

Ministry of Agriculture and Agrarian Reform

# NAPC

National Agricultural Policy Center

**POLICY BRIEF NO 27**

## **Regional Trade Agreements**

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# Introduction

Regional bloc<sup>1</sup> is the initiative taken by regional governments in one region to liberalize and facilitate intra regional trade, by establishing either free trade areas or custom unions. Regional trade has been gaining increasing importance in the international economy. It accounts for 55% of total global trade<sup>2</sup>. Regional trade agreements (RTAs) total number increased by 8 times comparing to the 80s total number. Currently, RTAs dominate on 40% of international trade. The stumbling in multilateral negotiations, as well as their ramification and complexity, led to more promotion of regional trade day after day. RTAs offer several advantages to the member countries, considering their various types. They also contribute in developing the region, and they increase the activity of their countries in the multilateral trade system. RTAs are main part of developmental plans for most developed and developing countries. Despite the fears that RTAs may have negative impacts on international trading system, total number of these agreements is still increasing rapidly, especially after 2000. This direction gained more depth with the accession of great economic blocs and important developing countries to the ground of competition, motivated by their desire to get wider market accession. RTAs are notable phenomenon that is irreversible. During recent years, the number of preferential agreements, as well as preferential trade portion of global trade, has been continuously increasing. For example, in 2004, WTO secretariat received 43 RTA notifications, which makes the year 2004 a historical year for the RTAs. WTO members deal with RTAs as a policy- trading tool, or as a complementation to the Most Favored Nation (MFN) policy. Economic considerations are one face of RTAs complex strategy, but there are several other faces, such as political considerations and others. This proliferation of RTAs is a challenge and an advantage for the WTO and multilateral system at the same time. The critical role of regional blocs is embedded in shrinking economic impacts of countries' borders in one region<sup>3</sup>.

## General trends related to RTAs in the international scope

Since 2005, four mainstreams that reflect RTAs developments can be noticed:

1. There is noticeable change in positions of countries that have been always relying on multilateral trade liberalization to make RTAs the core of their trading strategy in the next stage.
2. RTAs became complex, and in many cases, their legislative systems are ore strict and detailed than the WTO's.
3. Reciprocal preferential agreements between developed and developing countries are increasing, which reflects less dependency of some developing countries on none reciprocal preferential system.
4. Although RTAs are regional, the dynamics of RTAs show similar types of separation and coherence; first, we witness increasing number of cross-regional agreements, which represent considerable portion of growing RTAs activities, and second, RTAs based on continental ground are also more active and vital comparing last decades.

## Types of RTAs

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<sup>1</sup> The term "block" is used in the context of "countries' alliance".

<sup>2</sup> ESCWA (2007)

<sup>3</sup> Caiero J. et al. (after 1997)

Concerning RTAs types, the most common type of RTAs are **free trade area agreements (FTAs)**, which represent 84% of total active RTAs; according to such agreements, trade barriers among members are eliminated, but each member can maintain its policies against third parties. **Restricted agreements** and **custom unions** (an RTA that adopt single foreign trade policy for all members) represent 8% each. Moreover, there are sub-forms of custom unions that imply deeper integration, such as common markets, which are custom unions that allow moving production factors as well as products across borders, and economic unions, which imply higher level of harmonization in terms of national economic policies<sup>4</sup> and allow moving products and product factors across members intra borders.

The reason behind FTAs' domination is that they demand less time for negotiation, and minor level of political harmonization among members. Each member can maintain its own policy towards third parties; however, custom union requires establishing common tariff and harmonizing foreign trade policies, which mean more losses in terms of members' own margins, longer period for negotiations, more complicated negotiations and more extended time for implementation.

