Parties are encouraged to seek resolution of their dispute through arbitration.

The Chile agreement was the first of the Mexican FTAs to be implemented. When initially signed in 1992 it was an Economic Cooperation Agreement, which reduced tariffs on most goods trade (exceptions being petroleum, gasoline, wheat, flour, certain milk and seafood products, sugar, cigarettes). With amendments in 1998 covering services, investment, and economic cooperation it became a full FTA. The text is over 150 pages long (with annexes to specific chapters included in the text) and has 6 annexes. It schedules bilateral tariff liberalisation within 6 years which makes this the only Mexican FTA with an implementation period shorter than 10 years.

In 1994 Mexico, Canada and USA concluded the NAFTA agreement. This has nearly 400 pages of text and 7 annexes (plus annexes to specific chapters within the main text) which makes this one of the longest FTA agreements. It has special arrangements in automotive, petrochemical, textile, and agricultural sectors. The Rules of Origin detailed in NAFTA are considered to be some of the most complex in the world¹¹. NAFTA also has the longest implementation period of 15 years among all Mexican agreements. It was the first Mexican FTA with large OECD entities. FTAs with EU (1995), Israel (2000), and EFTA (2000) followed. A recent agreement with Japan was signed in 2004 and is due to enter into force in April 2005. Just as the FTAs with smaller entities, these agreements focus on goods trade, leaving investment and services provisions for future negotiation.

Mexico has also signed a number of agreements member countries of The Latin American Integration Association (ALADI). These are termed Economic Complementation Agreements (ECAs) which extend ALADI commitments and Partial Scope Agreements (PSAs) which apply to specific areas. They vary in coverage for instance: ECA no. 54 with Mercosur is a framework agreement aiming at the creation of a FTA, another ECA (no. 55) with Mercosur covers liberalisation of trade in the automotive industry. Other ECAs and PSAs are preferential trade agreements with bilateral sectoral concessions and/or economic cooperation

¹¹ See Estevadeordal, Suominen, (2004).

arrangements. They are perhaps best seen as initial steps towards negotiating FTAs. Uruguay is an example of such partner negotiations: ECA no. 5 signed in 1999 was then been expanded into a full FTA in 2003 (ECA no. 60). The only Mexican agreement with another BRICSAM entity is ECA no. 53 with Brazil. This is a preferential trade agreement, covering bilateral tariff concessions on goods listed in annexes, ROOs, safeguards, prohibition of unfair trade practices, economic cooperation, and institutional arrangements. This agreement, together with ECAs with Mercosur, may serve as framework for future Mexico-Mercosur FTA. Mexico is currently negotiating FTAs with Peru, Panama, Ecuador, Trinidad and Tobago, and a closer economic partnership with New Zealand. Mexico is also involved in the FTAA talks along with Brazil.

South Africa

South Africa has currently signed 4 regional trade agreements, one of which establishes a customs union, two FTAs, and one framework arrangement aimed at the creation of a FTA. South Africa is currently also involved in regional negotiation with 7 other countries¹².

The agreement establishing the South African Customs Union (SACU) was initially signed in 1969¹³ and covers South Africa, Botswana, Namibia, Lesotho, and Swaziland, but in 2002 this was replaced by a new treaty. The text is 15 pages long and creates a Common Customs Area across the member countries, provides for free flow of goods and freedom of transit, and changes the Revenue Sharing Formula for distribution of the Common Revenue Pool between SACU countries in the earlier SACU¹⁴. The activities of the Union are to be overseen by a Council of the Ministers and a Customs Union Commission and Tariff Board. Disputes arising under SACU are to be solved by consultation and/or a majority vote in an ad hoc Tribunal created for each dispute. The text has no annexes.

Existing South African FTAs are with groups of countries rather than single countries. One is with the Southern African Development Community member countries (SADC – Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia, Zimbabwe) and the other with the European Community.

The first, signed in 1996, has 16 pages of text and 7 annexes. Under the agreement SADC member countries agree to form a free trade area within 8 years covering elimination of tariff and non-tariff barriers to goods trade. Rules of Origin, cooperation in customs matters, and trade laws concerning safeguards, sanitary and phytosanitary measures, standards and technical regulations, antidumping measures (in accordance with WTO rules), subsidies, protection of infant industries and intellectual property rights, and other matters are all set out. The agreement also details dispute settlement procedures with suspension of concessions as the enforcement device. In trade in services, SADC members are to jointly adopt policies in accordance with their WTO GATS obligations. Investment and economic development cooperation are mentioned in the agreement, without specific commitments. The agreement also sets out an institutional framework for the FTA

¹² For more discussion on trade in South Africa and SADC see Lewis (2001).

¹³ SACU agreement signed in 1969 replaced the 1909 Union of South Africa agreement.

¹⁴ See Kirk and Stern (2003).

involving a Council of Ministers of Trade, a Trade Negotiating Forum, Committee of Senior Officials, and Sector Coordinating Units.

A further South African FTA signed in 1999 is with the the European Union. The text is 31 pages with 10 annexes (over 250 pages in total) which detail specific trade commitments for both parties. The agreement provides for free trade between the EU and South Africa within 10-12 years (10 for the EC, 12 for South Africa) and covers gradual tariff elimination for industrial and agricultural goods, safeguards, antidumping, Rules of Origin, and exceptions. In services parties confirm their GATS obligations but also agree to expand services trade liberalisation in the future so that discrimination in the services sectors will eventually be eliminated. The agreement also covers free capital flows for direct investment in South Africa, competition policy, public, aid, intellectual property rights, cooperation in standardisation, customs, and statistics.

The EU commits itself to development cooperation through studies, technical assistance, training services, evaluation and monitoring audits and missions¹⁵. South Africa-EU joint economic cooperation is to be achieved through investment promotion and protection, trade development, small and medium size enterprise promotion, and industry cooperation in other areas, e.g. telecommunications, information technology, energy, mining, transport, tourism, agriculture, and others. South Africa and the EU will also cooperate in other areas e.g. culture, science and technology, environment, social issues, human resources, health, fight against drugs and money laundering, and others.

The agreement establishes a Cooperation Council as a forum for mutual consultation, oversight of the functioning and implementation of the agreement, and resolving problems. If a dispute cannot be settled by the Council's decision, then it is to be solved by three arbitrator's majority vote.

The last of South African agreements is a framework agreement with Mercosur signed in 2000. It is short with only 4 pages of text and has no annexes, and is an initial agreement providing for the subsequent creation of a FTA. The parties agree to identify possible reciprocal tariff reductions and to start negotiations. The agreement is general, creating a Negotiating Committee as a forum for future discussion and exchanges of information. The parties agree to encourage trade promotion, implementation of cooperation projects, and cooperate in the service sector. Negotiations are expected to finish soon, and a South Africa-Mercosur FTA is seen as a part of the activities under the India – South Africa – Brazil Trilateral Commission (IBSA).

