

INTERNATIONAL TRADE LAW

TREATIES

1. THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION AND ASSOCIATED TREATIES

The World Trade Organization (WTO) was created in 1994 to provide an institutional framework for the conduct of international trade pursuant to multilaterally agreed rules. It is essentially a council made up of representatives from all member states. It oversees all the agreements concluded in the Uruguay Round of Multilateral Trade Negotiations, including the *General Agreement on Tariffs and Trade 1994*, the *General Agreement on Trade in Services*, and the *Agreement on Trade-Related Aspects of Intellectual Property Rights*. The WTO is a forum for negotiations and consultations, and it oversees the dispute settlement procedures used in instances where member states are unable to resolve their differences respecting rights and obligations under WTO Agreements. It also cooperates with other international organizations including the International Monetary Fund and UNCTAD with a view to achieving greater coherence in global economic policy.

2. THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994

This Agreement is incorporated into the new WTO Agreements and merits separate mention as one of the most important trade law treaties. Like its predecessor (GATT 1947), the GATT 1994 is a multilateral treaty establishing the basic rules applicable to trade in goods and providing the foundation for many of the obligations contained in the *North American Free Trade Agreement* (see below). It is a continuation of the original GATT of 1947 and is virtually identical to it in substance, although it is legally a distinct treaty. It is through the GATT that global tariffs have been lowered and that such principles as “most-favoured-nation treatment” and “national treatment” have been universalized. Note that the GATT does not apply to trade in services, which has been covered since 1994 by the *General Agreement on Trade in Services* (GATS).

3. THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

The NAFTA applies only to Canada, the United States and Mexico. It covers trade in goods, includes trade in services, intellectual property obligations and establishes a rules-based framework for investment. It also requires most government procurement contracts to be open to bids from corporations of the other member states. The NAFTA provides for binding dispute settlement, including investor-state arbitration with respect to investment obligations negotiated by the parties under the Agreement.

4. BILATERAL TRADE AGREEMENTS

Canada has bilateral free trade agreements with Chile and Israel. These are smaller-scaled agreements modelled on the NAFTA.