application of the injury criterion, and that this has put an end so far to American countervailing duty investigations of Mexican goods.

The joint North American tribunal could consist of seven judges who are experts in North American and international trade law, two from each country, without any connections to national authorities, plus a seventh judge, appointed by joint agreement, who is a national either of a country that is party to NAFTA or of another country. It is likely, however, that the United States will have serious reservations about a North American tribunal consisting of an equal number of judges from each country, fearing in particular that the Canadian and Mexican members might join forces to limit American trade remedies. Nevertheless, as we have shown, joint decision-making in regard to injury issues would be in the interest of all three partners, especially if one considers injury due not only to subsidization but also to dumping.

Finally, it is essential that the NAFTA partners agree to abide by the decisions of the permanent North American tribunal. Our experience with the existing provisions has hardly been happy in this regard, with the extraordinary challenge procedure in the FTA being reduced more and more to an ordinary channel of appeal when decisions do not suit the American government.

6.3 Joint Competition Principles: the Long-Term Approach

In the more or less long term, in order to guarantee the success of this approach and even more satisfying results, we must attempt to free ourselves in North America from the hostility to subsidies and the focus on the injury suffered by competing firms, that so far has characterized our approach to subsidization, in order to embrace an approach based on healthy, profitable competition. Fundamentally, we need to address the issue of subsidies not from the point of view of trade distortion but of competition distortion. Similarly, subsidies should be viewed not as an issue of competing producers but of competition in general. This was the approach adopted in the Treaty of Rome, which established the European Economic Community. In addition, the agreement between Australia and New Zealand that antidumping measures would no longer be adopted between the partners in the free trade zone after July 1990 suggests that there is increasing support for the idea of relying on joint principles of competition rather than trade remedies.

This novel approach would finally make it possible to recognize the fact that the existing trade remedies have nothing to do with "fair" competition and instead constitute an obstacle to viable trade conditions. Trade remedy legislation in the United States and elsewhere may well distort international trade conditions more than the subsidies that they are supposed to keep in check. Producers use these remedies