



# Two Decades of **NAFTA**

*In 1994 Canada, the United States, and Mexico signed the North American Free Trade Agreement (NAFTA) to reduce or eliminate tariffs on many goods traded among the three countries. Since its implementation, NAFTA has had mixed results. While it has helped to increase trade throughout North America, the gains for the three countries have not been equal. Supporters of NAFTA point to lower product prices and increased industrial integration among the nations. Opponents of the agreement argue it has led to job displacement and has done little to improve the quality of life in Mexico.*

**CANADA—U.S.**  
**\$315.3 Billion**

**U.S.—CANADA**  
**\$280.9 Billion**

**MEXICO—CANADA**  
**\$24.6 Billion**

**U.S.—MEXICO**  
**\$198.4 Billion**

**MEXICO—U.S.**  
**\$262.9 Billion**

**CANADA—MEXICO**  
**\$5.5 Billion**

# Nafta And Investment

**Marcel A. Müller**



## **Nafta And Investment:**

*Nafta and Investment* Seymour J. Rubin, Dean C. Alexander, 1995-10-05 There are investment aspects of the North American Free Trade Agreement NAFTA which considerably enhance the opportunities for foreign investment among the signatories while at the same time improving the security of such investment NAFTA reflects the Parties recognition that liberalization of host country investment restrictions is as important as the elimination of trade barriers With the assistance of such high caliber contributors as Roberto Mayorga Kent S Foster Preston Brown and Dr Jorge Witker the book analyses both the advantages and disadvantages of this policy upon the investment climate within the countries of the various signatories This book is the second volume in Kluwer s NAFTA Law and Policy Series publishing high quality studies on different aspects of NAFTA including legal analysis and commentary on the Agreement Among the numerous areas that are to be covered in the series are topics as diverse as agriculture dispute settlement environment intellectual property rights investment and labour

**NAFTA Investment Law and Arbitration** Todd Weiler, 2021-10-25 This volume provides practitioners academics and students with the first definitive coverage of NAFTA investment arbitration including a comprehensive overview of the first ten years of practice in the area of investment disputes under the NAFTA provision As in any nascent undertaking the successes failures and controversies that have been the experience of the state parties involved in NAFTA are keenly reflected in the Chapter 11 cases In these essays the readers will find substantive and procedural insights into an emerging new area of public international economic law Many see the workings of the NAFTA agreement particularly Chapter 11 as a Rorschach test for how state parties can approach and effectively adjudicate investment disputes For this reason all practitioners and scholars concerned with international trade and foreign direct investment issues should consult this book Published under the Transnational Publishers imprint [Cross Border Trade and Investment with Mexico](#)

Philip T. von Mehren, 2023-11-27 A penetrating study of the impact of NAFTA on Mexico s economic development this is the only in depth comparison of Mexican trade law before and after NAFTA and of how considerations of trade with Mexico altered the provisions from the earlier Canada U S Free Trade Agreement and the GATT that formed the basis of the new trilateral project Mr von Mehren s book is a point of departure not only for understanding and applying the trade law common to North America but for assessing the likely course of historic negotiations still to come Published under the Transnational Publishers imprint *Investment Disputes Under NAFTA* Meg N. Kinnear, 2006 *Law and Practice of Investment Treaties* Andrew Paul Newcombe, Lluís Paradell, 2009-01-01 The book focuses on the substantive protections accorded to investors and investments and on the variations among jurisdictions Among the many specific issues and topics that arise in the course of the discussion are the following problems of transparency and conflict of interest the recent growth in IIAs between and among developing nations the effect of new model bilateral investment treaties BITs the ability of non disputing parties to participate in investor state arbitration theories of the interaction of foreign direct investment FDI

and BITs investor state arbitration as an evasion of public regulatory authority the role of investment funds in international investment fork in the road provisions and institutional versus ad hoc arbitration International business and other investors will greatly appreciate the in depth information and insightful guidance in this solidly useful book It will also be welcomed by jurists and students as a significant milestone in the development of principles in a quickly growing field of practice that is still plagued with inconsistencies *The Three Laws of International Investment* Jeswald W. Salacuse,2013-02-14

International investments are governed by three different legal frameworks 1 national laws of both the host country and the investor s home country 2 contracts whether between the investor and the host country or among investors and their associates and 3 international law consisting of applicable treaties customs and general principles of law Together these three frameworks profoundly influence the organization operation and protection of foreign investments Investors government officials and their legal counsel must therefore understand the complex interaction among these frameworks and how best to employ them to advance their interests This book examines the content of each of these three legal frameworks for international investment and explores how they influence the foreign investment process and the nature of investment transactions projects and enterprises The book is divided into five parts Part I after explaining the contemporary nature and significance of international investment examines the theoretical and practical links between law and the investment process Part II explores the nature of national laws regulating foreign investment Part III considers of the various contractual frameworks for international investments looking at their negotiation content and stability Part IV sets out the international legal framework governing foreign investment focusing on the content and nature of investment treaties and on general principles Finally Part V discusses how the three legal frameworks interact with each other By comprehensively examining each of the applicable legal frameworks this book provides a vital overview of the laws rules and regulations governing foreign investment for lawyers scholars students and government officials **The Law of Investment Treaties** Jeswald W.

