

# Seeking Common Ground

Canada-U.S. Trade Dispute Settlement  
Policies in the Nineties

Andrew D.M. Anderson



Routledge

# Seeking Common Ground Canada U S Trade Dispute Settlement

**Jennifer McNenly, Canadian Institute of  
International Affairs**



## **Seeking Common Ground Canada U S Trade Dispute Settlement:**

**Seeking Common Ground** Andrew D Anderson, 2019-06-26 On January 1 1989 the Canadian government began to implement the free trade deal that it had completed with the Government of the United States on October 4 1987 Before signing the Canada U S Free Trade Agreement FTA the Canadian government had sought exemption from the use by the United States of its unfair trade law system of anti dumping AD and countervailing duties CVDs While the U S unfair trade law system is presumed to be based on principles agreed to in the General Agreement on Tariffs and Trade GATT economists and other scholars have contended that the system is not being applied properly by reducing the harm caused by the margin of the foreigners subsidy or dumping practices Instead it is being used to provide shelter to U S based corporations and industries seeking import relief where shelter represents a type of administered trade protection since the actions are undertaken and paid for by the U S government This abuse came to represent a serious problem for Canadian producers in the 1980s who are extremely reliant on exports to the United States To an increasing degree they believed they had become the target of U S trade law actions by their U S competitors The United States was however not prepared to eliminate its unfair trade law system for Canada but instead agreed to the setting up of two dispute settlement mechanisms DSMs where Canadian and American citizens could sit on binational panels to hear the final review of complaints lodged against the administrative agencies actions in either country on AD and CVD cases under Chapter Nineteen of the FTA or on general trade disputes under Chapter Eighteen of the FTA This book critically examines the development and implementation of these two DSMs over the January 1 1989 to August 15 1994 period It also provides a broader analysis of the issues surrounding the problems of the application of the unfair trade laws by examining the Canada U S FTA s DSM systems against the present use by Canada and the United States of the procedures available under the 1979 GATT Subsidies Code It also examines the changes that have been made in the 1994 GATT Subsidies Code and the North American Free Trade Agreement NAFTA which has incorporated with revisions Chapter Eighteen and Nineteen as Chapter Twenty and Nineteen of the NAFTA respectively and extended access to these mechanisms to Mexico This book primarily focuses on the application of CVDs and the adverse international affects of governments subsidies practices though many of the issues raised are also applicable to the application of AD duties and the private subsidization activities of firms The book finds that first the Chapter Nineteen DSM may provide some short term benefits to Canadian producers but for ensuring the long run stability of Canadian producers access to their U S markets including the eradication of harassment by U S based producers using the unfair trade laws Canada still needs to push for major changes to the CVD and AD processes in the NAFTA mandated Working Groups Second if Chapter Eighteen or now Twenty of the NAFTA is going to best serve the interests of Canadian American and Mexican citizens then it is going to have to be seriously revised to take into account some type of consumer welfare criterion As NAFTA is presently written it has a strong bias carried over from the Canada U S

FTA toward producer interests which may detract from the long run interests of consumers in the NAFTA area The ability of groups who seek redress for the closing of markets in the NAFTA area by the three Parties to the Agreement is very weak at the present time North American Regionalism and Global Spread I. Hussain,R. Dominguez,2015-02-19 Was the 1993

North American Free Trade Agreement NAFTA designed as a definitive trade agreement or as a stepping stone This book reviews NAFTA s performances on trade investment intellectual property rights dispute settlement as well as environmental and labor side agreements within a theoretical construct **International Business** Simon Collinson,Rajneesh

Narula,Amir Qamar,Alan M. Rugman,2020 Revised edition of International business 2017 **Regionalism in**

**International Investment Law** Leon Trakman,Nicola Ranieri,2013-03-07 Regionalism in International Investment Law provides a multinational perspective on international investment law In it distinguished academics and practitioners provide a critical and comprehensive understanding of issues in a field which has grown exponentially in its importance particularly over the last decade focusing on the European Union Australia North America Asia and China The book approaches the field of foreign direct investment from both academic and practical viewpoints and analyzes different bilateral regional and multinational agreements often yielding competing perspectives The academic perspective yields a strong conceptual foundation to often misunderstood elements of international investment law while the practical perspective aids those actively pursuing foreign direct investment in better understanding the landscape identifying potential conflicts which may arise in more accurately assessing the risk underlying the issues in conflict and in resolving those issues Thorny issues relating to global commerce sovereignty regulation expropriation dispute resolution and investor protections are covered depicting how they have developed and are applied in different regions of the world These different treatments ensure that readers are able grasp the subject matter at multiple levels and provide a comprehensive overview of developments in the field of foreign direct investment **Governments, Globalization, and International Business** John H.

