THE NORTH AMERICAN FREE TRADE AGREEMENT AND ENVIRONMENTAL PROVISIONS: A REVIEW OF PROMISES, PROCESSES, AND OUTCOMES

WILLIAM LESCH, Illinois State University
JIM GRIMM, Illinois State University
JOHANNES BRINKMANN, Norwegian School of Management

This paper is intended to familiarize marketing managers with selected environmental implications of the North American Free Trade Agreement (NAFTA) on their organizations. The paper reviews the history and terms of the NAFTA with attention to its performance in reference to environmental matters. In so doing it first addresses the roots and unique environmental problems facing the negotiators of the NAFTA. The paper then identifies institutions created by the signatory nations to specifically address environmental-trade problems. The paper concludes with several references to distinctions between what is, and what can be done to move closer to the agreement's stated goal of embracing sustainable development.

FORGING CHAINS: LINKING TRADE WITH THE ENVIRONMENT UNDER THE NAFTA

NAFTA, which was signed by the leaders of Canada, Mexico and the United States and went into effect on January 1, 1994, was historic in its treatment of the environment as a treaty on trade. For the first time ever, these three nations joined to negotiate trade terms in the context of environmental issues ensuring that the two issues – trade and environmental – could not be separated.

Agreements Preceding the NAFTA

According to the United States Trade Representative's (USTR) estimates, NAFTA nations now produce goods and services valued in excess of $8 trillion in a land area containing nearly 400 million persons (USTR 1997). A series of bilateral agreements fostering trade and reflecting border concerns preceded the NAFTA, laying groundwork for the agreement signed in 1993.

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U.S. – Canadian Accords. Canada continues to be the number one trading partner of the U.S., with trade between the two nations totaling more than double U.S. - Mexico transactions (USTR 1997). However, the rate of growth with Mexico has been greater than the corresponding rate with Canada.

Prior to the NAFTA, the most significant trade agreement between the U.S. and Canada was the 1989 Free Trade Agreement (FTA) (Moran and Abbott 1994). The FTA would have eliminated all tariffs on goods traded by the two nations by the beginning of 1998 if NAFTA had not been negotiated in the interim. This Agreement included specific sectoral agreements covering areas, such as favorable terms for services and agriculture, which were subsequently incorporated in NAFTA. FTA also provided for a commission to be established to resolve disputes, providing for arbitration, if necessary (Jain 1990). However, by September of 1990 all three nations -- U.S., Canada, and Mexico -- had agreed to a multilateral forum covering trade, with the full implementation of the larger NAFTA in January, 1994. The FTA ensured Canadians access to U.S. markets on good terms. In a larger context, it had the unintended effect of increasing the pressure on Mexico to seek a similar relationship (Grayson 1993; Gilbreath and Tonra 1994).

Environmental agreements between the U.S. and Canada have been multitudinous during the 20th century, ranging from the Boundary Waters Treaty of 1909 to the 1980 Acid Rain Memorandum and the water quality initiative involving the Great Lakes (Gilbreath and Tonra 1994). The state of economic development, industrial integration, and environmental sophistication (rules and enforcement) have recently been described as being nearly symmetrical between these two nations.

U.S. – Mexico Trade and Environmental Accords. Numerous accords between the U.S. and Mexico relating to trade have been enacted in recent years, including those addressing the use of the border area as a tax free/tax reduced area. *Maquiladora* plants, originating in the 1960s under the auspices of the Border Industrial Program, function as finishing operations or assembly plants utilizing a low-cost, but relatively skilled, labor force. Firms from the U.S. flocked to the 2,000 mile-long border with Mexico incorporating these operations in their value-chain systems.

