Extent

16 folders, approximately 716 pages

Summary

This collection consists of records related to the North American Free Trade Agreement (NAFTA) arbitration cases under Chapter 11 of the agreement. The collection contains National Security Council records of the three arbitration cases that occurred during the Clinton Administration: Loewen Group, Inc. and Raymond L. Loewen v. United States of America; Mondev International Ltd. v. United States of America; and Methanex Corp. v. United States of America. Email in this collection primarily consists of correspondence to or from Lael Brainard (Deputy National Economic Adviser and Deputy Assistant to President), John Duncan Jr. (Special Advisor for International Economic Policy and Counselor, National Security Council), Sharon H. Yuan (Confidential Assistant to the Deputy Director of the National Economic Council), and John D. Podesta (Chief of Staff) concerning interagency discussions of the litigation strategy dispute in these cases.

Scope and Content Note

The materials in FOIA 2016-0013-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials. Researchers interested in this topic should also see FOIA 2010-0021-F. The North American Free Trade Agreement (NAFTA), established a zone of free-trade in North America between the United States, Canada, and Mexico. President George H.W. Bush signed NAFTA in 1992, however the agreement was not implemented until January 1, 1994, during President Clinton’s Administration. The North American Free Trade Agreement (NAFTA), Chapter Eleven, Section B addresses the “Settlement of Disputes between a Party and an Investor of Another Party,” specifically Article 1120: Claims to Arbitration, Article 1122: Consent to Arbitration, and Article 1123: the Appointment of Arbitrators. Email from the Automated Records

Management System consists of correspondence between White House Staff containing reference to NAFTA and Arbitration or NAFTA and Chapter 11. However, email also contains press briefings and press reports concerning NAFTA and Arbitration or Chapter 11. Email in this collection primarily consists of correspondence to or from Lael Brainard (Deputy National Economic Adviser and Deputy Assistant to President), John Duncan Jr. (Special Advisor for International Economic Policy and Counselor, National Security Council), Sharon H. Yuan (Confidential Assistant to the Deputy Director of the National Economic Council), and John D. Podesta (Chief of Staff) concerning interagency discussions of the litigation strategy dispute in the Loewen NAFTA arbitration, the Metalclad Corporation vs. Mexico arbitration and the Methanex Corporation vs. US arbitration.

Record Type

Textual

System of Arrangement

Records that were responsive to this request were found in these collection areas—Clinton Presidential Records: Automated Records Management System [Email] and Clinton Presidential Records: NSC Cable, NSC Email, and NSC Records Management Systems. The Automated Records Management System (ARMS) is a database that contains email records of the Executive Office of the President. This system maintained unclassified Presidential email. The ARMS database is comprised of six sub-series of email records called "buckets." The buckets generally represent a specific White House office. The buckets are titled: NPR for National Performance Review, OPD for Office of Policy Development, POTUS for President of the United States, WHO for White House Office, CEA for Council of Economic Advisers, and Default for emails not associated with an office. The OPD bucket contains email created or received by an individual with an Office of Policy Development (OPD) White House user account. Please note that President Clinton never used his POTUS White House user account to send the few emails he wrote while in office. The WHO bucket contains email created or received by individual with an Executive Office of the President White House user account not identified as CEA, NPR, or OPD. The CEA bucket contains email created or received by an individual with a Council of

Economic Advisors (CEA) White House user account. The Default bucket contains email created or received by unknown or un-recognized email accounts. Email found within the Default bucket often includes email created or received by offices or individuals outside the Executive Office of the President. ARMS emails are arranged by topic, there-under by bucket, and there-under chronologically by creation date.

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22, as amended) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 U.S.C. Chapter 1) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed by

Staff Archivist, 2016. Previously restricted materials are added as they are released.

Last Modified Date

2016-08-02

Container List

The following is a list of documents and folders processed in response to 2016-0013-F:
Box 1
Clinton Presidential Records: White House Staff and Office Files
National Security Council
International Economic Affairs
Duncan, John
NAFTA [North American Free Trade Agreement] – Arbitration – Loewen Group [OA/ID 4025]
NAFTA – Arbitration – Metalclad Corporation [OA/ID 4025]
NAFTA – Arbitration – Mondev Corporation [OA/ID 4025]
Clinton Presidential Records: Automated Records Management System [Email]
OPD [OA/ID 250000]
[NAFTA and Arbitration or Chapter 11]
[06/18/1996 – 11/08/1999]
[11/10/1999 – 10/19/2000]
WHO [OA/ID 500000]
[NAFTA and Arbitration or Chapter 11]
[07/25/1995 – 12/20/2000]
CEA [OA/ID 950000]
[NAFTA and Arbitration or Chapter 11]
[03/08/2000 – 05/24/2000]
Default [OA/ID 1100000]
[NAFTA and Arbitration or Chapter 11]
[03/09/1993 – 11/24/2000]
NSC [OA/ID 1200000]
[NAFTA Arbitration or NAFTA Chapter 11]
[02/09/1999 – 09/13/2000]
Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Cables

Jan 1993-Dec 1994 [OA/ID 505000]
[NAFTA Arbitration or NAFTA Chapter 11]
[01/22/1994 – 10/03/1994]
Jan 1995-Dec 1996 [OA/ID 510000]
[NAFTA Arbitration or NAFTA Chapter 11]
[03/29/1995 – 04/19/1996]
[05/14/1996 – 10/07/1996]
Jan 1997-Dec 1998 [OA/ID 520000]
[NAFTA Arbitration or NAFTA Chapter 11]
[04/18/1997 – 12/16/1998]
Jan 1999-Dec 2000 [OA/ID 530000]
[NAFTA Arbitration or NAFTA Chapter 11]
[04/01/1999 – 12/14/2000]
NSC Email
Exchange-Record (Sept 97-Jan 01) [OA/ID 620000]
[NAFTA Arbitration or NAFTA Chapter 11]
[04/06/1999 – 08/17/2000]
Exchange-Non-Record (Mar 97-Jan 01) [OA/ID 630000]
[NAFTA Arbitration or NAFTA Chapter 11]
[11/15/1999 – 08/17/2000]