

# **U.S.-Canada Free Trade Agreement: Factors Contributing to Controversy in Appeals of Trade Remedy Cases to Binational Panels: Ggd-95-175br**



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Factors Contributing to Controversy in  
Appeals of Trade Remedy Cases to  
Binational Panels: GGD-95-175BR**

**U.S. Government  
Accountability Office (GAO)**

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*(Clint Sporer)*

## U.S.-CANADA FREE TRADE AGREEMENT: FACTORS CONTRIBUTING TO CONTROVERSY IN APPEALS OF TRADE REMEDY CASES TO BINATIONAL PANELS: GGD-95-175BR

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BiblioGov. Paperback. Book Condition: New. This item is printed on demand. Paperback. 112 pages. Dimensions: 9.7in. x 7.4in. x 0.2in. Pursuant to a congressional request, GAO reviewed the U. S. -Canada Free Trade Agreements (FTA) binational panel process to resolve trade disputes, focusing on: (1) U. S. and Canadian expectations for the binational panel process; (2) a statistical overview of panel activities and decisions; (3) participants satisfaction with the panel process; and (4) other factors that may have contributed to the controversy over the binational panel process. GAO found that: (1) the U. S. and Canadian compromise on the binational panel process occurred when U. S. and Canadian negotiators could not agree on harmonizing their trade remedy laws in FTA; (2) the panels goals included protecting each countrys sovereignty, creating trade benefits, reducing political pressures, and providing a fair and expeditious review process; (3) expectations on how the panels would accomplish these goals differed because the countries underlying concerns about the use of trade remedy laws remained unresolved; (4) it was difficult to identify any patterns in panel operations because of the small number of completed cases; (5) some participants were satisfied with the binational panel process because they thought the process was faster than traditional judicial review, operated smoothly, and gave thorough and in-depth review of the cases; (6) some participants were dissatisfied with the process due to the misinterpretation of U. S. law, improper substitution of panelists judgment for U. S. agencies judgment, excessive use of remands, emergence of a separate U. S. case law applicable only to Canada, and the adverse impact of panelist and agency discord or conflicts of interest on the process; and (7) the controversy over the binational panel process was heightened due to the conflict between panel behavior and some participants expectations of how...



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