South Africa is also involved in ongoing trade negotiations with eight other countries: India and Brazil in IBSA, China, Nigeria, USA, Israel, and Egypt. Talks are also in progress with EFTA with an economic and commercial cooperation agreement expected to be signed in 2005.

China

China's regional trade and economic cooperation agreements are all subsequent to China's accession to the WTO in 2002 (see Antkiewicz, Whalley (2004)). China has signed 5 agreements, two with OECD countries (Australia and New Zealand),

¹⁵ Article 68 of the agreement.

two with small regional entities (Macao and Hong Kong), and one with a BRICSAM entity (ASEAN). China is currently negotiating 4 more trade agreements with India, GCC, Chile, and South Africa.

The first agreement signed by China was with ASEAN in November 2002. It contains 21 pages of text and 4 annexes. It covers trade and investment cooperation, progressive liberalization of trade in goods and services, creation of a liberal and transparent investment regime, and closer economic integration within the region. Under the agreement the parties agree to work towards the establishment of a Free Trade Area (FTA) between China and ASEAN within 10 years. ASEAN and China plan joint elimination of tariffs and non-tariff barriers in goods trade, liberalization of services trade, and promotion of bilateral investment under the future FTA. In goods trade the agreement sets out rules and a timeframe for an Early Harvest Programme mostly covering agricultural products, as well as lists of goods itemised under a Normal and Sensitive Track. All negotiations and consultations are to take place under a Trade Negotiation Committee.

In November 2004 the first China-ASEAN agreement was broadened with the signing of two new agreements: one covers goods trade with detailed Rules of Origin and a further tariff reduction/elimination schedule, and the other dispute settlement. Under the agreement on goods trade, ASEAN also grants China market economy status. All disputes under a China-ASEAN FTA are to be settled by consultation and mediation. Should this fail, the dispute settlement mechanism provides for a Arbitration Tribunal which will investigate complaints in closed session and present its rulings and recommendations to the parties. The agreement provides for compensation and suspensions of benefits and/or concessions as enforcement.

Closer Economic Partnership Arrangements (CEPAs) with Hong Kong and Macao were signed in 2003. The Hong Kong agreement was first, but the texts are almost identical in length and scope, 13 pages long and with 6 annexes. Their content lies in progressive bilateral reduction or elimination of tariff and non-tariff barriers for goods trade, reducing bilateral restrictions on service trade, and the various steps to further promote bilateral trade and investment. Full elimination of bilateral tariffs will occur no later than January 1, 2006.

The agreements set out Rules of Origin, list of services sectors with specific bilateral commitments (advertising, accounting, telecommunications, legal services, banking, insurance among others), and a definition of a new services entity, “a Hong Kong (Macao) service supplier”. This new entity (or rather its definition) opens the door to Chinese markets for international companies who can meet the requirements¹⁶.

Both CEPAs provide for cooperation in tourism and mutual recognition of professional qualifications. They also contain trade and investment facilitation provisions under which China and Hong Kong/Macao (respectively) agree on seven areas of cooperation (including, trade and investment promotion, customs and clearance facilitation, small and medium sized enterprises cooperation). Both agreements also establish Joint Steering Committees to oversee the implementation and coordination of the agreement. Joint Committees are also to resolve disputes, draft amendments and additions, and supervise the working groups.

Two subsequent Chinese agreements are with OECD countries, Australia (2003) and New Zealand (2004), and differ from those signed with Hong Kong/Macao and ASEAN. They are similar to each other, being brief (only 3 pages of main text

¹⁶ For more details see Antkiewicz and Whalley (2005).

and 2 annexes) and set out a framework for further negotiation. The parties state their interest in seeking comprehensive trade and investment facilitation and liberalisation through economic and trade cooperation. They indicate specific areas where they will promote strategic cooperation and seek to create favourable conditions for trade and investment. The areas include energy and mining, science and technology, agriculture and quarantine inspection, textiles and clothing, information and communication technology, environmental protection and others.

The major difference between the two Framework Agreements is that New Zealand immediately recognizes China as a market economy while for Australia it is only under consideration. Currently, China and Australia, and New Zealand (respectively) are undertaking feasibility studies to explore possibilities for a future FTAs.

While formal agreements involving China are limited to those described above, several others are in process, with negotiations possibly to be launched soon. These include: India with a Joint Study Group already exploring the potential for expanded bilateral trade and cooperation; Chile with a feasibility study for a possible FTA; South Africa with FTA negotiations to be launched soon; and the Gulf Cooperation Council (GCC) with an initial framework agreement already in place and a joint committee working to expand bilateral ties and create a consultation mechanism for future FTA negotiations. Elsewhere in Asia, Singapore and China have started consultation on a possible FTA after China concluded the ASEAN agreement.

ASEAN

ASEAN regional agreements are more recent than is the case of other BRICSAM countries, and have been signed within the last two years. ASEAN has concluded three formal agreements on comprehensive economic cooperation, signed two initial framework arrangements for subsequent FTAs and is negotiating two more. All provide frameworks for further negotiation towards closer economic partnerships and/or FTAs with other Asian countries.

The first framework arrangement was signed jointly with Australia and New Zealand in September 2002. It is short (3 pages of text and 1 annex) and not specific. It sets out plans for eventual trade and investment facilitation and liberalization, as well as economic cooperation. More details are in recent Guiding Principles, signed in November 2004. According to these, the FTA between ASEAN and Australia and New Zealand is to be fully implemented within the next 10 years, and negotiations are to be completed in 2007. The FTA will be comprehensive covering goods, services, and investment, and consistent with WTO disciplines. It is to be flexible and adjusted to the different levels of economic development in the ASEAN countries.

A second broad framework arrangement is with the Republic of Korea. It was signed in November 2004 and is labelled a Comprehensive Cooperation Partnership. It is an initial agreement towards a FTA and is the result of the recommendations of a Joint Study Group. Zero-tariff trade for at least 80% of products is to be achieved by 2009. The FTA will cover goods, services, and investment. Also, the parties state their wish to enhance both political cooperation and economic relations both between themselves and in regional and international forums, and work towards narrowing the development gap between ASEAN and Korea. They also aim to encourage cooperation in other fields (e.g. tourism, education, science, and technology).

ASEAN's agreement with Japan was signed in 2003. It represents an initial arrangement towards trade liberalization in goods and services, and investment cooperation. The text is 10 pages long with no annexes. It creates a forum for consultation – the Committee on Comprehensive Economic Partnership. An FTA between ASEAN and Japan is aimed to be completed by 2012, with an additional five years phase in for the newer ASEAN countries.

ASEAN has signed more detailed framework agreements with China and India; the agreement with China being discussed earlier¹⁷. The agreement between ASEAN and India is similar to that with China, with the China agreement seemingly used as a template for the negotiations with India. The Indian agreement was signed in October 2003, and contains 10 pages of text and 3 annexes. As with the China agreement, it covers goods liberalisation under both a Normal and Sensitive Track, has an Early Harvest Programme, aims to eliminate restrictions in services trade, and promote investment. Given the supplemental agreements with China on goods trade and a dispute settlement mechanism, similar additional arrangements with India may follow.