Prior to joining GATT (1986), Mexico observed a relatively protectionist philosophy, in part out of fear of domination by its behemoth neighbor to the north (Orme 1996). Driven by a burgeoning foreign debt, Mexico privatized much of its state-owned industry (excepting, e.g., oil, required by its Constitution to be state-owned) during the 1980s, inking no fewer than nine separate trade agreements by 1989 (Mello 1994). As a result of market exports, the trade-weighted average tariff stood at ten percent in 1989, a 25 percent reduction since 1985 (Anderson 1993). The *maquiladoras* were integral to foreign direct investment and technology acquisition, fueling exports and a growing Mexican industrial infrastructure in border communities. Mello (1994) reports that in 1970 about 20,000 persons were employed among 120 such plants; by 1980 some 600 plants utilized a workforce numbering 120,000; and, by 1990 roughly one-half million persons were laboring in roughly 1,800 plants. Exports from these sites were growing at a pace of 18 percent in 1993 (Middleton 1994).

The U.S. and Mexico have an extensive history of bilateral agreements on border and environmental issues. Broadly, these relate to water quality and use, boundary determination, sanitation, hazardous substances and waste, and air pollution; still others address natural resources such as cultural and historic sites and wildlife habitat (Zagaris 1992).

Mexico: The Nature of the Existing Environmental Concerns

Prior to the signing of the NAFTA, the three nations were amply aware of the extent of environmental pollution in Mexico. The USTR and the U.S. Environmental Protection Agency had independently and collaboratively investigated and reviewed the counterpart environmental agency for Mexico, with USTR publishing two volumes on environmental affairs – the bulk being devoted to Mexico's environmental pollution problems (USTR 1993; USTR 1992; Housman 1994). The popular low-cost *maquiladora* operations have scarred deeply the Mexican landscape, due to a virtually total failure of environmental regulation enforcement (until very recently). Only 15 percent of all hazardous solid wastes is disposed of properly, as noted by Bustani and Mackay (1995). Further, less than ten percent of the total wastewater (agricultural, industrial and municipal) receives treatment (Bustani and Mackay 1995). Inspections showed that fewer than six per cent of the *maquiladoras* were in compliance with government licenses (Kublicki 1994).

Regulatory Experience in Mexico. The promulgation of and experience with regulatory environmental matters throughout Mexico can be described as brief and recent. Mexico's first efforts at environmental redress were embodied in the 1971 *Federal Law for the Prevention and Control of Environmental Contamination* act (Gilbreath and Tonra 1994). While the 1971 act established an administrative agency, the review and promulgation of detailed regulation had their genesis in the 1988 *General Law for Ecological Equilibrium and Environmental Protection* act. The environment received further attention in 1992 with the creation of a new administrative structure within the office of the Secretary of Social Development (SEDESOL) (USTR 1994; Garrison 1996). Comparisons of the U.S. EPA and SEDESOL generally have shown the regulatory parameters to be similar. Notable differences include the absence of a Mexican toxic waste "Superfund" for abatement of the most threatening sites and of transnational land-based disposal rules (Rowe 1995). Further, a comparatively lower level of funding and lesser period of experience result in gross asymmetries in compliance and experience (Stenzel 1995).

In 1992 the Mexican government made dramatic strides to beef-up its environmental efforts by more than doubling its enforcement funds to $78 million, from the $38 million allocated in 1991. According to Kublicki (1994), the number of inspections and subsequent plant closures (full or partial) during 1992 was impressive. In fact, some 4,600 federal inspections were performed (up 169% over 1988-90), with more than 100 total- and 700 partial- closures, such that 7 out of 10 the remaining *maquiladoras* were brought into compliance. The number of inspections climbed to 14,000 in 1993 (Garrison 1996). Through 1995, the nation was committed to spend just under $500 million on border area abatement and enforcement measures (Kublicki 1994).

The fledgling nature of environmental regulatory development in Mexico, particularly in the devastated areas along the border (generally defined as the boundary and 100 km on either side), poses vexing problems for the three North American nations. For a trade agreement to work most effectively, a harmonization of rules and enforcement mechanisms would be the best way to ensure that environmental externalities did not translate into comparative advantage. As this review has shown, these three nations approached parity in environmental regulation by the early part of the 1990s, but effective enforcement and abatement remained to be resolved in the distant and ambiguous future. Precisely how the negotiators of the NAFTA perceived the future is the subject of the next section.

