

international treaty. Domestic and international rules and rule makers must work together, must learn from each other and reap the benefits of trade. As a concrete example, both the NAFTA and the WTO set out a range of enforcement procedures to be implemented domestically: bid challenge review procedures for procurement, civil remedies for trade-related intellectual property matters, and procedural requirements for the conduct of trade remedy proceedings, to name just a few. Domestic forums are, in effect, being asked to act as agents to enforce the international rules.

As Canadians, we are particularly well placed to assist in the construction of this new rules-based architecture. We have always been committed to the overarching ideal of the rule of law, both within and among nations. And, as a small country, open to the world through the tremendous percentage of our economy given over to trade, we are quite comfortable with interdependence and international regulation and have already taken steps toward strengthening the rule of international trade law. As an example, within the NAFTA, Canada participates in an investor-state dispute settlement mechanism, under which a foreign investor may invoke international arbitration directly against its host government to enforce the rules of the treaty. Final awards in such matters are given direct application in domestic law. The pending negotiations concerning the OECD's proposed Multilateral Agreement on Investment may well draw on this example, providing as it does a powerful counterweight to special-interest lobbying by obviating the need for companies to politicize disputes.

As they unfold, the judicialization of dispute settlement and the growing interplay between the domestic and the international must have a significant impact on your daily lives as legal professionals. New opportunities will arise in the practice of law. But there is also a professional responsibility to stay current with international legal developments. If the statute that you interpret or apply flows from international considerations or has international consequences, you must be aware of this international dimension. If enforcement of global trade rules in part takes place at the domestic level and is not limited to the government-to-government arena, your advice must include continuing analysis of these rules. If domestic courts and tribunals are becoming local agents for the enforcement of international rules, then the relationship between domestic law and international law must be recognized explicitly. The practice of law is thus at the epicentre of a developing rule of international trade law.

Governments are not leading the charge; we are simply trying to keep up with global trade patterns. We cannot achieve this without trade rules to back us. We need the rule of law, as