ASEAN is also involved in negotiations with Russia and the European Union. An Economic Cooperation Agreement with Russia is planned to be concluded sometime in 2005. ASEAN and the EU are planning a Trans-Regional Trade Initiative as a framework for a EU-ASEAN preferential trade agreement.

Brazil

Taken on its own Brazil is seemingly less active in regional negotiation than other BRICSAM countries and has signed only one regional agreement creating the Southern Common Market (Mercosur) with Argentina, Paraguay and Uruguay. But as a key member of Mercosur, Brazil has jointly negotiated a series of Mercosur regional agreements.

The Mercosur agreement commits member countries to coordinate their external trade policies with third countries and also their positions in regional and international economic and commercial forums¹⁸. Mercosur member countries are thus supposed to negotiate external trade agreements as a bloc rather than as individual countries¹⁹, a major reason for Brazil's seeming lack of regional trade agreements.

The Mercosur agreement, signed in 1991, is short with only 7 pages of text and 5 annexes. Annexes cover details of the agreed trade liberalization programme, general Rules of Origin (updated in 2004), dispute settlement, safeguards, and lists of Working Groups of the Common Market Group (the main executive body). Annexes also deal with transitional arrangements between the signing of the agreement and the full implementation of the common market. The Mercosur agreement was subsequently complemented by additional agreements covering: dispute settlement, services trade, investment, intellectual property protection, protection of competition, and recently government procurement²⁰.

When Mercosur came into force in 1995 it established bloc-wide free trade in goods, services, and factors of production, eliminating most restrictions on goods

¹⁷ See earlier section on China.

¹⁸ See Article 1 of the Mercosur Agreement.

¹⁹ See Paiva, Gazel (2004).

²⁰ See www.sice.org/agreements/Mercin_e.asp for updated list and texts of all agreements.

trade (customs duties and non-tariff restrictions) with exception of country specific lists of sensitive products subject to transitional periods. The agreement also provides for a Common External Tariff (CET) and specifies the coordination of several macro and sectoral policies (e.g. agriculture, industry, services, customs, fiscal and monetary matters, foreign policy, and others) and aims to harmonize legislation in several areas. Some goods still remain outside the free trade area as per “Adaptation Regime”, there are also sector-specific exceptions to the CET that are to be eliminated no later than December 2005 (automotive industry, sugar, telecommunications, informatics, and capital goods)²¹. Currently 95% of Mercosur's intra-trade is duty-free.

Mercosur (and Brazil as a member country) has subsequently concluded 9 regional arrangements of various forms. These include: a cooperation agreement with EU, FTAs with the Andean Community (Colombia, Ecuador, Peru, Venezuela), Bolivia, and Chile; and framework agreements for subsequent FTA negotiations with Mexico²², Egypt, India²³, Gulf Cooperation Council (GCC), and South Africa²⁴. The only regional agreement Brazil signed on its own with another BRICSAM country is the economic complementation agreement no. 53 with Mexico under ALADI. It is a preferential trade agreement and has already been described in an earlier section on Mexico.

The framework agreement for the creation of a FTA between Mercosur and Andean Community was signed in April 1998. In the agreement the parties agreed to establish a FTA by the end of 2003. Since 1998 the framework has been complemented by subsequent agreements including Mercosur – Peru FTA²⁵ and an FTA between Mercosur and Andean Community (comprising of Colombia, Ecuador and Venezuela) which provide for specific commitments of the parties. The provisions of the subsequent agreements include lists of goods subject to gradual tariff elimination with transitional periods, Rules of Origin, safeguards, exceptions, dispute settlement mechanism, technical standards, cooperation in services trade, investment, intellectual property protection, institutional arrangements and others. According to the schedule, all tariffs should be eliminated no later than 2018.

Mercosur FTAs with Bolivia and Chile signed under ALADI in December 1996 and June 1996 (respectively) are similar in contents to that with the Andean Community. They both aim at establishing virtually free trade within 10 years and cover mostly goods trade with less detail concerning services, investment, mutual recognition, and intellectual property protection.

Mercosur is currently negotiating a free trade agreement with the European Union, based on an earlier Interregional Cooperation Agreement signed in 1995. The negotiations began in 2000 but are not yet completed. The goal is to liberalize all goods and services trade between the EU and Mercosur. In September 2004 EU responded to an earlier offer sent by Mercosur which proposed to eliminate all tariffs in goods trade within 10 years (65% of tariffs would be eliminated upon entry into force of the agreement). The tariff reduction/elimination would also cover most of agricultural products with the exception of some sensitive products that would be protected by quotas. EU and Mercosur FTA would also cover services trade and

²¹ See WTO (2005) and Estevadeordal, Goto, Saez (2000).

²² See the earlier section on Mexico.

²³ See the earlier section on India.

²⁴ See the earlier section on South Africa.

²⁵ With this agreement Peru became an associate member of Mercosur (as did Bolivia and Chile in 1996), but the agreement is not yet in force.

investment as well as public procurement. The latest European offer takes the position that issues of domestic support for the agricultural sector should be subject to on-going WTO talks rather than covered by bilateral (bi-regional) negotiations.

Mercosur is also currently negotiating FTAs with Egypt, India, GCC, South Africa, and Mexico in accordance with already signed framework agreements. Mercosur is also involved in trade and economic cooperation negotiations with Canada, South Korea, and CARICOM (the Caribbean Community)²⁶.

Brazil has also decided to pursue negotiations aimed at achieving a Free Trade Agreement of the Americas (FTAA). FTAA would include 34 countries in Northern, Central and Southern Americas²⁷. Talks on the FTAA started in 1994, and official negotiations were launched in 1998 when all countries agreed that any future agreement would be: “balanced, comprehensive, and WTO-consistent”²⁸. In November 2003 a Third Draft of an agreement was concluded in principle, although parts of it are still being negotiated. Its coverage is extensive, including goods trade (e.g. tariff and non-tariff restrictions reduction/elimination, Rules of Origin, safeguards, antidumping, specific commitments in agriculture), services and investment, competition policy, intellectual property rights, institutional framework, and a dispute settlement mechanism. Negotiations are to be concluded in December 2005, but major differences remain between Brazil and the US in agriculture and services which may delay the negotiation process.

Russia

Russian regional agreements differ substantially from those negotiated by other BRICSAM countries. All but one are short and vague, the exception being the EC partnership and cooperation agreement. They only aim to promote and encourage broad economic cooperation rather than to define precise commitments.