#### *Preferential agreements as a special type of RTAs*

Preferential agreements are discriminatory policies that seek trade liberalization with specific partners. International trading system is characterized by huge number of preferential agreements, which can be categorized in two groups: bilateral symmetrical agreements that imply symmetrical trade liberalization, and asymmetrical unilateral agreements that imply asymmetrical trade liberalization aiming to support one country. The supported country in this case gains better market accession to its partners' markets, without being requested to open its national markets at the same level. This second type of preferential agreements is used widely as a mean to integrate developing countries within the international trading system. Some observers think that the increased rush towards RTAs means necessarily that discriminatory preferences' share in RTAs are increasing, which will leave negative impacts on the multilateral trading system.

#### **Terms of RTAs**

RTAs are economic initiatives that aim to practice free trade. Depth of RTAs differ from one to another. Some RTAs cover limited area of custom tariffs, while others wrap a wider range and more comprehensive arena, and include a long array of trade legislations. Recent agreements are not restricted to tariff reduction only, but they add more complicated issues, such as Sanitary and Phytosanitary measures, Technical Standards, None Trade Barriers (NTBs), environment and Aid for Trade.

Regarding RTAs members' commitments, they differ according to agreement's type. In case of FTAs, trade barriers among RTAs members are to be eliminated or reduced, but individual commercial policies with third parties are to be kept and maintained, which allow members to protect their sensitive sectors. However, this may conversely add problems to the national economy if a third party exported its products to a member country, and then re-exported them to the member country protecting the sector. The custom union doesn't face such problems because it doesn't imply eliminating or reducing trade barriers among members only, but also unifying members' foreign trade policies (especially customs); nonetheless, it will be difficult for a member to protect one sector because it needs it to negotiate the issue with all other members to agree on high unified tariff for all members.

#### **RTA Success's condition**

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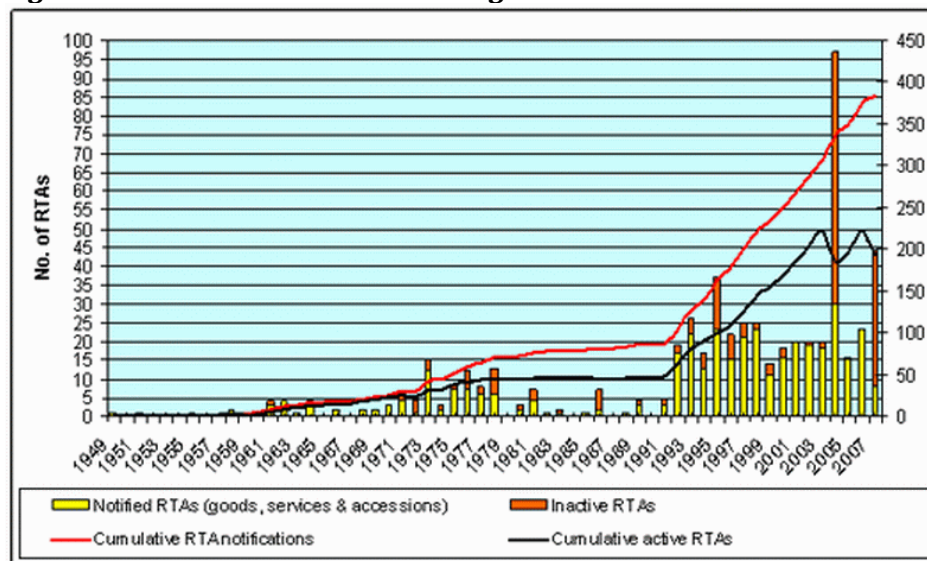
<sup>4</sup> There is also sub-type of economic union, which is complete economic union. In this case, higher union's institutions activate economic policies in all member countries.

Success of an RTA is conditioned to members' ability to integrate economically; therefore, the larger this ability is, the greater expected benefit would be. This integration should be built on comparative advantages for each country. For example, one country can specialize in exporting tropical crops, while another can specialize in producing some industrial goods, and so on.