THE NAFTA: KEY ENVIRONMENTAL PROVISIONS

As might be expected, the majority of the NAFTA does not deal with environmental matters -- it is, after all, an agreement on trade. Nonetheless, negotiators included ample references to environmental concerns to whet, but not completely satiate, the appetites of those comprising the "green" sectors of the U.S. Congress. Specifically, NAFTA is a document focused on *trade*, with secondary objectives intended to raise awareness of and participation in trade which is "greener" and more sustainable. Even though sustainable development and the environment are mentioned in clear terms early-on in the accord, the accord's reader is apt to focus on its economic, not environmental (sustainable), maxims.

Nonetheless, environmental protection and conservation are matters raised in the Preamble, concurrent with sustainable development. Elsewhere, environmental matters figure prominently. For example, the accord refers to environmental agreements and conservation (Chapter 1), Phytosanitary and Sanitary Standards (Chapter 7), affording each nation the right to establish its own level of environmental protection, so long as it does not result in a lowering of an existing standard for trade purposes (Chapter 9), and Institutional Agreements and Dispute Settlement (Chapter 20). Additional details regarding NAFTA can be obtained through the internet (http://www.sice.oas.org/ trade/nafta/chap-01) and varying levels of analyses are provided, e.g., by Anderson (1993), Rowe (1995), or the USTR (1994). The substantive matters on the environment, which were relegated to detailed side agreements, are next reviewed.

The NAFTA Side Agreement: Institutionalizing the Environmental Concerns

The NAFTA side agreement on the environment, approved by the U.S. Congress concurrent with the NAFTA, affords an institutional or bureaucratic manner of dealing with environmental questions, which are linked to trade. The passage of NAFTA was a high priority of the Bush administration and environmental quality issues remain high on the list of priorities of the Democratic Party. While a majority of non-governmental environmental organizations had supported the Agreement, several leading environmental groups (Public Citizen, Friends of the Earth, and the Sierra Club) did not.

These groups elected to use the courts to block the agreement before it could be formally reviewed/approved by Congress (Fitzgerald and Leveille 1994). The schism between the then-new administration (Clinton) and these groups was deep. The initial court of review found cause for the EPA to issue an environmental impact statement, an involved and time-consuming process which, if upheld on appeal, would have killed the NAFTA by delaying Congressional approval until after the stated deadline. Appeal to a higher court reversed this decision, finding that technically the USTR was accountable in this matter to the President, and that it was the President's prerogative to forward the document for Congressional approval. Thus, in a move to satisfy public and Congressional partisans, Clinton proposed the side agreements, separate but related to the NAFTA, as a means of formally redressing concerns in several areas, including the environment and labor.

The Canadian government prepared a more limited review of environmental issues, deciding not to offer a full-blown environmental impact statement. In the case of Mexico, the government's reviews of environmental issues were prepared for internal (government use only) consumption. The Mexican citizenry had access to the U.S. and Canadian reports, but did not enjoy the same for the reports prepared by their leadership (see Housman 1994). As a consequence, debate about environmental issues took place at different levels among the three countries' constituents and stakeholders.

