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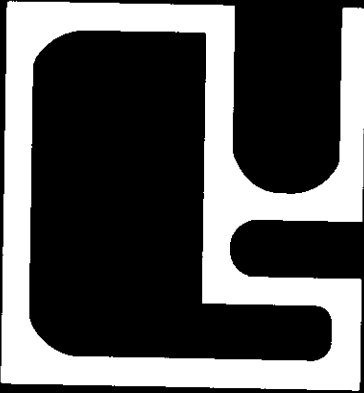
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Canada-
United States
Law Journal

Volume 26

2000

**THE MANAGEMENT AND RESOLUTION OF CROSS BORDER
DISPUTES AS CANADA/U.S. ENTER THE 21ST CENTURY**

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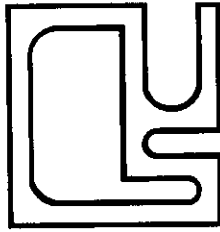
THE CANADA-UNITED STATES LAW INSTITUTE

and

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

**Cleveland, Ohio
April 14-16, 2000**

***Conference Chairman*
Henry T. King, Jr.**



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Dedication

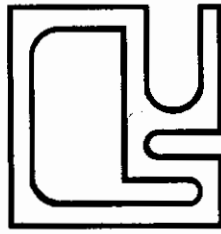
I am deeply grateful for the incredible patience and longsuffering endured by my family during this interlude in our lives that we think of affectionately as law school; but especially during the preparations and production schedule for both the Canada United States Law Institute's Conference, and of the *Canada-U.S. Law Journal*. Without the loving support of my wife Mona, and my beautiful children Kaela and Stephen, I could not have completed all that I have. Also, I dedicate all of the good things that I do to the memory of my father, David John Knight, and my mother, Carolyn Perry Knight.

Richard L. Knight
Editor in Chief
Case Western Reserve University
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Class of 2001
Cleveland, Ohio, November 1, 2000

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I want to thank Aryeh Dori for his hard work on the year 2000 conference, as well as many thanks to Dan Ujczko for his support and assistance. Carolyn Speaker, Jennifer Mayton, Rob Chaloupka, Dan Ujczko, Patricia Hunt, Julianna Herrick, and Teresa Carr have all been invaluable in the production of this journal; it could not have been accomplished without them. Lastly, I want to thank Professor Henry King, without whom, a great dialogue between Canada and the United States would suffer greatly.

R.L.K



Canada-
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VOLUME 26

2000

PROCEEDINGS OF THE CANADA-UNITED STATES
LAW INSTITUTE CONFERENCE

**THE MANAGEMENT AND RESOLUTION OF CROSS BORDER
DISPUTES AS CANADA/U.S. ENTER THE 21ST CENTURY**

Cleveland, Ohio
April 14-16, 2000

Conference Speakers	i
List of Conference Participants.....	x
Purpose of the Canada/U.S. Law Institute	
<i>Sidney Picker, Jr.</i>	1
Conference Opening	
<i>Henry T. King, Jr.</i>	5
Introduction: Overview of Canada/U.S. Dispute Management and Settlement: Where We Are in Terms of Successes and Failures	
<i>Henry T. King, Jr.</i>	9
Overview of Canada/U.S. Dispute Management and Settlement: Where We Are in Terms of Successes and Failures – A U.S. Perspective	
<i>James J. Blanchard</i>	11