### Numbers of RTAs

In parallel with GATT multilateral trade negotiations, RTAs were announced since the 50s of past century, and their numbers have been increasing until now. The most remarkable one was the common European market, which became later the EU that currently has huge impact on international agricultural markets. Several factors play big role in terms of pushing countries to coliate regionally and protect themselves. Until mid 1998, WTO has been notified about more than 100 RTAs, beside a huge number of RTAs that were not notified although they are active or partially active. Moreover, until the early 2005, the WTO received about 312 RTA notifications, including 170 activated RTAs. Too, there were 65 activated RTAs but not notified then. According to United Nations Economic and Social Commission for Western Asia (ESCWA) report, published in 2007<sup>5</sup>, last decade witnessed increasing rush to launch RTAs and bilateral agreements among WTO members. Available data registered 54 agreement between 2005 and 2006, which indicates to the increasingly outburst of WTO members to participate in these agreements.

**Figure 1- Accumulation of RTAs during last decades.**



Source: Crawford (2006).

### Main regional blocs

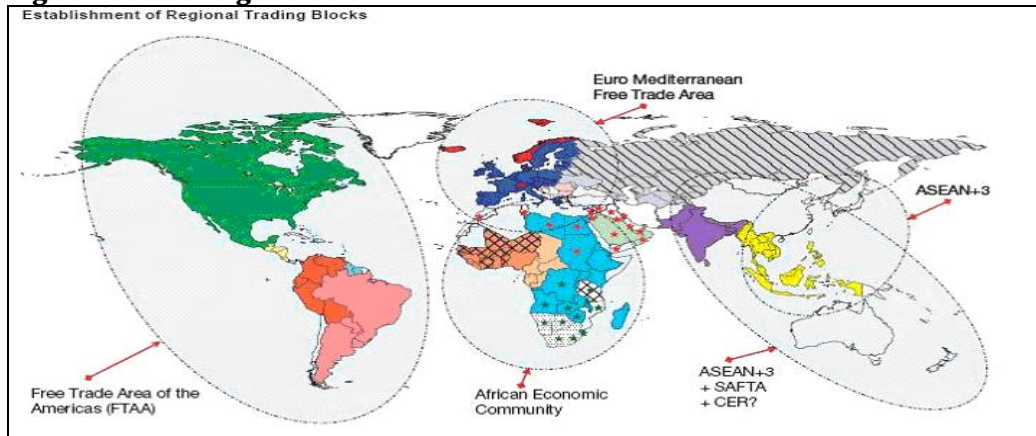
The phenomenon of RTAs is imminent in the western hemisphere and Asian pacific rather than other regions. RTAs in these two regions are agreement to unify the western hemisphere (North and South America) in one FTA. ASIAN initiative<sup>6</sup>, which was launched in order to develop trade in Asian countries, and NAFTA, which comprise the US, Canada and Mexico in one area. In addition, Southern Common Market (MERCOSUR) and Andean group can be mentioned in terms of South America. In Africa, there is Southern African Development Community (SADC), and in Europe, the scenery is characterized by the EU, which is the biggest trading force

<sup>5</sup> See Al ektesadiah newspaper, issue No.5115.

<sup>6</sup> Includes principally ASIAN area plus some other countries.

internationally, and also European Economic Area (EEA)<sup>7</sup>. Moreover, if the EU reaches an agreement with MERCOSUR, the largest FTA in the history will appear on the stage of international economy.

**Figure 2 - Main regional blocs.**



Source: WTO (2007)