The North American Agreement on Environmental Cooperation (NAAEC)

The Preamble to the North American Agreement on Environmental Cooperation (NAAEC) between the three governments includes explicit references to sustainable development, recognizes the interrelationship of the Parties' environs, their prior environmental commitments, and the sovereign right of States to exploit their own resources pursuant to their own environmental and development policies. Specific stated Objectives of the Agreement (Part 1, Article 1) mention the promotion of sustainable development, mutual cooperation in conservation matters, and the strengthening of environmental laws, rules and enforcement, along with the avoidance of creating trade distortions or new trade barriers. The Act's body, incorporating an additional 46 Articles, is divided among six main parts: Obligations, Commission for Environmental Cooperation, Cooperation and Provision of Information, Consultation and Resolution of Disputes, General, and Final Provisions (http://www.sice.oas.org/trade/nafta/env-9141). Analysts have zeroed-in on the passages/parts discussed below as not only important, but controversial. For commentaries on the mechanics of this Act, see, e.g., Baron (1995) or Priol-Vrejan (1994).

Article 3 addresses Levels of Protection afforded by the agreement. It recognizes the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations, (enabling) each Party (to) ensure that its laws and regulations provide for high levels of environmental protection and (to) strive to continue to improve those laws and regulations. This passage guarantees each Party sovereign control over the regulation of the environs within their borders, but provides for a stance of toughening, over loosening, of the same. Article 4 requires that proposals for revision be published and afford interested persons and Parties opportunity for comment. This removes the process of environmental regulatory review from the closed-room forum and ensures NGOs as well as private citizens the opportunity for input into the rulemaking process. Government Enforcement and Private Remedies are addressed in Articles 5 and 6, while principles of Procedure are reported in Article 7.

The establishment of a Commission is detailed in Part 3, creating a Council, a Secretariat (to discharge day-to-day activities of the Council), and a Joint Public Advisory Committee (to include public input at the highest level of rulemaking and review to the Council). The Council is comprised of Cabinet-level or equivalent representative of the parties ensuring that the States are well represented in the policymaking process of the environmental side of the agreement. The authority of the Council is broadly stated to include such matters as the exchange of scientific talent, the promotion of public awareness of environmental issues, reports on the status of the environs, eco-labelling, and protection of the endangered and threatened species.

Submissions on Enforcement Matters are outlined in Article 14. Written requests asserting that a Party is failing to effectively enforce its environmental law may be considered by the Secretariat, if in compliance with the terms of such submissions. Further, submissions should be aimed at promoting enforcement rather than at harassing industry, be copied to the relevant authorities in the respective Party, and be filed by a person or organization residing or established in the territory of the Party. If the matter is being pursued within the regulatory and/or judicial system of the Party, the Secretariat will not proceed until such activities have concluded. Thus, simultaneous review is not permitted. If the Secretariat has been persuaded that the requirements for effective submission have been satisfied, he/she has the option of developing a Factual Record on the matter, including submissions from outside, but interested, parties.

A Joint Public Advisory Committee is established through language contained in Article 16. It meets at least once per annum and is comprised of equal numbers of persons appointed by the respective Parties. It may advise the Council on any matter relating to the NAAEC, and the Council may elect to share such things as Factual Records with the committee.

Part Five addresses in detail the matters of Consultation and Resolution of Disputes, with consultation a prerequisite to formal dispute mechanism. The NAAEC affords a very bureaucratic set of steps, allowing for some nine different stages in the process of resolution (see Stenzel 1994). The process is not conducive to speedy resolution. Further, Article 33 provides that the panel must determine that there has been a persistent pattern of failure to enforce its environmental law (by the Party complained against) before an action plan redressing any harms can be implemented. Thus, to reach a remedy requires that the complainant build a foundation rooted not only in egregious but repeated offense though non-enforcement, something which may not be practically required to effect relief within the regulatory or judicial system of the Party's making. For practical purposes, this expression serves to burden any complainant with an almost Sysiphian order. No one can know how much is enough nor what standards for harm will necessarily apply, which may be different during different phases of review.

The NAAEC does provide for monetary damages (no greater than $20 million or its counter currency equivalent) and/or may result in Suspension of Benefits, as provided in ANNEX 36B. This may include increased duties, first relating to the sector of trade in which the complaint arose, and then possibly to others. However, the likelihood of the Council approving such sanctions should be considered remote, at best. This derives from the consultative nature of even the most judicial component of the dispute-resolution process. Even upon such a recommendation, the political nature of trade and the environment should be considered to be so powerful as to mitigate against such compensatory or retaliatory outcomes.