The Management and Resolution of Cross Border Disputes as Canada and the U.S. Enter the 21st Century <i>Donald S. Macdonald</i>	21
Discussion Following the Remarks of Mr. Blanchard and Mr. Macdonald	29
Introduction: The Roles of Law and Diplomacy in Dispute Resolution – The International Joint Commission as a Possible Model <i>Hiram E. Chodosh</i>	35
The Convergence of Law and Diplomacy in United States/Canada Relations: The Precedent of <i>The Gulf of Maine Case</i> <i>Davis R. Robinson, Esq.</i>	37
The Roles of Law and Diplomacy in Dispute Resolution: The IJC as a Possible Model <i>L.H. Legault</i>	47
Discussion Following the Remarks of Mr. Robinson and Mr. Legault	57
Introduction: The Politics of Cross Border Dispute Resolution <i>Henry T. King, Jr.</i>	61
The Politics of Cross Border Dispute Resolution <i>Robert K. Rae</i>	63
Discussion Following the Remarks of Mr. Rae	73
Introduction: Chapter 19 – Private Party Appeals from Government Rulings: A Dispute Settlement Procedure in Operation, How Effective is it in the Resolution of Disputes? Are Changes Needed or Possible? <i>James McIlroy</i>	77
NAFTA Chapter 19: How Well Does it Work? How Much is Needed? <i>Richard O. Cunningham</i>	79

Chapter 19 – Private Party Appeals from Government Rulings: A Dispute Settlement Procedure in Operation, How Effective is it in the Resolution of Disputes? Are Changes Needed or Possible? <i>Simon V. Potter</i>	91
Discussion Following the Remarks of Mr. Cunningham and Mr. Potter.....	99
Introduction: Chapter 11 – Private Party vs. Governments, Investor-State Dispute Settlement: Frankenstein or Safety Valve? <i>Chios Carmody</i>	105
Chapter 11 – Private Party vs. Governments, Investor-State Dispute Settlement: Frankenstein or Safety Valve? <i>Daniel M. Price</i>	107
Chapter 11 – Private Party vs. Governments: Investor-State Dispute Settlement: Frankenstein or Safety Valve? <i>David R. Haigh</i>	115
Discussion Following the Remarks of Mr. Price and Mr. Haigh	135
Introduction: Meet the Press: How Does the Press View the Handling of Canada/U.S. Disputes? <i>Katherine Braid</i>	141
Meet the Press: How Does the Press View the Handling of Canada/U.S. Disputes? <i>Peter Morton</i>	143
Meet the Press: How Does the Press View the Handling of Canada/U.S. Disputes? <i>Courtney Tower</i>	147
Discussion Following the Remarks of Mr. Tower and Mr. Morton.....	155
Introduction: States, Provinces, and Cross Border International Trade <i>M. Catherine Vernon</i>	165
States, Provinces, and Cross Border International Trade <i>Matthew Schaefer</i>	167

States, Provinces, and Cross Border International Trade <i>Carl Grenier</i>	175
Discussion Following the Remarks of Mr. Schaefer and Mr. Grenier	185
Introduction: Conflicts on Export Controls and Defense Trade Matters <i>Dorinda Dallmeyer</i>	195
Conflicts on Export Controls and Defense Trade Matters <i>Terence R. Murphy & Douglas Forsythe</i>	197
Discussion Following the Remarks of Mr. Murphy and Mr. Forsythe	203
Introduction: The Mexican View on the Operation of NAFTA for the Resolution of Canada-U.S.-Mexico Disputes <i>Nicholas J. DeRoma</i>	217
The Mexican View on the Operation of NAFTA for the Resolution of Canada-U.S.-Mexico Disputes <i>Guillermo Aguilar Alvarez</i>	219
Discussion Following the Remarks of Mr. Alvarez	225
Introduction: Biotechnology, Food, and Agriculture Disputes or Food Safety and International Trade <i>Henry T. King, Jr.</i>	231
Biotechnology, Food, and Agriculture Disputes or Food Safety and International Trade <i>Shirley A. Coffield</i>	233
Biotechnology, Food, and Agriculture Disputes or Food Safety and International Trade <i>Serge Frechette</i>	253
Discussion Following the Remarks of Ms. Coffield and Mr. Frechette ...	261
Introduction: Cross Border Canada/U.S. Cooperation in Investigations and Enforcement Actions Vis Á Vis Party Private Parties <i>Thomas A. Ladd</i>	269