Russia currently has signed 6 regional trade/economic agreements with smaller countries in the region who were members of the former Soviet bloc (jointly with Kyrgyzstan, Kazakhstan, Belarus, and Tajikistan; with former Yugoslavia, Georgia, Poland, CIS countries, and jointly with Ukraine, Belarus, and Kazakhstan), and 1 agreement with OECD entity – the European Union. Another four are being negotiated, again mostly with smaller countries within the region, the exception being the ASEAN group.

The first Russian regional agreement was the FTA signed in February 1994 with Georgia. It is 5 pages long without annexes. It creates a free trade area through elimination of tariffs, quantitative restrictions, and other barriers to trade (some restriction apply); and sets out the prohibition of re-export, unfair business practices, and export subsidies. The agreement also promotes economic, scientific, and technical cooperation. Disputes are to be resolved through consultation and negotiation; no enforcement mechanism is specified. It also creates a joint Russian-Georgian Commission in order to implement the agreement.

Shortly after the Georgian agreement, in April 1994, the whole of the

²⁶ For more information on Mercosur FTAs see WTO (2004).

²⁷ See official FTAA web-site: www.ftaa-alca.org

²⁸ Second Summit of the Americas in Santiago, Chile, April 1998.

Commonwealth of Independent States signed a FTA. It comprises 16 pages of text, 2 annexes and a protocol of amendments. It sets the goal of free trade in goods and services with Rules of Origin, but has few specific details. The FTA also provides for harmonization of technical requirements, unification of customs procedures, and prohibits export subsidies. It establishes an inter-state economic committee as the executive body, and sets out an ill defined dispute settlement mechanism. The CIS FTA does not set out any detailed schedule of mutual tariff concessions nor an enforcement mechanism. The CIS FTA has also not been ratified by Russia²⁹.

In 1994, Russia and the European Community signed a Partnership and Cooperation Agreement. It is 87 pages, contains 10 annexes and 2 protocols and covers cooperation in various areas including trade in goods and services (granting most favoured nation treatment to Russia according to GATT/WTO rules³⁰), business and investment (labour conditions, coordination of social security for Russian workers in the EC, conditions affecting the establishment and operation of companies), cross border supply of services (e.g. uninterrupted international maritime transport and transit), protection of intellectual property, political dialogue, cultural cooperation, and economic cooperation in various areas designed to encourage economic and social reforms, transformation and restructurisation in Russia.

Immediately following the EU agreement Russia was not involved in other regional negotiations. However, in 2000 two new regional agreements were signed with former Yugoslavia and with Kyrgyzstan, Kazakhstan, Belarus, Tajikistan (with whom Russia created an Eurasian Economic Community). The latter agreement is 9 pages of text and has no annexes. It promotes a customs union and a common economic space between the countries, but does not set out details. The agreement creates four institutions: an Interstate Council, an Integration Council, an Interparliamentary Assembly, and a Community Court as bodies for further cooperation. The agreement with former Yugoslavia provides for gradual elimination of barriers to trade by 2005. It contains Rules of Origin, and a list of goods not covered by the agreement (e.g. sugar, poultry, cotton, motor vehicles), the list is updated annually. The agreement has not yet been ratified by either party³¹.

In 2003 Russia, Belarus, Ukraine, and Kazakhstan signed an Agreement creating a Single Economic Space (SES). The agreement is only 4 pages with no annexes. It covers coordination in foreign trade, tax, monetary, and currency policies, with mutual consultation promised. The main objective is to create a free trade area among the parties without exemption and limitations, with Russia and Belarus insisting on the creation of a single currency. The agreement also includes commitments of the parties to harmonize macroeconomic policies and legislation in trade and competition policy. There are however differences between Russia and Ukraine on the SES mandate and the SES has not been ratified by Russia, so there are doubts whether the agreement will have a lasting effect on trade between the parties³².

Most recently, in November 2004, Russia has signed an agreement with Poland. It is a cooperation agreement covering broad economic cooperation in various areas. It has five pages, with no annexes. In the agreement the two countries state an intent to cooperate in gas and oil development and delivery, to promote activities of

²⁹ Sushko (2003).

³⁰ Russia is not yet a WTO member, and so MFN for Russia does not stand as a right under the WTO.

³¹ See Serbia Investment and Export Promotion Agency, <http://www.siepa.sr.gov.yu/importing/free/russia.htm#RULES> accessed February 12, 2005.

³² See Sushko (2004) for discussion of the SES.

small and medium enterprises, to encourage contacts between their chambers of commerce, and to mutually develop services in banking, consulting and other areas. The most important part of the agreement is the establishment of an intergovernmental committee for trade and economic cooperation, although there are no specifics in terms of the committee's authority or future activities.

Russia is considering trade agreements with Pakistan, Moldova, and Jordan, but there are few details. In 2005 Russia and ASEAN are to sign an Economic Cooperation Agreement but no details are yet available.

4. Implications for the WTO Trading System and Concluding Remarks

This large and growing volume of regional agreements raises a series of issues both for BRICSAM countries and more broadly for the trading system. Do these agreements indicate the emergence of a new global trade bloc of large population, rapidly growing, low to middle economies, or are the agreements too diverse for this characterization to be credible. Is the WTO being overtaken by this wave of regional negotiation, which now defines the leading edge of globally provided trade liberalization? Do the BRICSAM countries have enough commonality of interest that they should be negotiating collectively with non BRICSAM countries; or is this unworkable?

The number of these agreements clearly poses an issue of whether this recent wave of extensive regional agreements that go beyond the WTO in several areas is threatening to overwhelm and even substitute the multilateral rule based WTO system, or whether these agreements are largely a form of froth (or topping) on top of a fundamentally strong multilateral trading order reflected in WTO disciplines.

The trade coverage of these new agreements is extensive, and in some ways they represent a response to perceived multilateral failures, such as the Multilateral Agreement on Investment (the MAI) and the repeated Doha Round setbacks (Seattle in 1999 and Cancun in 2003). On the other hand, WTO processes and disciplines remain. As far as the BRICSAM countries are concerned, as they try to achieve outward led growth and explore their shared interest in access to OECD markets and attracting inward foreign investment, they also need to decide the extent to which they pursue their objectives within existing institutional structures (such as WTO), and the extent to which they explore new arrangement, including regional agreements.

Their incentive to use joint and growing leverage in negotiation seems clear. The BRICSAM countries constitute a majority of the world's population, and they are also economies that are growing rapidly. They are mostly not members of the OECD (the exception being Mexico), and while mostly WTO members (Russia is the exception) their recent activities on the regional negotiation front clearly have significance both for the evolution of the global economy and for the world's trading system. Their interests differ from those of the OECD countries in seeking secure access to third country markets (OECD) more so than their own, and in seeking to attract FDI from outside the region.

What is striking about the regional agreements we document is not only their number, but their scope, their diversity, and their recent negotiation (with implementation in several cases yet to follow). Their significance would seem to lie in pointing towards the emergence of a network of country/region to country/region trade management which operates outside of the framework of the WTO. But at the same time it is highly varied and does not correspond to single common approach or structure. If relatively little emerges from the WTO Doha Round, the question will be whether this growing set of agreements defines the cutting edge of globally negotiated reciprocity based trade liberalisation and wider economic integration for several decades.

