

## Archived Content

Information identified as archived on the Web is for reference, research or recordkeeping purposes. It has not been altered or updated after the date of archiving. Web pages that are archived on the Web are not subject to the Government of Canada Web Standards. As per the [Communications Policy of the Government of Canada](#), you can request alternate formats by [contacting us](#).

## Contenu archivé

L'information archivée sur le Web est disponible à des fins de consultation, de recherche ou de tenue de dossiers seulement. Elle n'a été ni modifiée ni mise à jour depuis sa date d'archivage. Les pages archivées sur le Web ne sont pas assujetties aux normes Web du gouvernement du Canada. Conformément à la [Politique de communication du gouvernement du Canada](#), vous pouvez obtenir cette information dans un format de rechange en [communiquant avec nous](#).

IN THE ARBITRATION UNDER CHAPTER ELEVEN  
OF THE NORTH AMERICAN FREE TRADE AGREEMENT  
AND THE UNCITRAL ARBITRATION RULES  
BETWEEN

UNITED PARCEL SERVICE OF AMERICA, INC.,

*Claimant/Investor,*

*-and-*

GOVERNMENT OF CANADA,

*Respondent/Party.*

---

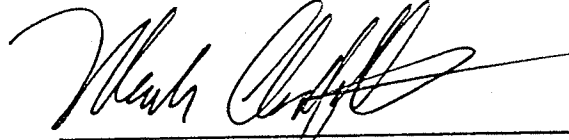
**FIRST SUBMISSION  
OF THE UNITED STATES OF AMERICA**

---

1. Pursuant to Article 1128 of the North American Free Trade Agreement ("NAFTA"), the United States of America makes this submission on certain questions of interpretation of the NAFTA. Those questions are raised in connection with the Petition to the Arbitral Tribunal ("Petition"), dated May 10, 2001, of certain non-investor third parties ("Petitioners"). No inference should be drawn from the absence of comment on any issue not addressed here.
2. Petitioners seek an order from the Tribunal granting them standing as parties in this arbitration. In the alternative, they seek standing as *amici curiae* and, in addition, the right to present and challenge evidence, an order requiring the Claimant and Respondent to publicly disclose various submissions, and the right to make submissions concerning the place of arbitration, the Tribunal's jurisdiction and the arbitrability of the claims.
3. The United States joins Canada in the view that arbitral tribunals are not authorized under the NAFTA to grant requests of third parties such as Petitioners to intervene as parties in Chapter Eleven arbitral proceedings, but that, in proceedings

governed by the UNCITRAL Arbitration Rules, tribunals are authorized to accept written submissions of such third parties as *amici curiae*.

*Respectfully submitted,*



---

Mark A. Clodfelter

*Assistant Legal Adviser for International  
Claims and Investment Disputes*

Barton Legum

*Chief, NAFTA Arbitration Division, Office  
of International Claims and Investment  
Disputes*

Alan Birnbaum

*Attorney-Adviser, Office of International  
Claims and Investment Disputes*

United States Department of State  
Washington, D.C. 20520

June 11, 2001