



J. MICHAEL  
GOODSON  
LAW LIBRARY  
DUKE UNIVERSITY SCHOOL OF LAW  
*Research Guides*

# NAFTA

I. Introduction	1
II. Text of the Agreement	1
III. Background Information	2
IV. Dispute Resolution	3
V. Looseleaf Services	4
VI. Legislation, Regulations and Legislative History	4
VII. Internet Sources	5

## I. INTRODUCTION

The North American Free Trade Agreement (NAFTA) was implemented on January 1, 1994. It is designed to remove tariff barriers between the U.S., Canada and Mexico over the next fifteen years. NAFTA includes two important side agreements on environmental and labor issues that extend into cooperative efforts to reconcile policies, and procedures for dispute resolution between the member states. NAFTA is known in French as ALENA (Accord de libre-échange nord américain), and in Spanish as TLC (Tratado de libre comercio) or TLCAN (Tratado de libre comercio de américa del norte).

NAFTA was preceded by an agreement between Canada and the United States called the U.S-Canada Free-Trade Agreement (FTA) which was effective on January 1, 1989, and is now suspended due to NAFTA.

## II. TEXT OF THE AGREEMENT

*International Legal Materials* (Periodicals and Lexis (Short Name INTLAW;ILM) and Westlaw (ILM database)) has published the text at 32 I.L.M. 289 (1993) (table of contents, preamble, parts I-III) and 32 I.L.M. 605 (1993) (parts IV-VII, annexes). Side Agreements can be found at 32 I.L.M. 1480 (1993) (Environmental Cooperation); 32 I.L.M. 1502 (1993) (Labor Cooperation) and 32 I.L.M. 1520 (1993) (Emergency Measures).

*NAFTA: Final Text, Summary, Legislative History & Implementation Directory* (KDZ 944 .A41992 A35 1994).

*NAFTA Text: Final Version, Including Supplementary Agreements* (KDZ 944 .A2 1994).

The text of the agreement is available on the NAFTA Secretariat web site (<http://www.nafta-sec-alena.org>), Worldtradelaw.net (<http://library.duke.edu/metasearch/db/id/DUK00934>) and the Trade Compliance Center of the International Trade Administration ([http://tcc.export.gov/Trade\\_Agreements/](http://tcc.export.gov/Trade_Agreements/)) (click on Free Trade Agreements). Draft negotiating texts of Chapter 11 are available on the websites of the U.S. Trade Representative ([http://www.ustr.gov/Trade\\_Agreements/Regional/NAFTA/NAFTA\\_Chapter\\_11\\_Trilateral\\_Negotiating\\_Draft\\_Texts/Section\\_Index.html](http://www.ustr.gov/Trade_Agreements/Regional/NAFTA/NAFTA_Chapter_11_Trilateral_Negotiating_Draft_Texts/Section_Index.html)) and the Canadian Ministry of Foreign Affairs and International Trade ([http://www.dfait-maeci.gc.ca/tna-nac/disp/trilateral\\_neg-en.asp](http://www.dfait-maeci.gc.ca/tna-nac/disp/trilateral_neg-en.asp)).

The text of the NAFTA, along with Congressional documents and documents from the Office of the U.S. Trade Representative are available in Westlaw (NAFTA). Use the search *pr*("nafta text") for the text and *pr*("supplemental agreement") for supplemental agreements. Lexis contains important documents, including the text and the final drafts of the side agreements (called "Supplemental Agreements") (INTLAW;NAFTA).

### III. BACKGROUND INFORMATION

Judith H. Bello et al., *The North American Free Trade Agreement: A New Frontier in International Trade and Investment in the Americas* (KDZ 944 .A1992 N67 1994) provides economic data as well as several chapters comparing NAFTA and the WTO agreement.

*A Dictionary of NAFTA Terms* (Westlaw: NAFTA TERMS) cross-references the terms used in the NAFTA and the text of the treaty; it contains links to both the treaty definitions and additional finding aids.

Christian de Fouloy, *Glossary of NAFTA Terms* (Ref. KDZ 944 .A55 F68 1994) includes lists of acronyms and addresses of resources for information in Canada, Mexico and the U.S.