### Specifications of RTAs

1. The scenery of FTAs currently is various and complex. Moreover, the complexity increases in parallel with the overlapping of FTAs through and among world countries. Some economists name this situation "spaghetti dish". In fact, more than half-current international trade is conducted through intra regional blocs, either current blocs or potentials. Almost each country in the world is a member of one FTA at least, too.
2. Although RTAs are classically referred to as WTO+, but this is not necessarily very true. For instance, while an agreement that restrict imposing anti-dumping measures in its region can be considered a WTO+, this can't be said about agreements that include less restricted legislations about intellectual properties than what has been mentioned in the TRIPS<sup>8</sup>.
3. Geographical considerations play a central role in custom unions. Usually, FATs are stroked among – the so called – natural partners, such as the Great Arab Free Trade Area (GAFTA), the EU and North America Free Trade Area (NAFTA). However, once a country consumed its region's potentials, it starts looking for preferential agreements with countries that belong to other regions.
4. "Rules of origin" is an original character of FTAs, where each member can maintain its custom system against third parties. These rules are considered a tool to determine whether imported goods deserve to be treated preferentially or not, and to block faked products from accessing the region with low tariff.
5. Currently, countries are rushing towards bilateral agreements rather than custom unions. This creates huge increasing in intersections and overlapping among agreements, in shade of that each has its own schedule and rules of origin.
6. If the agreement adopts the principle of Big Bang (immediate, comprehensive and complete liberalization), and liberalizes all tariffs for all products once the agreement is activated, then there will be no need to

<sup>7</sup> See the annex of most important RTAs at the end of this brief.

<sup>8</sup> The Agreement on Trade-related Aspects of Intellectual Property rights.

negotiate a commitments' agenda. However, this rarely occurs, and usually most agreements have a timetable for reducing taxes bilaterally. The schedule of tariff reduction may be asymmetrical, so it grants a member longer period for implementation or exemption from tariff reduction in some sensitive sector, in other cases, the schedule could be symmetrical.

7. Concerning the legislative side, the flexibility in RTAs may create disorder of laws and rules, which soften the principle of transparency and predictability in trading relationships.
8. There are various types of trade facilitations, ranging from reciprocal admitting, through unifying the requested documents and trade manifests, cooperation and coordination at borders' vocal points, reaching to coordination in policies and other issues.<sup>9</sup> The interesting point in these measures is their dependency on international standards, which make it easy to extend them for regional level to international level. In addition, using international standards would ease conducting trade facilitations among different regional blocs from one side, and among countries related to one FTA on the other side.

### **The relationship between the WTO and FTAs**

If RTA rules were in harmonization with the WTO multilateral rules, the RTA would be complimentary to the multilateral liberalization, but if the RTA was discriminatory against third parties, or was imposing complex net of trading system, then it would be in conflict with WTO rules and multilateral trading system. The stumbling in Doha Round negotiations resulted in strengthening regional relationships. Some countries claim that their participation in RTAs would motivate competitively multilateral liberalization through developing trade liberalization in several fronts. Other countries are attracted to RTAs as a mean to protect their market accession, in shade of absence of MFN liberalization. In the following points, main features of WTO-RTAs relationships are reviewed.

1. WTO and RTAs share the same target, which is trade liberalization, but RTAs are discriminatory, on contrary of the WTO. Tracing the same target with different approaches might lead to bilateral tensions. Considering that maintaining trade liberalization based on MFN principle is facing increasing difficulties, and that sectors of interest for some countries are exempted from multilateral negotiations' agenda, there would be no choice to resume trade through RTAs. RTAs allow members to liberalize specific favorable markets.
2. According to MFN liberalization's supporters, prevalence of RTAs would "hinder international trade model, which the WTO tries to establish, and would undermine the transparency and predictability in international trade." RTAs also "create difficulties for third parties through reducing attentions paid to multilateral trade agenda, and generating deep-rooted interests and benefits among RTA member countries, which will induce them later to resist international efforts for shrinking margins of preferences"<sup>10</sup>. One of the possible results of these tensions is threatening developmental balance in the WTO through increasing investment and trade variety, especially if the liberalization is preferential. One possible impact also is threatening work and production environment; Basically, RTAs may raise production costs through legislative complexities, and shift the production from which comparative advantage is dominating to where competitive advantage (preference) is prevailing." Some economists see that RTAs offer some advantages to

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<sup>9</sup> ESCWA (2007)

<sup>10</sup> Al Mu'tamar, Iraqi newspaper, 25-7-2005.