Dunning,1997-07-24 It is a cliché to say that we live in a globalized world in which investment flows communications and the operations of multinationals from all parts of the world have changed the character of the international business environment But the easy concept of globalization poses as many questions as it answers and it is the purpose of this book to address these challenges In **Governments Globalization and International Business** a prestigious group of international scholars explore in detail the consequences of globalization defined as the deepening structural interdependence of the world economy In Part 1 John Dunning Richard Lipsey Susan Strange and Stephen Kobrin analyse these changes from different disciplinary perspectives and intellectual backgrounds The basic question they address is what are the consequences of globalization on the nature form and level of domestic economic activity In doing so they also consider the increasing mobility of knowledge and information the role of international corporations and the sovereignty of the nation state in the modern borderless world In Part 2 the different experiences and policies of a number of economies are assessed in a series of

country studies These include the G7 countries as well as the developing East Asian economies Latin America and smaller developed countries In the final part John Stopford and Edward Graham stand back and look at the changing role of National and Supranational governance In doing so they underscore a fundamental tenet of the volume that globalization requires national governments to re evaluate various factors of their systemic governance Yet despite apparently convergent trends they argue there are no universal prescriptions for the way governments should respond to globalization and the policy challenge is a more complex one than merely more or less government

Environmental Regulations and Corporate Strategy Alan M. Rugman, John J. Kirton, Julie A. Soloway, 1999 International agreements and environmental regulations are important constraints in today's business context By analyzing development and case studies within NAFTA North American Free Trade Agreement the authors demonstrate how firms can develop strategies which utilize international trade and environment regimes to open up international markets

*Toward A North American Community?* Donald Barry, 2019-06-17

The North American Free Trade Agreement NAFTA is a milestone in the affairs of the continent and in international trade The first formal arrangement of any kind between Canada the United States and Mexico it is also the first trade pact including countries of such disproportionate power and levels of development For Canada and Mexico the agr

*Maritime Transport Services in the Law of the Sea and the World Trade Organization* Chuyang Liu, 2009 Since the beginnings of international law the law of the sea has been of paramount importance for international trade Yet this area of law and international trade regulations have developed as two distinct areas with little interface with each other As the GATT WTO emerged in parallel to the LOS Convention since the 1970s both bodies have made extensive efforts in international treaty making However the relationship between trade regulations and the law of the sea has hardly been explored The author examines some key aspects of this relationship in particular port entry access to cargo in coastal shipping cabotage and access to cargo in international shipping The inclusion of services in WTO law will render this relationship of great importance in the future as the agreement extensively covers maritime transport It is just a matter of time until the current exclusion of maritime transport under special exemptions will be reviewed in future negotiations The book provides the background and a normative basis for approaching some of the problems which members of the WTO will have to address in coming years It also deals briefly with the problem of choice of law and competing jurisdictions between trade law and maritime law

**The Political Economy Of European Monetary Unification** Barry Eichengreen, 2018-03-08 The first edition of this book was published in 1994 as the future of monetary unification in Europe was very much in doubt With Economic and Monetary Union now in place it is appropriate to bring the scholarship on the topic up to date for the students of international political economics To this effect essayists Jeffry Frieden Geoffrey Garrett Lisa L Martin Benjamin J Cohen revised four of the original chapters to reflect new conditions Editors Barry Eichengreen and Frieden completely rewrote the introductory essay Three new chapters by Matthew Gabel Charles Engel and Paul De Grauwe et al cover public support for

