

Chapter 6

Opening Doors to North America

NAFTA's Chapter 19 on Antidumping and Countervailing Duties offers exporters an effective and direct route for making their case and appealing the results of trade-remedy investigations before an independent and objective panel. NAFTA's Chapter 20 on General Dispute Settlement can be used when the parties cannot, through informal discussions, resolve their differences regarding the implementation or interpretations of NAFTA provisions.

Other dispute settlement provisions under NAFTA include those in Chapters 11 (Investment) and 14 (Financial Services). Chapter 11, in particular, focuses on disputes between investors and NAFTA parties. It offers a mechanism for settling investment disputes that assures both equal treatment among NAFTA investors (in accordance with the principle of international reciprocity) and due process before an impartial tribunal.

A significant case involving Canada as a party was recently resolved. In this case, the claims of the U.S. investor, UPS, were rejected by the arbitration panel. Other cases have involved Canadian investors using the Chapter 11 process against Mexico or the U.S. Examples of these cases include those brought by Glamis Gold, Canadian Cattlemen for Free Trade and Thunderbird.

For more information on NAFTA Chapter 11 investor-state dispute cases, please visit www.international.gc.ca/trade-agreements-accords-commerciaux/disp-diff/nafta.aspx?lang=en. For more information on NAFTA Chapter 20 panel decisions and reports, please visit www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=76.