Public Policy 201: Systematic Thinking About Problems of the Day

Fall 2017

**Op-Ed Assignment for Module 1, International trade**

The North-American Free Trade Agreement (NAFTA) includes, as Chapter 11 on investment, what is now called a provision for Investor-State Dispute Settlement (ISDS). This provision permits investors into one member country from another member country to dispute actions taken by a host country government (including a sub-national government) that expropriate the property of the investor or reduce its profit from an investment. Such disputes, if not resolved through negotiation, are settled by a panel of three arbitrators selected by the disputing parties. That panel may require the offending government to pay compensation to the investor. ISDS has been included in most of the free trade agreements that the United States has negotiated since NAFTA, but it has been controversial almost from the start.

Renegotiation of the NAFTA will need to address whether this provision should be retained, modified, or removed. Your assignment is to write an Op-Ed opinion piece, of 700-900 words, arguing the case for your preferred option. The paper should be of a style and content appropriate for inclusion on the opinion page of a major newspaper.

An Op-Ed would not normally include footnotes, but for this assignment you should provide them for any sources that you quote or cite and for facts that may not be generally available.

Your paper should be submitted as a PDF document on the Assignments page of Canvas. It is due by 5:00 PM, Tuesday, October 9.

Portions of the assigned readings that address ISDS:

* AFL-CIO, ["NAFTA at 20"](http://www-personal.umich.edu/%7Ealandear/courses/201/readings.html" \l "aflcio201403), pp. 8-11, 16-18
* AFL-CIO, ["Making NAFTA Work for Working People"](http://www-personal.umich.edu/%7Ealandear/courses/201/readings.html#aflcio20170612details), pp. 12-13
* Lester et al., ["Renegotiating NAFTA in the Era of Trump](http://www-personal.umich.edu/%7Ealandear/courses/201/readings.html#Cato20170814), p. 8
* Panetta, ["Canada's 10 NAFTA demands](http://www-personal.umich.edu/%7Ealandear/courses/201/readings.html#Panetta20170814), p. 1
* USTR, ["Summary of Objectives for the NAFTA Renegotiation](http://www-personal.umich.edu/%7Ealandear/courses/201/readings.html#ustr20170717)”, p.9

Other readings on ISDS:

* USTR, “FACT SHEET: Investor-State Dispute Settlement”, <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2015/march/investor-state-dispute-settlement-isds>
* Warren, Elizabeth, “The Trans-Pacific Partnership clause everyone should oppose,”<https://www.washingtonpost.com/opinions/kill-the-dispute-settlement-language-in-the-trans-pacific-partnership/2015/02/25/ec7705a2-bd1e-11e4-b274-e5209a3bc9a9_story.html?utm_term=.e78b34e5a9bf>
* Wieck, Oliver, “New Criticism of ISDS Obscures its Actual History,” <http://www.atlantic-community.org/-/new-criticism-of-isds-obscures-its-actual-history>