EMU local currency pricing and whether Europe is now better off The updated volume s purpose remains that of bringing the latest in scholarship in Economics and Political Science to bear on the European monetary integration **Interest Groups And Monetary Integration** Carsten Hefeker,2018-05-04 The currency question Disraeli is reported to have said has made even more persons mad than love A quantitative test of the accuracy of this comparison is in the present deplorable state of medical statistics scarcely possible But Disraeli may well have been right **Peace, Prosperity, And Politics** John Mueller,2018-04-24 This book deals with a variety of issues of history of national security and of political economy and focuses on the need for a dynamic perspective It emphasizes the development of ideas as the motor forces behind the economic policies *Growth, Debt, And Politics* Lewis W. Snider,2019-04-08 This book addresses the question of how political capacity of the government of a developing country affects its ability to implement structural adjustments in its economy in response to external pressures It builds on the inductive foundation of comparative case studies and speculative insights Establishing Monetary Stability In Emerging Market Economies Thomas D. Willett,2019-03-07 There has been fierce debate about the optimal sequencing of economic reforms in emerging market economies Many economists argue that for market oriented systems to operate effectively a reasonable degree of monetary stability is necessary Rampant inflation a common challenge for emerging economies greatly reduces the chances that market oriented reforms will be successful In this comprehensive volume a group of policy oriented economists from North America Europe and the former Soviet Union explore the causes of monetary instability in reforming economies and evaluate alternative institutional mechanisms designed to reduce inflationary pressures Considering the latest theoretical and empirical research as well as the experiences of former Communist countries including Russia and the erstwhile Soviet republics the contributors view inflation as a political issue and make a case for the creation of strong political institutions They argue that although government actions that stimulate inflation tend to have low costs or even benefits in the short run they impose heavy costs on the economy in the longer term Consequently there is a strong need to develop institutional mechanisms to help ensure that decision makers place appropriate emphasis on the long run consequences of policy actions Capital Controls In Emerging Economies Christine P Ries,2018-02-23 This book looks at situations where a dramatic transformation of the political environment made existing institutions obsolete It explores the use of capital controls in the reforming economies of the formerly communist countries **Political Capacity And Economic Behavior** Jacek Kugler,2018-10-08 Given today s heightened competition between national economies in the global marketplace many have come to believe that government intervention is needed in order for a country to maximize its economic well being But to what extent can even the most capable government act to attract investment and enhance economic growth without creating or exacerbating conflicts in society especially when unpopular measures such as those aimed at controlling inflation and population growth must be implemented This timely book by an international team of economists and political scientists tackles that question head on

The contributors draw on theory and empirical data to provide a framework for measuring governments ability to gather material resources and mobilize populations They analyze a variety of policy choices made in the United States and in other nations around the world during the past fifty years showing how states can increase their political capacity and thereby reduce economic transaction costs and domestic resistance to government goals

Judging Economic Policy Richard J Sweeney, 2021-11-28 In this engaging volume the editors present the influential work of economist Gottfried Haberler whom Paul Samuelson judges qualified for about two and a half Nobel prizes in economics Throughout the book Haberlers essays reveal the clarity of his analyses and his ability to identify crucial policy choices whether grappling with issues of inflation unemployment trade or development Presenting Haberler as the eclectic economist he is the editors show that far from being an ideologue Haberler is an economist who uses whatever approaches and theories are appropriate for the problems he considers Paul Samuelson judges that Gottfried Haberlers work should qualify him for about two and a half Nobel Prizes in economics one for his quantum improvement in trade theory beyond Ricardos paradigm of labors comparative advantage one for his definitive synthesis of business cycle theory and beyond these his policy wisdom over a period of six decades It is Haberlers policy wisdom that serves as the basis for this comprehensive collection of the eminent economists work Throughout the book Haberlers contributions demonstrate the clarity of his analyses for exploring the complex economics of policy issues and for identifying key governmental responses to problems of unemployment trade and development Presenting Haberler as the eclectic economist he is the editors show that far from being an ideologue Haberler is an economist who uses whatever approaches and theories are appropriate for the problems he considers The portrait that emerges is one of a multifaceted thinker able to choose freely among competing theories and to effectively apply them to complex and demanding policy issues

**Analyse de Politiques** ,1999      **Journal of World Trade** ,2000      **A Bibliography of Works on Canadian Foreign Relations, 1991-1995** Jennifer McNenly, Canadian Institute of International Affairs, 1998      International Trade Law on the 50th Anniversary of the Multilateral Trade System Paolo Mengozzi, 1999

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