A number of factors need to be noted in assessing how the impacts of these

BRICSAM agreements might play out. The first is that tariffs post Uruguay Round are sufficiently low in most of the countries discussed here that tariff preferences negotiated regionally will have less trade impact than would have been true 15 or 20 years ago, and so the tariff component of these agreements may be relatively inconsequential. The second is that service commitments currently scheduled in the WTO under GATS are limited in coverage, and so exactly how the seemingly extensive commitments to deeper liberalisation in services in these BRICSAM agreements are to be implemented remains to be seen.

As a system of trade management, these agreements are particularly notable in moving into a number of areas not yet covered by WTO disciplines. But the presence of these agreements, even if vague for now, in our view makes also the eventual appearance of overarching WTO agreements in these areas that much more difficult to achieve. Included here are competition policy, mutual recognition, investment, and broader areas of cooperation. Building sequentially onto these agreements now seems a more likely process than multilaterally agreed disciplines in the WTO.

These agreements are also notable from a process point of view in frequently involving initial frameworks with subsequent elaboration in detailed minutes and further agreements which follow after the framework has been concluded. This adds to the view of trade and other agreements less as one off legal texts, than part of an evolving structure of trade management through bilateral accommodation, supplemented by an institutional structure of consultation and bilateral committees and agencies.

Thus while the concrete substance and import of these agreements might be in doubt, their volume and scope relative to a seemingly less dynamic multilateral process stands in sharp contrast. We see these agreements as part of what we term a growing non WTO (agreements concluded outline the framework of the WTO, even if notified to the WTO subsequently and covering issues not covered by WTO disciplines). For large entities such as the BRICSAM countries we discuss here, this non WTO may play an ever larger role in the evolution of the trading system in the years ahead. It may increasingly shape the system and as much in process and trade management terms as in precise and fully articulated legal disciplines. As such these regional agreements merit further attention from both trade theorists and practitioners.

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APPENDIX 1. Country specific summary tables – translations provided by authors

INDIA

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing		
1	Afghanistan	Preferential Trade Agreement	Goods (tariff elimination, ROO, exemptions, safeguard measures, settlement of disputes, joint committee)	6	3	Joint Committee at ministerial level, Working Group on Customs	Commercial entities – Arbitral Tribunal (joint committee and arbitral bodies of both countries) and Contracting Parties – negotiations	N/A	2003 March		Source: commerce.nic.in/india_afghan.htm accessed January 20, 2005
2	ASEAN	Framework Agreement on Comprehensive Economic Co-operation	Goods, Services, Investment, Economic Cooperation, EHP	10	3	Trade Negotiating Committee	Not set yet	N/A	2003 October		Source: www.aseansec.org accessed January 18, 2005
3	Bangladesh	Trade Agreement PTA, valid till Dec. 2001	NOTE: very general	4	N/A	N/A	N/A	N/A	1980 December		Source: commerce.nic.in/bangladesh.doc accessed January 25, 2005
4	Bhutan	Agreement on Trade and Commerce (temporary till 2005)	Free flow of goods	3	2 +protocol	N/A	Consultations	N/A	1995 February		Source: www.saarcnet.com/news/saarcnet/govtpolicies/bhutan/tradeagreebhut.htm accessed January 25, 2005
5	BIMST-EC (Bangladesh, Myanmar, Sri Lanka, Nepal, Bhutan, Thailand – Economic Cooperation)	Framework Agreement on BIMST-EC FTA	Goods (Fast/Normal Track), Services, Investment	11	N/A	Trade Negotiations Committee	Not set yet	N/A	2004 February		Source: commerce.nic.in/india_rta_main.htm accessed January 25, 2005
6	Ceylon	Trade Agreement	NOTE: very general	2	N/A	N/A	N/A	N/A	1961 October		Source: meaindia.nic.in/treaties/agreement/1961/chap233.htm accessed January 30, 2005
7	GCC (UAE, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia)	Framework Agreement on Economic Cooperation	Economic Cooperation Promotion, Feasibility of FTA in goods, services and investment, Trade Promotion, Investment Facilitation	4	N/A	Joint Committee for Economic Cooperation	Consultations within Joint Committee	N/A	2004 August		Source: commerce.nic.in/india_rta_main.htm accessed January 25, 2005

APPENDIX 1. Country specific summary tables – translations provided by authors

INDIA continued

8	Maldives	Trade Agreement	NOTE: very general	4	N/A	N/A	N/A	N/A	1981 March		Source: commerce.nic.in/maldives.doc accessed January 30, 2005
9	Mercosur (Brazil, Argentina, Uruguay, Paraguay)	Preferential Trade Agreement	Goods (tariff reduction, ROO, Safeguard Measures, Dispute Settlement in negotiation)	13	5	Joint Administration Committee	In negotiation – one of the annexes	N/A	2004 January	NOTE: A framework agreement on creation of the FTA was signed in June 2004	Source: www.sice.org accessed February 10, 2005
10	Nepal	Treaty of Trade PTA (temporary 2007, possible 2012) +Treaty of Transit	Goods (tariff reduction, ROO)	4	5 + protocol	N/A	N/A	N/A	1991 December		Source: cibresearch.tuck.dartmouth.edu/trade_agreements_db/index.php accessed March 2, 2005
11	SAARC (South Asian Association for Regional Cooperation – Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka)	Agreement on South Asian FTA (SAFTA)	Goods (Trade Liberalisation Programme – tariff reduction, Sensitive Track), Safeguard Measures, Dispute Settlement Mechanism), ROO in negotiation	14	N/A	SAFTA Ministerial Council, Committee of Experts	Bilateral consultations, if not solved – Committee of Experts settles the dispute	Concessions withdrawal having trade effects	2004 January		Source: cibresearch.tuck.dartmouth.edu/trade_agreements_db/index.php accessed March 2, 2005
12	Sri Lanka	Bilateral FTA and Comprehensive Economic Partnership Agreement in negotiations	Goods (tariff elimination, ROO)	10	3	Joint Committee at ministerial level, Working Group on Customs	Commercial entities – Arbitral Tribunal (joint committee and arbitral bodies of both countries) and Contracting Parties – negotiations	N/A	1998 December		Source: commerce.nic.in/india_fta_main.htm accessed January 25, 2005
13	Thailand	Framework Agreement for establishing FTA	Goods, Services, Investment, Economic Cooperation, EHP	9	1	Trade Negotiating Committee	Not set yet	N/A	2004 September		Source: commerce.nic.in/india_fta_main.htm accessed January 25, 2005