The Performance of the NAAEC: Submissions and Outcomes

Considering the more formal, quasi-judicial role of the NAAEC, the Council has received few submissions and has, for the most part, found little to merit detailed review and/or even the development of a Factual Record of inquiry. For example, the NAAEC had received just eleven submissions from NGO and/or private citizens through July 1997. Of the first ten of these cases, two submitted in 1995 involving the U.S. Endangered Species Act and U.S. Timber Salvage Sales did not satisfy the requirements for Council review (USTR 1997).

In 1996 a case was filed against the government of Mexico involving the construction of a shipping pier in a reef area the claimants argued inadequate environmental review. The Commission requested and received a response from the Mexican government, and the Secretariat has nearly completed preparation of a Factual Record.

The Canadian government was the subject of two complaints in 1996: one involving pollution and the failure of Canada to enforce existing laws on environment (an Alberta case) and the other enforcement of the Fisheries Act. Both proceedings were terminated as each was involved in ongoing domestic litigation.

Also in 1996, the U.S. received a complaint regarding the Army's alleged failure to file an adequate environmental impact assessment relating to its base in Fort Huachuca, Arizona. Water use was at issue. The Secretariat did not prepare a Factual Record but, instead, is undertaking a study on the matter.

During early 1997, the Canadian government was cited in two actions: one involving the fisheries habitat affected by hydroelectric dams in British Columbia and one directed to enforcement of rules on agricultural pollution caused by hog production. The government of Canada has been contacted for a response to the first complaint, while the Secretariat is still reviewing the second.

The Mexican government was the recipient of a complaint in April, 1997 alleging that municipalities in Sonora were dumping untreated wastewater into the Magdalena River in contradiction of Mexican environmental law. The Secretariat has this matter under review.

Finally, during May and July, 1997, Canada was cited in two additional actions involving failure to follow environmental guidelines first with respect to groundfish, the other involving the Animal Alliance of Canada. Both are currently under initial review (http://www.cec.org/templates/Registry).

In sum, the investigative function of the judicial component of the NAAEC has been under utilized, but this should not be attributed as a fault of the NAAEC. Submissions must be expected to meet requirements for review. It does appear that the Secretariat has responded quickly to ascertain the same and then move, when warranted, to the next stage(s).

Consultative and Informational Functions of the NAAEC

Since its inception, the NAAEC has performed both investigative and informational functions outside of the enforcement area. It maintains a web site that affords access to most of its publications and lists a range of activities in which it has been engaged. The web site informs the reader of a wide variety of investigations the NAAEC has undertaken relating to its broad authority to conduct transnational environmental inquiries. The NAAEC has begun advancing reports that are intended to speed the review, if not harmonization, of standards for emissions. On the basis of both breadth and number, these efforts appear to be commendable. It remains to be seen, however, what impact these may have on the Parties' own rulemaking, the ultimate test, since sovereignty in this matter is paramount according to the NAFTA.

Ancillary Agreements on the Mexico-U.S. Border: The Border Environmental Cooperation Commission and the North American Development Bank

Integral to approval of the NAFTA by the Congress of the U.S. was an understanding of how to deal with the existing problems of *maquiladora* plants along the lengthy Mexican border. The Parties agreed to establish two organizations to cope with these issues in a regulatory and financial structure. These were the Border Environmental Cooperation Commission (BECC) and the North American Development Bank (NADB).

The Border Environmental Cooperation Commission (BECC) is comprised of a Board of Directors, Managers, and Advisory Council, including representation from each country's federal, state, and local governments, as well as the public (Rowe 1995). Obviously, such broad representation is intended to guarantee adequate representation and input on all matters before the Commission. The Agreement defines very broad directives for the group, beginning with the coordination of projects in the area, and including rendering technical, social and or economic impact analyses (Gaines 1995). While there has been criticism of the progress made on border issues (New York Times 1997; Fineman 1996; Moore 1996), by mid-1997, the USTR's report on activities of the BECC was generally favorable.