developing countries, but “multilateral trading agreement that reduce protectionism, especially in areas that developing countries have comparative advantages in them, would promise the most possible benefits for developing countries.”<sup>11</sup>

3. WTO negotiations about RTAs: in Doha declaration, there was a signal to the RTAs as a possible major player in terms of trade liberalization promotion, and fastening economic development. The declaration also emphasized the need to a harmonized relationship between multilateral and regional progresses. Consequently, ministers agreed to launch special negotiations in order to clarify and enhance rules and procedures related to the RTAs in the WTO. The idea was to facilitate establishing cross-regional trade agreements, try to find better controlling on RTAs dynamic, and reduce risks resulted from RTAs proliferation. After launching negotiations about rules of RTAs in Doha round, some technical issues were put on table of negotiations, such as rules of origin and proposed procedures to ensure that RTA rules are consistent with WTO rules. RTAs negotiations proceeded on two ways: one of technical nature, and another with loyal and regulatory scheme. Negotiations made some progress on the second way, but they still facing some difficulties considering strong correlation between RTAs rules with other legislative area. Regarding the first way, WTO members signed formal agreement about initial decision that comprises a mechanism to ensure transparency in terms of RTAs. The decision was applied since December 2006; the rest is waiting the conclusion of Doha round.
4. WTO rules about RTAs: basically, RTAs are against WTO none discrimination principle, but article 20 of GATT, as well as WTO agreement 1994, exempt RTAs from these rules, conditioned to respect some provisions that circle around one point: the RTA has to be in favor of multilateral liberalization, and not in contrast with it. The provisions can be summarized in two points<sup>12</sup>:
  - a. The aim of an RTA should be trade facilitation among its members, and not hinder third parties’ trade.
  - b. Enabling Clause: it means the possibility of launching preferential agreements with developing countries, in case they do not create barriers to third parties’ trade, and the WTO secretariat is informed about the agreements.

WTO members are obliged to inform the WTO secretariat about new RTAs, and their harmony with the WTO rules will be discussed in RTAs and bilateral committee, then the committee states its final decision about each agreement.<sup>13</sup>

Article 24 of WTO agreement about tariff and trade declared that RTAs are allowed in case the RTA implies complete elimination of tariffs among RTA members. The article conditioned the permission to delivering a timetable for gradual elimination of tariffs, and to ensure that intra RTA trade is at least 80% of total region trade.

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<sup>11</sup> Hoekman B. et al. (2002)

<sup>12</sup> In terms of services' trade, there is third point about respecting GATS agreement.

<sup>13</sup> In fact, the committee is at the beginning of its work, and it's expected to face difficulties in reaching a consensus due to loyal and political complexities.

## **Agriculture in the RTAs**

RTAs seldom deal with agricultural sector as one package. First, because issues like agricultural domestic support cannot be treated through limited number of preferential partners. Second, because local lobbies resist multilateral liberalization in such sectors as well as bilateral liberalization. Agriculture is mostly considered as a problematic sector in RTAs, because it is the most distorted sector either in terms of its huge domestic support comparing to other sectors or in terms of its considerable protection in some countries. Consequently, agriculture's liberalization in the context of an RTA would conflict with pricing policies in member countries. Thus, members have either to abandon these policies or face the inrush of cheap agricultural products imported from partners that enjoy low agricultural prices. Therefore, agricultural usually are excluded from RTAs (as in European Free trade Area) or treated separately (as in the Syrian European partnership). In general, the more differences among member countries' agricultural polices (protectionism, domestic support, export subsidies) there are, the more difficult is to find a compromise.