APPENDIX 1. Country specific summary tables – translations provided by authors

MEXICO

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing	
1	Bolivia	FTA	Goods (tariff elimination, quantitative restrictions prohibition, ROO, special provisions in textiles, agriculture, standards related measures, safeguards, prohibition of export subsidies and other unfair trade distorting measures), Services (quantitative restrictions elimination, technical cooperation, professional qualifications recognition), Entry visas rules for business persons, Investment (nondiscriminatory provisions and dispute settlement), Intellectual property protection,	183	36 annexes to specific chapters within the main text	Administrative Commission, Secretariat, Working Groups	Consultations, Commission mediation, Arbitral Tribunal	Suspension of benefits	1994 September	Source: www.sice.org accessed January 12, 2005
2	Canada, USA	NAFTA	Goods (tariff elimination, non-tariff barriers reduction, specific provisions in automotive, petrochemical, agriculture and textile sectors, ROO, Customs cooperation, Standard related cooperation, Safeguards, Exceptions), Investment (nondiscriminatory provisions and dispute settlements), Services (quantitative restrictions reduction, licensing rules), Intellectual property protection, Entry visas rules for business persons	375	7 (+annexes to specific chapters within the main text)	Free Trade Commission, Secretariat,	Consultations, Commission mediation, Arbitral Panel	Suspension of benefits	1993 December	Source: www.sice.org accessed January 12, 2005
3	Chile	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, standards related measures, safeguards), Customs procedures and cooperation, Services (future liberalisation of restrictions, technical cooperation), Entry visas rules for business persons, Investment (nondiscriminatory provisions and dispute settlement), Intellectual property protection	154	6 (+annexes to specific chapters within the main text)	Free Trade Commission, Secretariat, Working Committees	Consultations, Commission mediation, Arbitral Panel	Suspension of benefits	1998 October	Source: www.sice.org accessed January 12, 2005
4	Costa Rica	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, standards related measures, safeguards, prohibition of export subsidies and other unfair trade distorting measures), Customs procedures and cooperation, Services (future liberalisation of restrictions, technical cooperation), Entry visas rules for business persons, Investment (nondiscriminatory provisions and dispute settlement), Intellectual property protection	241	1 (+33 annexes to specific chapters within the main text)	Administrative Commission, Secretariat, Working Groups	Consultations, Commission mediation, Arbitral Tribunal	Suspension of benefits	1994 April	Source: www.sice.org accessed January 12, 2005

APPENDIX 1. Country specific summary tables – translations provided by authors

MEXICO continued

5	EFTA (Iceland, Norway, Liechtenstein, Switzerland)	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, standards related measures, safeguards), Customs procedures and cooperation, Services (future liberalisation of restrictions, prohibition of new/more discriminatory measures, technical cooperation, GATS based provisions in financial services), Entry visas rules for business persons, Investment promotion and cooperation, Competition policy cooperation, Intellectual property protection	49	21	Joint Committee, Working Sub-Committees	Consultation within Joint Committee, Arbitration Panel	Suspension of benefits	2000 November	Source: www.sice.org accessed January 12, 2005
6	European Union	FTA	Goods (tariff elimination, specific provisions in agriculture, industry, elimination of quantitative restrictions, safeguards), Customs cooperation, Standard related measures, ROO), Competition cooperation, Technical cooperation, Intellectual property protection, Entry visas rules for business persons	33	16	Joint Committee	Consultation within Joint Committee, Arbitration Panel	Suspension of benefits	1995 February	Source: www.sice.org accessed January 12, 2005
7	Group of Three (Mexico, Colombia, Venezuela)	FTA	Goods (tariff elimination, import/export restrictions prohibition, special provisions for automotive and agricultural products, ROO, standards related measures, safeguards), Customs procedures and cooperation, Prohibition of trade distorting measures (unfair practices), Services (future liberalisation of restrictions, technical cooperation), Entry visas rules for business persons, Investment (nondiscriminatory provisions and dispute settlement), Intellectual property protection	270	28 annexes to specific chapters within the main text	Administrative Commission, Working Groups	Consultations, Commission mediation, Arbitral Tribunal	Suspension of benefits	1990 September	Source: www.sice.org accessed January 12, 2005
8	Israel	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, standards related measures, safeguards), Customs procedures and cooperation, Competition policy cooperation, Government procurement	136	20 annexes to specific chapters within the main text	Free Trade Commission, Working Committees	Consultations, Commission mediation, Arbitral Panel	Suspension of benefits	2000 April	Source: www.sice.org accessed January 12, 2005
9	Japan	Economic Partnership Agreement (FTA)	Goods (tariff elimination, quantitative restrictions prohibition, standard related measures, ROO), Customs cooperation, Safeguards measures, Investment (nondiscriminatory provisions, dispute settlement), Intellectual property protection, Services (licensing and certification), Promotion, SME, Science and Technology, Education, Agriculture, Tourism and Environmental Cooperation, Entry visas rules for business persons	135	18	Joint Committee and Sub-Committees	Consultation, Arbitral Tribunal	Suspension of concessions	2004 September	Source: www.sice.org accessed January 12, 2005

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10	Nicaragua	FTA	Goods (tariff elimination, import/export restrictions prohibition, special provisions in textiles, agriculture, ROO, standards related measures, safeguards), Prohibition of unfair trade distorting practices, Customs procedures and cooperation, Services (future liberalisation of restrictions, prohibition of new/more discriminatory measures, technical cooperation), Entry visas rules for business persons, Investment (nondiscriminatory provisions and dispute settlement), Government procurement, Competition policy cooperation, Intellectual property protection	184	40 annexes to specific chapters within the main text	Administrative Commission, Secretariat, Working Committees	Consultations, Commission mediation, Arbitral Tribunal	Suspension of benefits	1992 August	Source: www.sice.org accessed January 12, 2005
11	Northern Triangle (Honduras, Guatemala, El Salvador)	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, standards related measures, safeguards, special provisions for agriculture, prohibition of unfair trade distorting measures), Customs procedures and cooperation, Services (future liberalisation of restrictions, prohibition of new/more discriminatory measures, technical cooperation, licensing, professional qualifications recognition), Entry visas rules for business persons, Investment (nondiscriminatory provision, investment promotion and dispute settlement), Intellectual property protection	219	3 (+29 annexes to specific chapters within the main text)	Administrative Commission, Secretariat, Administrative Sub-Commission, Working Committees	Consultations, Commission mediation, Arbitral Tribunal	Suspension of benefits	2000 June	Source: www.sice.org accessed January 12, 2005
12	Uruguay	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, standards related measures, safeguards, prohibition of unfair trade distorting measures), Customs procedures and cooperation, Services (future liberalisation of restrictions, prohibition of new/more discriminatory measures, technical cooperation, licensing, professional qualifications recognition), Entry visas rules for business persons, Investment (nondiscriminatory provision, investment promotion and dispute settlement), Competition policy cooperation, Intellectual property protection	240	5 (+19 annexes to specific chapters within the main text)	Administrative Commission, Secretariat, Working Committees	Consultation within Joint Committee, Arbitral Tribunal	Suspension of benefits	2003 November	Source: www.sice.org accessed January 12, 2005
13	Mercosur	Economic Complementation Agreement no. 54 – FTA	Initial agreement towards creating FTA – economic cooperation, investment promotion, development of means for trade facilitation, information exchange	3	N/A	Administrative Commission	N/A	N/A	2002 September	Source: www.sice.org accessed January 12, 2005
		Economic Complementation Agreement no. 55 – Automotive Industry	Creation of free trade in automotive industry: bilateral concessions, ROO, transition period	5	2	Automotive Committee	Consultation within the Committee and/or bilateral negotiation	N/A	2002 July	Source: www.sice.org accessed January 12, 2005

