

conditions similar to countervailing duty investigations in order to prove injury, or threat of injury, and levy duties.

Between 1980 and 1992, Canada conducted 63 antidumping duty investigations of products from the United States, while the American authorities conducted 30 such investigations of Canadian exports.⁵⁵ In 1986 once again, there were antidumping investigations of \$295 million worth of Canadian exports to the United States and of \$375 million worth of U.S. exports to Canada.⁵⁶ Between July 1989 and June 1992, Canadian authorities conducted 15 investigations of U.S. exports, two of which resulted in the levying of definitive duties and one in an undertaking on price. Meanwhile, the United States conducted seven investigations, resulting in three cases in the levying of antidumping duties on Canadian exports. Over the same period, Mexico initiated 20 investigations of goods exported from the United States, of which seven ended in the levying of definitive duties and three in undertakings.⁵⁷

It should be noted, therefore, that Canada initiated more antidumping duty investigations than the United States. This is another major factor that might induce the American authorities to accept stricter conditions, or even joint decision-making, in regard to questions of injury. Furthermore, the criticisms made of Canadian antidumping provisions and practices are similar to those made of the American system.⁵⁸ These conclusions, while all true, need to be tempered by the fact that barely 10 percent of American GDP is dependent on foreign trade and Canada and Mexico together took only 30 percent of American merchandise exports in 1992.⁵⁹

The North American tribunal could also, if necessary, decide disputes over subsidies among the NAFTA parties. In comparison with injury, it is relatively easy to determine the existence of a subsidy, that is, an advantage or benefit conferred by public authorities, although a definition of the exact scope of the concept of "subsidy"

⁵⁵ GATT, Annual Report of the Committee on Anti-Dumping Practices (1981-1992), *Basic Instruments and Selected Documents*, supplements no. 28 to 39.

⁵⁶ Canada, *The North American Free Trade Agreement: The Economic Assessment from a Canadian Perspective*, pp. 24-25.

⁵⁷ Annual reports of the GATT Committee on Anti-Dumping Practices.

⁵⁸ Susan Hutton and Michael Trebilcock, "An Empirical Study of the Application of Canadian Anti-Dumping Laws: A Search for Normative Rationales," *Journal of World Trade* XXIV, no. 3 (June 1990), pp. 123-146.

⁵⁹ U.S., *U.S. Trade Highlights 1992*. For dumping and the reform of antidumping systems, see Keith H. Christie, *Damned If We Don't: Some Reflections on Antidumping and Competition Policy*, Document no 94/15, Policy Staff, Foreign Affairs and International Trade Canada (July 1994).