## **Arabic Agreements**

Arabic countries joined several RTAs, the most important among them are: GAFTA; Economic Cooperation Organization; Gulf Cooperation Council; Arabic Maghreb Union; Free Trade Area signed in 2001 by Syria, Iraq, Libya and Egypt<sup>14</sup>; beside the membership of some Arabic African countries in COESA<sup>15</sup>. All these agreements shared one characteristic: covering agricultural sectors, and encouraging and facilitating intra agricultural trade. Concerning GAFTA, 17 Arabic countries agreed to liberalize intra trade, including intra agricultural trade, during the period 1998-2007. Later on, the deadline was reset at 2005. At 2005, all tariffs have been reduced 100%, and goods were free to move cross Arabic borders. GAFTA has rules that are stricter than the WTO rules<sup>16</sup>. GAFTA follows WTO rules in terms of support, protection, dumping, rules of origin, specifications, taxes of similar impact, and even transparency and exchanging information. However, "national treatment for Arabic goods only" is conflicting with WTO rules. Moreover, there is some ambiguity regarding critical features to eliminate none trade barriers (NTBs), and their timetable. On the other hand, Economic Cooperation Organization (ECO) made considerable progress in deepening economic cooperation among its members. Members agreed to launch a FTA in 2006.<sup>17</sup> Regarding Gulf Cooperation Council, "it launched later a custom union, and it intends to establish common market."<sup>18</sup> Most Arab countries also are connected with the EU through partnership agreements, and through European-Mediterranean partnership. Nevertheless, despite all these agreements, Arabic agricultural trade is still far-reach, and GAFTA failed to activate intra Arabic trade. In addition, Arabic agricultural trade with the EU through partnership agreements were as various as countries' situations.

## **Economic Analysis of RTA**

The economic impact of an RTA depends on its special engineering, partners' trading impact, and the level of liberalization agreed on. Analyzing FTAs is more complex than analyzing multilateral trading liberalization. WTO rules request members (not in case of RTAs) to never raise a tariff higher than their counterparts in other

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<sup>14</sup> To be converted into custom union later.

<sup>15</sup> It is an agreement to establish FTA cross many African countries, to be converted into custom union later. Egypt is one of it most important members.

<sup>16</sup> GAFTA is considered as a complementary agreement for the GATT, and it relies on chapter 4 of GATT (dedicated to developing countries and regional blocs) that offers 10 years for establishing a regional economic bloc.

<sup>17</sup> Source: FAO (2006)

<sup>18</sup> Same source.

member countries, and never reduce a tariff for one member countries and exclude others. Therefore, any tariff reduction for a country would be for all member countries, and any increasing in importation from one member country would replace national production (and not importation from another member country). However, in terms of FTAs, reducing trade barriers for one country would increase competitiveness towards imports from other countries as well as national production. Consequently, the increase in imports from one country may replace other countries' exports or it may replace national production.

Economists name replacing national production by one country's exports *trade creation*, because it results in increasing net trade. Replacing other countries' exports is called *trade diversion*, because it does not increase net trade but diversifies its sources. The important difference between trade creation and trade diversion is that the former may produce economic benefits differently from the latter. Although trade creation may harm some sectors, it is useful in general. Trade creation occurs only when the import price is lower than national production's cost. Therefore, it allows getting the same product by lower price; however, trade diversion is less probable to be useful. Some sectors may benefit from trade diversion, but that is only due to losing some returns for the benefiting country only.

In general, RTAs are expected to increase both trade creation and trade diversion, but if trade diversion is bigger than trade creation, the result of the RTA may be a partial injury rather than a total benefit. Nonetheless, the more RTAs are launched, the more recent RTAs are expected to be less trade diversion, and more contradicting the previous RTAs trade diversion. At the end, establishing individual FTA with all countries in the world would eliminate trade diversion's influence completely and keep trade creation's impact only. Just as if the negotiations were multilateral. At the end, it is more probable that developing countries would lose in a south-south agreement than in joining a north-south agreement. The reason is that south-south agreement is expected to have little trade creation. Similarly, there is real probability that only one country gains in a south-south agreement, while other partners lose. The biggest loser mostly will be the poorest partner.