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SOUTH AFRICA

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing		
1	Botswana, Lesotho, Namibia, South Africa, Swaziland	South African Customs Union	Common Customs Area, free flow of goods within SACU countries, freedom of transit, protection of infant industries, Common Revenue Pool and revenue sharing	15	N/A	Council of Ministers, Customs Union Commission, Tariff Board, Tribunal, Technical Liaison Committees, Secretariat	Majority vote in the ad hoc Tribunal and/or consultation	N/A	2002 October (replaced 1969 SACU Agreement)		Source: www.tralac.org/scripts/content.php?id=961 accessed February 10, 2005
2	European Community	Trade, development and cooperation agreement	Free movement of goods, services and capital over 12 years in accordance with WTO rules; gradual tariff elimination, safeguard measures, ROO, competition policy, intellectual property, economic and development cooperation,	31	10 (264 pages – tables)	Cooperation Council	Cooperation Council decision if not solved – arbitration (majority vote)	N/A	1999 October		Source: cibresearch.tuck.dartmouth.edu/trade_agreements_db/index.php accessed February 10, 2005
3	Mercosur	Preferential Trade Agreement	Goods (tariff reduction/elimination, import/export restrictions prohibition, ROO, safeguards, standards related measures), Trade facilitation and cooperation	9	5	Joint Administration Committee	Consultations, Commission mediation, Group of Experts	Suspension of concessions	2004 December		Source: www.sice.org accessed February 10, 2005
4	South African Development Community	Free Trade Agreement	Goods (ROO, tariff/non-tariff barriers elimination, safeguard measures), Services, Investment, Economic Development	16	7	Council of Ministers of Trade, Trade Negotiating Forum, Committee of Senior Officials, Sector Coordinating Unit	Consultation or trade experts panel, last resort – SADC Tribunal	Concessions suspension	1996 August		Source: www.sadc.int/index.php?action=a1001&page_id=protocols_trade accessed January 10, 2005; www.sadc.int/index.php?action=a1001&page_id=protocols_trade accessed February 10, 2005

*Negotiated jointly with members of SACU

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CHINA

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing		
1	ASEAN	Framework Agreement on Comprehensive Economic Cooperation	Goods (tariff elimination, Normal/Sensitive Track, EHP), Services (restrictions elimination), Trade Negotiation Committee	21	4	Trade Negotiation Committee	Consultation	N/A	2002 November	NOTE: New agreements signed in November 2004 re goods in trade and dispute settlement.	Source: www.aseansec.org accessed January 18, 2005
2	Australia	Trade and Economic Framework	Strategic cooperation, Joint Feasibility Study	3	2	Joint Ministerial Commission	N/A	N/A	2003 October		Source: www.dfat.gov.au/geo/china/fta accessed January 18, 2005
3	GCC	Framework Agreement on Economic, Trade, Investment and Technological Cooperation	Possible FTA negotiations in future	N/A	N/A	N/A	N/A	N/A	2004 July	NOTE: Text not available	Source: www.fmprc.gov.cn/eng/wjdt/2649/t142542.htm accessed January 20, 2005
4	Hong Kong	Closer Economic Partnership Arrangement	Goods (tariff elimination, ROO, safeguards), Services (liberalization, Service Supplier), Investment facilitation, Steering Committee	13	6	Joint Steering Committee and Working Groups	Consultation	N/A	2003 June		Source: www.tid.gov.hk/english/cepa/fulltext.html accessed January 18, 2005
5	Macao	Closer Economic Partnership Arrangement	Goods (tariff elimination, ROO, safeguards), Services (liberalization, Service Supplier), Investment facilitation, Steering Committee	13	6	Joint Steering Committee and Working Groups	Consultation	N/A	2003 October		Source: www.economia.gov.mo/page/english/cepa_e.htm accessed January 18, 2005
6	New Zealand	Trade and Economic Cooperation Framework	Strategic cooperation, Joint Feasibility Study	3	2	Joint Ministerial Commission	N/A	N/A	2004 May		Source: www.mfat.govt.nz/foreign/regions/northasia/nzchina/ta/tecfmay04.html accessed January 20, 2005

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ASEAN

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing		
1	Australia, New Zealand	Framework for the AFTA-CER Closer Economic Partnership	Trade/investment facilitation/liberalisation plans, economic cooperation + guiding principles for FTA (2007, goods, services, investment)	3	1	N/A	N/A	N/A	2002 September (Principles – 2004 November)		Source: www.aseansec.org accessed January 18, 2005
2	China	Framework Agreement on Comprehensive Economic Cooperation	Goods (tariff elimination, Normal/Sensitive Track, EHP), Services (restrictions elimination), Investment promotion	21	4	Trade Negotiating Committee	Consultation	N/A	2002 November	NOTE: New agreements signed in November 2004 re goods in trade and dispute settlement.	Source: www.aseansec.org accessed January 18, 2005
3	India	Framework Agreement on Comprehensive Economic Cooperation	Goods (tariff elimination, Normal/Sensitive Track, EHP), Services (restrictions elimination), Investment promotion	10	3	Trade Negotiating Committee	Consultation	N/A	2003 October		Source: www.aseansec.org accessed January 18, 2005
4	Japan	Framework for Comprehensive Economic Partnership	Initial agreement, not very detailed, towards liberalisation in goods, services and investment trade	10	N/A	Committee on Comprehensive Economic Partnership	Consultation	N/A	2003 October		Source: www.aseansec.org accessed January 18, 2005
5	Korea	Comprehensive Cooperation Partnership	Framework for FTA (2007, will cover goods, services, investment)	5	1	N/A	N/A	N/A	2004 November		Source: www.aseansec.org accessed January 18, 2005