Salacuse,2021-02-18 Investment treaties grant special international protection to foreign investors and give them a means to enforce those rights against States in which they have invested This book systematically examines the law of international investment treaties particularly with respect to its origins structure content and effects Although the precise provisions of investment treaties are not uniform virtually all investment treaties address the same issues This book examines those issues in detail including the scope of application conditions for the entry of foreign investment and general standards of treatment of foreign investments Investment treaty law has continued to evolve rapidly and dramatically since publication of the second edition of this work in 2015 The field has seen considerable growth in the number and scope of investment treaties now estimated at 3300 and investor state arbitrations cases which reached over 1000 in 2020 The field has also experienced significant changes and reforms In 2018 eleven Pacific Basin Countries despite the withdrawal of the United States forged ahead to conclude the Comprehensive and Progressive Agreement for Trans Pacific Partnership CPTTP a potentially far

reaching regional trade and investment agreement The next year the three north American nations replaced the North American Free Trade Agreement NAFTA with the United States Mexico Canada Agreement USMCA And in 2020 European Union member states terminated over 100 intra EU BITs leaving intra EU investors to rely on EU law and legal processes alone for protection from unfavourable government acts This edition of The Law of Investment Treaties incorporates a consideration of all of these and other reforms into its analysis of the body of law created by investment treaties since World War II

*NAFTA and the Energy Charter Treaty: Compliance With, Implementation and Effectiveness of International Investment Agreements* Mirian Omalu, 1999-01-01 The North American Free Trade Agreement NAFTA and the Energy Charter Treaty ECT are the first major multilateral treaties to impose obligations on governments concerning the protection and treatment of foreign investments These obligations are enforceable by private companies NAFTA and the ECT examines the effectiveness of the investment rules of these treaties and analyses the mechanisms adopted to enhance compliance and to facilitate the implementation and enforcement of the relevant rules and regulations Coverage of this work includes a conceptual analysis of the precise meaning and theoretical foundation of compliance implementation and effectiveness an examination of issues of direct effect and direct international responsibility in terms of the practical question of the treaties impact on the domestic regimes of states an exploration of the issues of transparency and monitoring to achieve enhanced compliance and a close look at a number of key links in the field andndash between the investment rules and the workings of national legal and governmental systems between national and international law between different disciplines involved international law international relations international politics and economics and between transparency and compliance monitoring NAFTA and the ECT also offers several helpful features including results from a questionnaire based survey circulated to the main players in the realm of foreign investment which offer unique insights on the prevalent perception of the industry towards NAFTA and the ECT and original suggested provisions and frameworks which would enhance the effectiveness of the investment rules The thought provoking issues probed and conclusions reached and the interdisciplinary and comparative approach taken make NAFTA and the ECT a compelling new resource for academics policymakers and others interested in the effectiveness of international investment agreements and the tools employed in their implementation and enforcement

**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

### **U.S. International Investment Agreements**

Kenneth J. Vandeveld, 2009 U S International Investment Agreements is the definitive interpretative guide to the United States bilateral investment treaties BITs and free trade agreements FTAs with investment chapters Providing an authoritative look at the development of the BIT program treatment provisions expropriation and other provisions Kenneth J Vandeveld draws on his years of investment treaty and agreement expertise as both a former practitioner and a scholar This unique and well organized book analyzes the development of U S international investment agreement language and strategy within their historical context It also explains the newest changes to the model negotiating text US Model BIT 2004 and additional treaties

The First Decade of NAFTA: The Future of Free Trade in North America Kevin Kennedy, 2021-10-25

This volume provides practitioners academics and students with the first definitive coverage of NAFTA investment arbitration Given the level of foreign direct investment within the NAFTA countries the issue of redress for states in investment cases is a major one The state dispute settlement mechanisms within NAFTAs Chapter Eleven are recognized as a model worthy of close examination The experts and scholars who have contributed to this work present a comprehensive overview of the first ten years of practice in the area of investment disputes under the NAFTA provision As in any nascent undertaking the successes failures and controversies that have been the experience of the state parties involved in NAFTA are keenly reflected in the Chapter 11 cases It is in these experiences as described by in the chapters of this timely volume that the readers will find substantive and procedural insights into an emerging new area of public international economic law Many see the workings of the NAFTA agreement particularly Chapter 11 as a Rorschach test for how state parties can approach and effectively adjudicate investment disputes For this reason all practitioners and scholars concerned with international trade and foreign direct investment issues should consult this book Published under the Transnational Publishers imprint

