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# Implications of NAFTA's Extension to Chile and Other Countries

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## INTRODUCTION

### IMPLICATIONS OF NAFTA'S EXTENSION TO CHILE AND OTHER COUNTRIES

*Katherine F. Braid\**

I am always pleased to be here. I would not know it, but my father, who was in law school with Henry King, tells me that many years ago Henry was just as interested in playing bridge at Colby Court as he was in actually studying the law. He has changed. He maintains a very serious interest in the changes in international law.

Tonight, we are going to talk about possible changes in the North American Free Trade Agreement that would allow another party into it so that it would not just be a North American Free Trade Agreement. This is the Canada/U.S. Law Institute, and the people here represent two out of three of the stepfathers of the North American Free Trade Agreement. There are not very many of us with a great deal of knowledge about the third signatore.

We are very fortunate tonight in that both of our speakers on this topic have experience providing legal advice to governments other than their own on free trade matters. They have experience in providing advice to companies and private industries who are economically affected by trade matters; to their own government, who is trying to implement a trade policy; and to foreign governments who are trying to understand how they may participate with a different economic base and a different trade policy in a Free Trade Agreement.

Jean Anderson, our first speaker, is well-known to many of you as the author of Chapter 19. She has done other things, too. She worked for both the U.S. government in the U.S. Department of Commerce as Chief Counsel for International Trade, and is now with Weil, Gotshal & Manges in Washington, D.C., where her client base includes private companies, government, and industries.

She has provided legal advice for the government of Canada, which, as you know, is very picky when it goes shopping for U.S. lawyers,

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because they have to pay the real dollar and not the dollarettes. So I am looking forward to hearing her advice and thoughts on the admission or potential admission of Chile and other countries to the North American Free Trade Agreement.

Our second speaker, Richard Dearden, has also provided legal advice to countries other than Canada on free trade.

Canada looks at trade from a different perspective. It has a very small population, a very large land base, and a very important export economy. Forty percent of Canada's gross domestic product is from the export of Canadian natural resources. That makes Canada very different from Mexico and from Chile.

Richard has given legal advice to both the government of Canada and the government of Chile in their trade negotiations with Canada. I think this will give him a special perspective that will be of benefit to us tonight.

Richard is a partner at the Gowling, Strathy & Henderson law firm, and he was a partisan originally for Gordon Henderson, who, for the Americans among you, is one of the famous figures of the Canadian legal scene for many years.

I remember Gordon very well. I remember him from one of my last cases as an actual litigation lawyer before I became a consumer of legal services instead of a provider of legal services. Gordon was the arbitrator in a big arbitration about a coal contract. Ontario Hydro was claiming that the railways were overcharging. And my expert economist witness told me never to use the word "profit." I said, no, no, we do not have profit, we have "constant contribution to constant cost." So for six straight weeks I never used the word profit.

And so I am delighted that Richard is going to share with us his experience in working for both the Canadian government, for private Canadian companies seriously impacted by the trade negotiations, and for foreign governments interested in those negotiations.