Ralph H. Folsom, *NAFTA and Free Trade in the Americas in a Nutshell* (3d ed. 2008) (Reserve) is a good introduction to NAFTA.

*NAFTA: Final Text, Summary, Legislative History & Implementation Directory* (James R. Holbein and Donald J. Musch eds.). This practice-oriented guide includes the text of the agreement with supplemental agreements and annexes, an analysis and summary, and a directory of sources to answer industry-specific questions (KDZ 944 .A41992 A35 1994).

*NAFTA: Law and Business Review of the Americas* (Periodicals). This quarterly, interdisciplinary journal addresses legal, business, political and social policy dimensions of NAFTA.

*North American Free Trade Agreements* (KDZ 944 .A41992 L39 1992). This looseleaf includes texts of documents starting from the first bilateral U.S.-Canadian trade agreements, a summary of the agreement, panel decisions, and analyses and commentaries.

Alejandro Posadas, *Closer Borders: Investment and Law in Mexico After the NAFTA: A Bibliography with an Index*, 6 DUKE J. COMP. & INT'L L. 371 (1996) provides a useful bibliography of English-language materials.

To find other treatises about NAFTA and related issues, search in the online catalog using Library of Congress subject headings such as “*Free Trade-North America,*” and “*North America-Commercial Treaties.*”

#### IV. DISPUTE RESOLUTION

NAFTA's dispute resolution mechanism includes provisions for panels to settle disputes. The NAFTA Secretariat administers the dispute settlement procedure. Its web site (<http://www.nafta-sec-alena.org>) contains panel decisions (for both the NAFTA and the FTA), the Code of Conduct for dispute settlement, rules of procedure for panels, information on the status of panels and a roster of panel members.

Panel decisions under NAFTA (and under the U.S.-Canada Free-Trade Agreement) are published in *North American Free Trade Agreements* (KDZ944.A41992 L39 1992). They are also available in Lexis (INTLAW;NAFDEC) and Westlaw (NAFTA-BIP database).

Worldtradelaw.net (<http://library.duke.edu/metasearch/db/id/DUK00934> for off-campus access) includes Chapter 20 arbitral panel reports (<http://www.worldtradelaw.net/nafta20/index.htm>), with summaries and analyses (<http://www.worldtradelaw.net/dsc/main.htm>) and links to selected government submissions in NAFTA Chapter 11 disputes (<http://www.worldtradelaw.net/submissions.htm>).

The U.S. Department of State *NAFTA Investor-State Arbitrations* website (<http://www.state.gov/s/l/c3439.htm>) contains expropriation and other international investment disputes between North American investors and the governments of Canada, Mexico or the U.S.

The Economic Commission for Latin America and the Caribbean's *Integrated Database of Trade Disputes for Latin America and the Caribbean* provides access to information and documentation on the trade dispute process for NAFTA and other regional trade organizations (MERCOSUR, CARICOM, etc.) ([http://idatd.eclac.cl/controversias/index\\_en.jsp](http://idatd.eclac.cl/controversias/index_en.jsp)).

The *Handbook of NAFTA Dispute Settlement* (KDZ 944.F65) includes a description of NAFTA dispute procedures, cases decided under NAFTA and CFTA, and reprints of documents related to dispute resolution.

Meg N. Kinnear, Andrea K. Bjorklund & John F.G. Hannaford, *Investment Disputes*

*Under NAFTA: An Annotated Guide to NAFTA Chapter 11* (KDZ744 .K56) is designed to provide easy access to NAFTA Chapter 11 awards and commentary.

Leon E. Trakman, *Dispute Settlement Under the NAFTA: Manual and Source Book* (KDZ 525 .T73 1997) explains the dispute resolution process and outlines activities of working groups and committees.

## V. LOOSELEAF SERVICES

BNA's *International Trade Reporter* (<http://library.duke.edu/metasearch/db/id/DUK02057>; older print editions in Superseded Looseleaf) is an excellent tool to track NAFTA developments. The "Major Topics" of the *Current Reports* has a section about NAFTA and includes news about developments such as amendments, court decisions, etc. in Canada and Mexico.