Cross Border Canada/U.S. Cooperation in Investigations and Enforcement Actions <i>Debra A. Valentine</i>	271
Cross Border Canada/U.S. Cooperation in Investigations and Enforcement Actions vis a vis Private Parties <i>Konrad von Finckenstein</i>	285
Discussion Following the Remarks of Ms. Valentine and Mr. von Finckenstein	291
Introduction: Telecommunications and Culture: Transborder Freedom of Information or Cultural Identity? <i>J. Michael Robinson</i>	299
Telecommunications and Culture: Transborder Freedom of Information or Cultural Identity? <i>Hamilton Loeb</i>	303
Telecommunications and Culture: Transborder Freedom of Information or Cultural Identity? <i>Kenneth C.C. Stein</i>	313
Discussion Following the Remarks of Mr. Loeb and Mr. Stein	321
Introduction: Looking Ahead: Common Institutions or Muddling Through? <i>Henry T. King, Jr.</i>	331
Looking Ahead: Common Institutions or Muddling Through? <i>T. Bradbrooke Smith</i>	333
Discussion Following the Remarks of Mr. Smith	345
Closing Remarks and Discussion <i>Henry T. King, Jr.</i>	355

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SPEAKERS AT THE CANADA-UNITED STATES LAW INSTITUTE
CONFERENCE ON THE MANAGEMENT AND RESOLUTION OF
CROSS BORDER DISPUTES AS CANADA/U.S. ENTER THE 21ST
CENTURY

Guillermo Aguilar Alvarez has served as Chief Legal Counsel for the government of Mexico during NAFTA negotiations. For Mexico he was responsible for the legal review of NAFTA's final text and its legal implementation, and participated in the negotiation of the investment, intellectual property, and dispute settlement chapters. He was Counsel and General Counsel of the ICC International Court of Arbitration in Paris. He participates in domestic and international arbitration procedures as co-arbitrator, chairman of the arbitral unit, party counsel, and expert witness. He advises foreign countries in connection with the enforcement of arbitral awards in Mexico. He participates as a panelist in WTO disputes, and as an arbitrator in procedures under the ICSID Rules. Mr. Aguilar Alvarez's professional practice also includes advice on matters of antitrust, investment, and international trade. A graduate of UNAM, he has also performed research with the Instituto de Investigaciones Jurídicas (UNAM) and with the Centre de Recherche Scientifique (CRNS) in France. He has taught at law schools in Mexico, France, the Netherlands, and the United States.

James J. Blanchard practices law in Michigan and Washington, D.C. and is a partner in the Washinton D.C. law firm of Verner, Liipfert, Bernhard, McPherson and Hand. Mr. Blanchard served as the U.S. Ambassador to Canada, 1993-1996, being one of only a handful of ambassadors to receive the "Foreign Affairs Award for Public Service." While Ambassador, Mr. Blanchard managed a broad range of trade, natural resources, environmental and national security issues between the U.S. and Canada, providing crucial support to the passage of NAFTA and the Open-Skies Agreement. Previous to his tenure as Ambassador, Mr. Blanchard was Governor of Michigan. Mr. Blanchard previously served as Governor of Michigan, 1983-1991, and served four terms in the U.S. Congress, 1975-1983. Mr. Blanchard is credited with taking over the "toughest governor's job in America" in 1981, and was credited by *Newsweek* as having led one of the most dramatic economic comebacks in recent state government history; *U.S. News and World Report* listed Mr. Blanchard among the best governors in America. Mr. Blanchard served as Assistant Attorney General of Michigan, 1969-

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Carl Grenier entered the Canadian Foreign Service in 1976 and was assigned to the Canadian Delegation to the Tokyo Round of GATT Multilateral Trade Negotiations in Geneva from 1976 - 1979. In 1983, he joined the newly formed Quebec Department of External Trade and became the Director General of Trade Policy in 1987. In that capacity, he was involved with the Canada/U.S. Free Trade Agreement negotiations, as well as the Uruguay Round of the GATT. He became Deputy Assistant Minister in 1990, holding a number of high-level policy and management positions in three different ministries (International Affairs, Agriculture, Fisheries and Food, Industry, Trade, Science, and Technology) over the next ten years. He is currently the Executive Vice-President and General Manager of the Free Trade Lumber Council which post he assumed in June 1999. Mr. Grenier received degrees in mathematics and geography from L'Université Laval in Quebec.