**International Trade and Investment Law** Leal-Arcas, Rafael, 2010-05-28 This timely book examines international trade and investment law at various levels of governance including unilateral bilateral regional and multilateral arrangements

**The North American Free Trade Agreement** Judith Hippler Bello, Alan F. Holmer, Joseph Jude Norton, 1994 In view of NAFTA s economic and geopolitical significance this volume provides close scrutiny and analysis of key aspects of the Agreement and the U S legislation that implements it into domestic law It provides insight into major features of the Agreement

An Introduction to International Investment Law David Collins, 2017 A clear and accessible introduction to

one of the fastest growing and most highly debated spheres of international law *Business America*, 1993-07

**Commentaries on Selected Model Investment Treaties** Chester Brown, 2013-01-17 Provides detailed article by article commentary on the Model Bilateral Investment Treaties of 19 key jurisdictions drawing on analysis of internal government policy documents and each state's investment treaty practice

**Environment, Human Rights and International Trade** Francesco Francioni, 2001-07-13 After the completion of the Uruguay Round and the adoption of the 1994 agreement establishing the WTO the place of international trade in the context of the international legal order has radically changed International trade law has become a subject of wide spread interest cutting across traditional boundaries and engaging diverse political and legal concerns One consequence of this development is increasing concern with the legitimacy of the WTO process which in turn has led to the WTO becoming the focus of rancorous protest by among others environmental NGOs trade unions and human rights activists This collection of essays by leading scholars and lawyers engaged in the policy making process addresses the underlying tensions and dilemmas of the WTO process and its impact upon the environment and human rights in particular The contributors search for a balance between on the one hand legitimate free trade interests and on the other the role and limits of unilateral measures as an instrument to protect non commercial values The essays thus range over a host of topical questions including trade in GMOs biosafety in intellectual property rights technology transfer and environmental protection trade and labour rights child labour standards the EU and WTO MERCOSUR and many other topics The contributors include Thomas Schoenbaum Andrea Bianchi Chris McCrudden Michael Spence Sarah Cleveland Patricia Hansen Riccardo Pavoni and Francesco Francioni

**Investment Arbitration and State-driven Reform** Wolfgang Alschner, 2022 Adopting a systemic evidence based and interdisciplinary perspective this book provides a holistic account of how states have changed the investment regime through their evolving treaty practice how investment arbitration tribunals have rolled back changes by interpreting new treaties like old ones and how states and tribunals can successfully modernize the investment regime by reading and reforming old treaties in light of new ones

**Trade Agreements, Investment Protection and Dispute Settlement in Latin America** Belén Olmos Giupponi, 2019-01-15 In recent years many Latin American countries have liberalized their trade and investment regimes opening their markets to free international trade At the same time regional economic integration has boomed This book is the first systematic analysis in any language of these globally significant developments and the first comprehensive legal study of dispute settlement relating to foreign direct investment and trade in the region Undertaken by an expert in the field this study describes the current institutional framework of Latin American trade and investment law as well as specialized legal issues in the region's various economic blocs Among the many issues and topics raised the following may be mentioned questions of compliance and procedure in the context of today's international investment regime formalized dispute settlement mechanisms alternative dispute resolution channels including dispute prevention practices legitimacy and

transparency of the various dispute settlement mechanisms inclusion of social clauses in trade and investment agreements and avoidance of investment treaty liability In order to offer a most accurate view of the effectiveness of the protection granted to foreign investors special attention is given to relevant case law completely covering the period 1985 2015 as well as arbitral precedents before international bodies and in jurisdictions across the region The book concludes with a critical examination of the future prospects of international economic law dispute settlement in the Americas pinpointing current trends and unveiling future possible avenues for change As an in depth explication of how the rules and principles of international economic law are applied in Latin America this book has no peers For practitioners drafting business agreements with Latin American companies or needing to ensure availability of appropriate remedies this book s detailed insight into international litigation in the region including case law illustrating the main topics will prove to be of immeasurable value Professionals in the arbitral community worldwide as well as governments dedicated research centres and officials in international organizations will welcome this book s model for comparative integration studies systematic guidance on procedure and case law of domestic and international courts and arbitral tribunals and extensive treatment of dispute settlement mechanisms in trade and investment agreements      *Report of the Investment Policy Advisory Committee for Trade on the North American Free Trade Agreement* United States. Investment Policy Advisory Committee for Trade,1992



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