Another useful looseleaf service is a Canadian publication, *Accord de Libre-Échange entre le Canada et les États-Unis Annoté/Free Trade Agreement between Canada and the United States Annotated* (K 4609 .C3 1990; updated through January, 1996). It contains an annotated text (in French and English) with references to the U.S.-Canada Free Trade Agreement, the GATT, implementing legislation and committee reports and hearings from both the U.S. and Canada, judicial decisions, and books and articles as well. This is one of the best places to look for references to primary and secondary Canadian sources.

## VI. LEGISLATION, REGULATIONS AND LEGISLATIVE HISTORY

The implementing legislation, known as the North American Free Trade Agreement Implementation Act, was passed in December, 1993 (Pub. L. No. 103-182, 107 Stat. 2057).

The *Federal Register* is the best place to find regulations implementing NAFTA from such agencies as the U.S. Customs Service and the International Trade Administration (Department of Commerce). There is a bibliography of *Federal Register* notices in *North American Free Trade Agreements* (KDZ 944 .A41992 L39 1992). Requests for Panel Review under the dispute resolution procedures also appear in the *Federal Register*.

There is an exhaustive legislative history of NAFTA which includes the texts of the agreement, chronologies, bibliographies, and some Spanish language documents: Bernard D. Reams and Jon S. Schultz, *North American Free Trade Agreement (NAFTA): Documents and Materials Including a Legislative History of the North American Free Trade Agreement Implementation Act: Public Law 103-182* (1994) (KDZ 944 .A41992 N676 1994 and HeinOnline U.S. Federal Legislative History Library, <http://library.duke.edu/metasearch/db/id/DUK00693>).

The *Canada Gazette* (KE 119 .A1 and <http://canadagazette.gc.ca/index-e.html>) contains statutory orders, regulations, statutes and decrees for Canada.

## VII. INTERNET SOURCES

The *NAFTA Secretariat* web site (<http://www.nafta-sec-alena.org>) includes the text of the agreement, panel reports and other useful documents.

Worldtradelaw.net (<http://library.duke.edu/metasearch/db/id/DUK00934>) includes access to the texts of NAFTA agreements, and Chapter 20 panel reports with summaries and analyses.

An interagency effort (of the Departments of Agriculture, Commerce, State, Treasury and the Office of the United States Trade Representative, *TradeAgreements.gov* provides information and news on trade agreements (<http://www.tradeagreements.gov/index.htm>).

The *Trade Information Center* (<http://www.export.gov/exportbasics/ticredirect.asp>) gives information on commercial and economic conditions and tariff rates.

The U.S. Customs Service also provides NAFTA information ([http://www.cbp.gov/xp/cgov/trade/trade\\_programs/international\\_agreements/free\\_trade/nafta/](http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/nafta/)). The Trade and Related Agreements Database (TARA) includes texts and information about trade agreements (including NAFTA) between the U.S. and its trading partners, ([http://tcc.export.gov/Trade\\_Agreements/](http://tcc.export.gov/Trade_Agreements/)) (click on Free Trade Agreements).

*Integrated Database on Trade Disputes for Latin America and the Caribbean* (IDATD) ([http://badicc.eclac.cl/controversias/index\\_en.jsp](http://badicc.eclac.cl/controversias/index_en.jsp)) organizes trade law information for all the agreements to which Latin America and the Caribbean countries belong, including NAFTA.

Among the many other sites on the Internet with information about NAFTA are the Foreign Trade Information System on the Organization of American States website (<http://www.sice.oas.org/Trade/NAFTA/NAFTATCE.ASP>), the Texas A&M *Western Hemispheric Trade Information Center* (<http://freetrade.tamtu.edu/ic/links/nafta.asp>), and *NAFTA Resources* at the University of Texas at Austin (<http://www.lanic.utexas.edu/la/mexico/nafta/index.html>). These sites include the text of the agreement, news, statistical information and links to other resources.

Katherine Topulos  
11/2008