David R. Haigh is senior partner in the Calgary law firm of Burnet, Duckworth & Palmer where he practices commercial litigation. He practices in both Canadian courts and in the field of international commercial arbitration. Mr. Haigh has been accepted as an arbitral panelist with several international arbitration centers including, among others, Hong Kong, the Canadian Foundation for Dispute Resolution, the American Arbitration Association (international panel), and the International Chamber of Commerce. Mr. Haigh has served as a Canadian member of NAFTA 2022 Advisory Committee regarding private international dispute resolution in the NAFTA region since 1994. He is currently advisor to the Canadian Ministry of International Trade on Chapter 11 of NAFTA governing investor-state disputes in the NAFTA region.

Leonard Legault was appointed Commissioner and became Chairman of the Canadian Section of the International Joint Commission in 1997. Mr. Legault has extensive experience in Canada-U.S. relations as an international lawyer and negotiator. As a career diplomat, Mr. Legault served from 1990 to 1993 as Senior Assistant Deputy Minister with the Department of Foreign Affairs and International Trade, and as Deputy Head of Mission and Minister (Economic) at the Canadian Embassy in Washington, 1986-1990. From 1979 to 1986 Mr. Legault was Legal Advisor to the Department of Foreign

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Hamilton Loeb is the managing partner at the Washington D.C. office of Paul, Hastings, Janofsky & Walker. He heads their international trade, international communications services, technology controls, and international commercial arbitration practice areas. He has served as co-chair of the American Bar Association's International Trade Committee, and more recently as Secretary of the ABA International Law section, he has been involved in formulating ABA policy and programs related to international trade. He has advised the government of Canada on the WTO Basic Telecommunications negotiations and matters related to telecommunications and trade law. Mr. Loeb has also been involved with a number of other international trade areas including customs litigation, antidumping, and Court of International Trade proceedings. Additionally, he participates in arbitration matters as a counsellor and on proposed legislative changes. Mr. Loeb received his undergraduate degree from the University of Virginia. He graduated from Harvard Law School *magna cum laude*, where he was an editor of the *Harvard Law Review*.

Donald S. Macdonald is counsel at the Toronto office of McCarthy Tétrault. Between 1962 and 1978, Mr. Macdonald was member of Parliament, a member of the Cabinet of Prime Minister Pierre E. Trudeau, and held in succession the portfolios of the President of the Privy Council, Minister of National Defense, Minister of Energy, Mines & Resources, and Minister of Finance. From 1978-1988 he was a partner in McCarthy & McCarthy, in Toronto; during that period he served as Chairman of the Macdonald Commission, whose recommendations were the forerunner of the Canada/U.S. Free Trade Agreement. Between 1988 and 1991 he was the High Commissioner for Canada in Britain. Mr. Macdonald is Chairman of Siemens Canada Limited and Chairman of Celanese Canada Inc., and also serves on numerous other corporate boards. He is also a member of the Queen's Privy Council for Canada and a Companion of the Order of Canada.

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Matthew Schaefer is an Assistant Professor of Law at the University of Nebraska College of Law where he teaches courses in international trade law, international business transactions, international law, and an international trade law and policy seminar. Presently he serves as a director in the international economic affairs office of the National Security Council at the White House focusing on WTO and sanctions matters. In 1993 through 1995, he served as a consultant to the National Governors' Association and the Western Governors' Association on the NAFTA and GATT Uruguay Round Agreements and U.S. implementing acts of these agreements. He has received a B.A. in economics from the University of Chicago. His degrees from the University of Michigan include a J.D., *magna cum laude* and member of the Order of the Coif, an LL.M in international law, as well as an S.J.D degree.

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CANADA/U.S. LAW INSTITUTE CONFERENCE
on
The Management and Resolution of Cross Border Disputes as Canada/U.S.
Enter the 21st Century

April 14-16, 2000

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