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BRAZIL

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing	
	Mercosur (Brazil, Argentina, Uruguay, Paraguay)	Southern Common Market agreement	Common market (elimination of restrictions in goods trade, ROO, common external tariffs, common macroeconomic policy, safeguards, institutional arrangements)	7	5	The Council of the Common Market, Common Market Group and its Working Groups	Bilateral consultations, if not solved – Common Market Group settles, if not – The Council	N/A	1991 March	Source: www.sice.org accessed February 10, 2005
	* Andean Community (Colombia, Ecuador, Peru, Venezuela)	FTA	Goods (tariff elimination (lists of sensitive goods), import/export restrictions prohibition, ROO, prohibition of unfair trade distorting measures, safeguards, standards related measures), Competition and consumers protection, Promotion of commercial integration and cooperation, Services (liberalisation as under GATS), Transport facilitation, Intellectual property protection, Promotion of investments, Scientific and technological cooperation, Promotion and exchange of information	Differs by agreement	Differs by agreement	Administrative Commission	Consultations, Commission mediation, Group of Experts	Suspension of concessions	2003 (year of establishing of the FTA)	NOTE: Mercosur and different members of the Andean Community signed a number of agreements complementing the 1998 Framework Agreement. Source: www.sice.org accessed February 10, 2005
	3* Bolivia	FTA	Goods (tariff elimination, import/export restrictions prohibition, ROO, prohibition of unfair trade distorting measures, safeguards, standards related measures), Promotion of commercial integration and cooperation, Services (possible future liberalisation studies), Promotion of investments, Scientific and technological cooperation, Promotion and exchange of information	14	11	Administrative Commission, Business Advisory Committee	Consultations, Commission mediation, Group of Experts	N/A	1996 December	Source: www.sice.org accessed February 10, 2005

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BRAZIL continued

4*	Chile	FTA	Goods (tariff elimination (lists of sensitive goods), import/export restrictions prohibition, ROO, prohibition of unfair trade distorting measures, safeguards, standards related measures), Competition and consumers protection, Promotion of commercial integration and cooperation, Services (liberalisation as under GATS), Transport facilitation, Intellectual property protection, Promotion of investments, Scientific and technological cooperation	10	15	Administrative Commission	Consultations, Commission mediation, Group of Experts	N/A	1996 June		Source: www.sice.org accessed February 10, 2005
5*	Egypt	Framework Agreement	Framework for subsequent FTA negotiation	4	N/A	Negotiating Committee	N/A	N/A	2004 July		Source: www.sice.org accessed February 10, 2005
6*	European Union	Interregional Cooperation Agreement Mercosur-EU	Framework for subsequent FTA negotiation	19	N/A	Cooperation Council, Joint Subcommittee on Trade	N/A	N/A	1995 December		Source: www.sice.org accessed February 10, 2005
7*	India	Preferential Trade Agreement	Goods (tariff reduction, ROO, Safeguard Measures, Dispute Settlement in negotiation)	13	5	Joint Administration Committee	In negotiation – one of the annexes	N/A	2004 January	NOTE: A framework agreement on creation of the FTA was signed in June 2004	Source: www.sice.org accessed February 10, 2005
8*	SACU	Preferential Trade Agreement	Goods (tariff reduction/elimination, import/export restrictions prohibition, ROO, safeguards, standards related measures), Trade facilitation and cooperation	9	5	Joint Administration Committee	Consultations, Commission mediation, Group of Experts	Suspension of concessions	2004 December		Source: www.sice.org accessed February 10, 2005

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9	* Mexico	Economic Complementation Agreement no. 54 – FTA	Initial agreement towards creating FTA – economic cooperation, investment promotion, development of means for trade facilitation, information exchange	3	N/A	Administrative Commission	N/A	N/A	2002 September		Source: www.sice.org accessed February 10, 2005
		Economic Complementation Agreement no. 55 – Automotive Industry	Creation of free trade in automotive industry: bilateral concessions, ROO, transition period	5	2	Automotive Committee	Consultation within the Committee and/or bilateral negotiation	N/A	2002 July		Source: www.sice.org accessed February 10, 2005
10	* Gulf Cooperation Council (UAE, Bahrain, Kuwait, Oan, Qatar, and Saudi Arabia)	Framework Economic Cooperation Agreement	Initial agreement towards creating FTA – economic, commercial, technical, and investment cooperation, promotion of bilateral exchanges	N/A	N/A	Joint Economic, Technical, and Investment Committee	N/A	N/A	2005 May	NOTE: Text not available	Source: www.ictsd.org/wee kly/05-05- 12/inbrief.htm accessed May 14, 2005

*Negotiated jointly with other members of Mercosur

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RUSSIA

	Country	Type of Agreement	Includes	Length (pages)	Annexes	Institutional arrangements	Dispute settlement	Enforcement mechanism	Date of Signing		
1	CIS (Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Moldova, Russia, Tajikistan, Turkmenistan)	FTA	Goods (elimination of tariffs and other barriers to trade, ROO, harmonization of technical requirements, unification of customs procedures, prohibition of export subsidies, scientific cooperation, exceptions), Services (gradual elimination of restrictions)	16	2 + 1 protocol	Inter-State Economic Committee of the Economic Union	Consultations, conciliatory procedure, Economic Court of CIS	N/A	1994 April		Source: cibresearch.tuck.dartmouth.edu/trade_agreements_db/index.php accessed March 2, 2005
2	European Union	Partnership and Cooperation Agreement	Goods (most favoured nation treatment according to GATT/WTO), economic cooperation in different sectors	87	10 + 2 protocols	Cooperation Council, Cooperation Committee, Parliamentary Cooperation Committee	Arbitration or Council's recommendation	N/A	1994		Source: europa.eu.int/comm/external_relations/russia/intro/index.htm accessed March 2, 2005
3	FR Yugoslavia	FTA	Goods (tariff elimination, ROO)	2000 August	Note: text not available	Source: www.siepa.sr.gov.yu/importing/free/russia.htm#RULES accessed February 2, 2005
4	Georgia	FTA	Goods (elimination of tariffs and other barriers to trade, ROO, prohibition of export subsidies, economic, technical, and scientific cooperation, safeguards), freedom of transit	5	0	Commission	Negotiations	N/A	1994 February		Source: cibresearch.tuck.dartmouth.edu/trade_agreements_db/index.php accessed March 2, 2005

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5	Kyrgyzstan, Kazakhstan, Belarus, Tajikistan	Eurasian Economic Community	Promotion of customs union/common economic space	9	N/A	Interstate Council, Integration Council, Inter- Parliamentary Assembly, Community Court	N/A	N/A	2000 October	Source: mba.tuck.dartmouth.e du/cib/trade_agreeme nts_db/archive/EAEC. pdf accessed March 1, 2005
6	Poland	Cooperation Agreement	Broad economic cooperation (cooperation in gas, oil industry, SME cooperation, certification and standardisation, chambers of commerce cooperation, development of services in consulting, banking, and other areas etc)	5	N/A	Inter-government committee for trade and economic cooperation	N/A	N/A	2004 November	Source: Ministry of Foreign Affairs, Poland
7	Ukraine, Belarus, Kazakhstan	Single Economic Space	Foreign trade, tax, monetary, currency policies coordination	4	N/A	Council of Heads of States, Executive Commission	Consultation	N/A	2003 September	Source: www.kremlin.ru/ text/docs/2003/09/524 78.shtml accessed March 1, 2005

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