## **Conclusion**

In all cases, RTAs are expected to continue their extension in the light of the huge various motivations to launch such agreements, and regardless of the results of multilateral negotiations. The most important challenge is how to find a way to maximize profits in the context of RTAs, incorporating them with the WTO and reducing any negative impact of them.

## **Questions to consider**

- Arabic economic integration is still limited and weak. Why FTAs couldn't promote it? Why Arabic agricultural trade base couldn't be widened?
- If the obstacle is the NTBs, what are the supplementary features to be taken to bridge the gap?
- Have WTO rules helped in promoting Arabic agricultural integration, or they were just additional barriers?
- Can cooperation among sub-regional Arabic economic groups (Gulf Cooperation Council, Arabic Maghreb Union, and Economic Cooperation Organization) be encouraged?
- Can GAFTA be converted into custom union?
- What role can national embassies play to increase benefiting from RTAs?

- Tailoring RTAs with multilateral agreements needs special attention that covers studying advantages and disadvantages in each case. Are qualified and expert staffs that are familiar with multilateral trading system and can carry out needed studies and guarantee satisfactory results available?

### **Suggestions**

- It is better to keep RTAs as much opened as possible in order to avoid changing trade direction, and to avoid markets' distortion, which may also harm other developing countries.<sup>19</sup>
- RTAs that several developing or Arabic countries (especially small countries) launch cost them more than what they would pay in multilateral trading negotiations. This comes due to their weak position in bilateral negotiations; considering that other parties are big countries<sup>20</sup>. Moreover, sensitive problematic issues like agricultural support can't be treated in bilateral FTAs. This confirms the necessity of applying liberalization on three levels, internal, regional and multilateral<sup>21</sup>.
- Arabic cooperation is advised to avoid allowing some developed countries to take advantage of multilateral negotiations' deadlock in which they strike imbalanced deals in absence of of multilateral trading system's momentum.

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<sup>19</sup> International Economic Horizons, 2005, International Bank.

<sup>20</sup> Bascal Lamy, Al ektesadiah electronic newspaper, issue 5108.

<sup>21</sup> Same source.

### Annex 1: main RTAs

<b>Europe</b>	<b>Middle East and Asia</b>
European Union (15) 1995 European Economic Area (EEA), 1994 Euro-Mediterranean Economic Area (Euro-Maghreb (1995 and after) EU Bilateral Agreements with Eastern Europe (1994 and after)	Asia-Pacific Economic Cooperation (APEC), (last development in 1998) Association of Southeast Asian Nations (ASEAN), (last development in 1999) Great Arab Free Trade Area (GAFTA), (1998) Gulf Cooperation Council (GCC), (1981) South Asian Association for Regional Cooperation (SAARC), (1985) Economic cooperation organization (ECO), (1985) Council of Arab Economic Unity, (1964)
<b>North America</b>	<b>Africa</b>
Canada-U.S. Free Trade Area (CUSFTA), 1988 North American Free Trade Area (NAFTA), 1994	Cross-Border Initiative (CBI), (1992) East African Cooperation (EAC), (1967) Economic and Monetary Community of Central Africa (CEMAC), (1994)
<b>Latin America and the Caribbean</b>	Economic Community of West African States (ECOWAS), (1975) Common Market for Eastern and Southern Africa (COMESA), (1993) Indian Ocean Commission (IOC), (1984) Southern African Development Community (SADC), (last development 1998) Economic Community of West Africa (CEAO), (revived in 1994) West African Economic and Monetary Union, (last development 1997) Southern African Customs Union (SACU), (1910) Economic Community of the Countries of the Great Lakes (CEPGL), (1976)
Andean Pact (1969) Central American Common Market (CACM) (revived in 1993) Common Market of the South/Mercado Común del Sur (MERCOSUR), (1991) Group of Three (G3), (1995) Latin American Integration Association (LAIA) (revived in 1980) Caribbean Community and Common Market (CARICOM), (last step in 1983)	

Source: The table is based on "International Trade: Theories and Main Principles" and some other sources.

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