

El futuro del libre comercio en el continente americano

Análisis y perspectivas

(The Future of Free Trade in the Americas.

Analysis and Perspectives)

Sergio López Ayllón, compiler

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Globalization and international economic integration bring about the end of autarchic, monolithic economies understandable in terms of a few endogenous factors. At the same time, they make way for a new economic, legal and social scenario characterized by interdependent decisions and changing international geopolitics, which will attempt to leave behind the binary North-South, capitalism-socialism models to move toward a structure based on trade blocs which, while not completely closed, do try to be as homogeneous as possible.

The dilemmas and questions arising from the quest for economic and legal homogeneity in the trade bloc covered by the

North American Free Trade Agreement (NAFTA) is the center of the thinking in the essays in this compilation. As the title indicates, they attempt to draw a balance sheet and trace some perspectives for NAFTA rather than come up with snap judgments that try to be the last word on the recent trade opening in a region traditionally marked by protectionism or a lack of competitiveness. The essays in this book are organized around four main topics: the tension between multilateralism and regionalism; the relationship between domestic policies and free trade; the legal and social impact of free trade; and the mechanisms for the settlement of disputes.

The first topic looks at the supposed contest between multilateralism and regionalism showing that far from being two opposing visions, multiculturalism and regionalism are not contradictory at all. On the one hand, regional development efforts only take on meaning and medium- and long-term possibilities of fruition if they are part of a broader strategy of international integration. On the other hand, the proliferation and expansion of free trade areas must be based on regional agreements giving rise to common plans which can be the basis for seeking more open integration. The process, then, consists of the gradual construction of multilateralism built out of regional agreements.

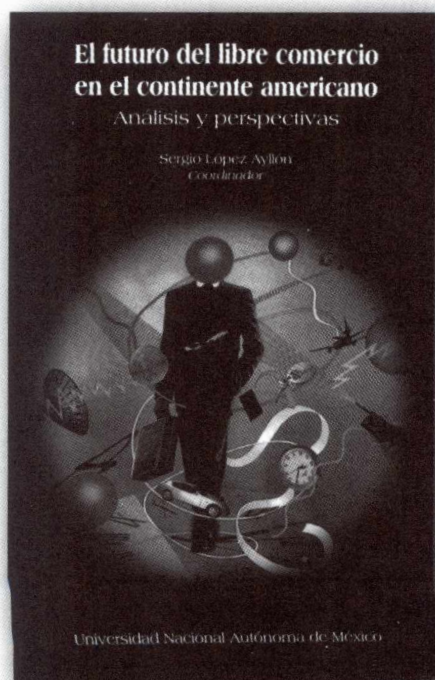
The second section of the book presents a less optimistic view than the first: it delineates the unevenness there has been

up until now between domestic policies and free trade, not only due to the lack of autarchy in decisions made by countries like Mexico—and, soon, Chile—in a globalized scenario, but also because of the hegemonic role played by the United States in the area. Unilateral—often restrictive—U.S. trade measures put a question mark over the complexity of trade competition among countries in the region. In that sense, Canada may be a counterweight to the United States and perhaps deflect the negative effect of U.S. unilateral measures.

The book's third section shows how economic interdependence has also had an impact on legal and social systems. Complying with the legal obligations stipulated in the trade agreements, particularly when they have been made with countries with a different legal tradition from Mexico's, makes it necessary to question the latter's formalism and provincialism and seek a more comprehensive focus. The book presents us with further unevenness between regional and multilateral social concerns: NAFTA's positive impact on better working conditions and employment in Mexico has been practically nil, which brings serious questions to the fore about the limits of economic integration.

The last topic is related to this, although it delves mainly into the more specific legal consequences of free trade: the mechanisms for dispute settlement, particularly those covered by NAFTA's Chapter XIX. Chapter XIX inaugurates an unprecedented mechanism for settling disputes: binational and multinational panels which review the final resolutions of national administrative officials in questions of dumping and compensatory quotas. These panels are important in that they are supranational bodies with real authority to implement their resolutions, thus offering weak countries a new legal instrument to exercise their rights in a context traditionally dominated by the strongest players on the field.

In conclusion, although not all the articles analyze the impact of free trade in the region with the same depth, as a whole they offer a plural vision that serves as a general introduction for those unfamiliar with the topic, and some articles pose questions and perspectives that experts will find useful. ■■



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