Along the roughly 2,000 miles of the U.S.-Mexico border some 10 million people reside in a land area (six Mexican and four U.S. states) so polluted that it has been estimated that roughly $8 billion will be required to clean up the environment (http://cocef.interjuarez.com/INGLTEXT.htm). According to the terms of the BECC, the governments of both countries will work cooperatively, sharing human and financial capital and know-how to address the many land-, air-, and water-based pollution issues, moving in the direction of sustainable development for the region. The Commission has adopted a decidedly bottom-up approach, asking municipalities and states to assist in identifying and prioritizing needs for abatement. Under the terms of the BECC, only those projects certified by the BECC can be submitted to the NADB for financing (USTR 1997; Gaines 1995).

The North American Development Bank (NADB) has been organized as an equal partnership of sorts between the U.S. and Mexico to assist in financing and co-financing environmental projects of merit. The initial capital of the NABD was small. But it is expected that once appropriations by both government are complete, the capital from the two nations ($56 million per year for four years) will be leveraged into a total pool of resources valued between $2 and $4 billion (USTR 1997; Stenzel 1995). The bank will charge market-based interest rates and is cooperating with the U.S. EPA to obtain EPA grants.

The NADB has provided direct financing for projects ranging in size from approximately $1 million to $25 million (USTR 1997) and has provided technical assistance to three additional locations in the Mexican state of Sonora. The bank is not involved with abatement (clean up) per se and is able to support only those projects that can be self-sustaining over time (USTR 1997).

CONCLUSION

What was the proposed purpose of the NAFTA? The over-arching purpose of the NAFTA, measured in a number of ways, was to promote trade among the three signatory nations. While environmental matters measured prominently in the debates leading up to approval, it must first be remembered that it was not a transnational environmental policy that brought trade to the table, but quite the reverse. Perhaps to underscore this, reports to the Congress of the U.S. on the performance of the NAFTA have been devoted in large measure to trade, while the environment warranted an honorable mention. This is as much a reflection of the scope and nature of the NAFTA as it is a statement on the stage of development of the three nations' thinking regarding the distinction between trade and sustainable development.

Existing Conditions Dictate a Focus on Abatement

The nature of the border conditions (U.S. and Mexico) requires a realistic evaluation of what can be accomplished in the area of environmental progress. This is a natural outgrowth of two factors, the status of economic and environmental development of the Mexican State and the failure of existing regulations on both sides of the border to effect clean, two-way trade. The border agreement ensures that a mechanism to focus cooperative efforts is in place, but does not resolve all extant environmental problems. The $8 billion dollars required for abatement of the environmental problems in the border area reveals the extent of environmental degradation and the distance both nations will have to go in their thinking and deeds to solve existing problems. In the short time since the signing of the accord, the two nations have managed to organize and commence prioritization of efforts. However, this does not guarantee future enthusiasm nor does it secure all the necessary funding for clean up. The small amount of funds let for abatement (perhaps 5 percent of existing capital resources) reflects further the difficulty of the task that lies ahead.

Sustainable Development: Touchstone for What?

As Stenzel (1995) points out, sustainable development means many things to many people. His reference to the United Nation's definition is informative.

> In the end, sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and the institutional changes are made consistent with future as well as present needs. We do not pretend that the process is easy or straightforward. Painful choices have to be made. Thus, in the final analysis, sustainable development must rest on political will.

The current NAFTA uses sustainable development as a touchstone for a shift in philosophical thinking. Unfortunately, because of the conditions outlined above, do not expect to see the sudden emergence of sustainable industrial developments, particularly in the border area. The very existence of the nine-step program for dispute resolution is intended to effect political solutions to environmental problems, forcing the public to become ever more cognizant of the trade-offs necessary to becoming more environmentally responsible. The concept of sustainable development was not operationalized in any fashion within the context of standards or criteria by which progress in this direction could be efficiently measured. The investigations and consultations of the NAECC, as well as the BECC, should be viewed and used as opportunities not only to identify and harmonize existing environmental regulatory practices, but also to push the nations ever closer to adopting the philosophy and tenets of sustainable development.

Bustani and Mackay (1995) characterized the trend in the adoption of environmental technology as staged. The first step is measurement, followed by evaluation, remediation, abatement, and prevention. Only then do clean technologies and, subsequently, sustainable technologies, come into play. Mexico's movement in recent years, from a state of pre-measurement and analysis of prevalence of practice and compounds, to one of varying degrees of measurement, evaluation, and remediation are commendable. The U.S. and Canada face some of these problems to be sure, but for the most part, the status of their environmental technology across many industries permits a focus on upper levels of the hierarchy, from abatement through clean technologies. Their charge will be to share as much of this technology and thought as rapidly as possible to developing nations to limit degradation, while they move closer still to realizing sustainable development. Again, all parties to this pact must recognize that sustainable development is a constantly moving target, one bounded not only by our sins of the past but our motives and means to future technology.

Political Inertia

The U.S. is participating in efforts to attract various South American countries to participate in NAFTA. The elements of the agreement dealing with environmental matters, if carried over to these countries, will present excellent opportunities for shaping earlier in the development process those forces which resulted in the widespread degradation of the border area. As a vehicle for communicating and reforming the process by which nations make political choices about the conditions of production and investment, NAFTA can have a profound effect on future philosophy and practice. As such, the argument that trade brings improvement to the environment may be measurably true.

Conversely, to the extent that nations choose to cloak themselves in the banner of green while embarking upon traditional industrial paths (including rapid industrial development without corresponding environmental experience or political will), a potentially devastating fraud could be committed. With the lessons of the pre-NAFTA *maquiladoras* firmly in mind, there need be little reason for such an outcome.

REFERENCES

Anderson, T. L. (1993), *NAFTA and the Environment*, San Francisco, CA: Pacific Research Institute for Public Policy.

Baron, D. (1995), "NAFTA and the Environment – Making the Side Agreement Work," *Arizona Journal of International and Comparative Law*, 12(2), 603-617.

Bustani, A. and P. Mackay (1995), "NAFTA: Reflections on Environmental Issues During the First Year," *Arizona Journal of International and Comparative Law*, 12(2), 543-601.

Fineman, M. (1996), "Environmental Nightmare on U.S.–Mexican Border Abates," *Los Angeles Times*, (March 12), A8+.

Fitzgerald, P. and V. Leveille (1994),"When the National Environmental Policy Collides with the North American Trade Agreement: The Case of Public Citizen vs. Office of the United States Trade Representative," *St. John's Journal of Legal Commentary*, 12, 751-759.

Gaines, S. (1995), "Bridges to a Better Environment: Building Cross-Border Institutions for Environmental Improvement in the U.S. – Mexico Border Area," *Arizona Journal of International and Comparative Law*, 12(2), 429-471.

Grayson, G. (1993), *The North American Free Trade Agreement: Canada, U.S.A., and Mexico,* New York, NY: Foreign Policy Assoc., (April).

Garrison, J. (1996), "Mexico's Compliance with the NAFTA and the NAAEC, a First Year Review," in *NAFTA, the First Year: A View from Mexico* (ed. D. Villers), New York, NY: University Press of America, Inc., 169-196.

Gilbreath, J. and J. Tonra (1994), "The Environment: Unwelcome Guest at the Free Trade Party," in *The NAFTA Debate: Grappling with Unconventional Trade Issues* (eds. M. D. Baer and S. Weintraub), Boulder, CO: Lynne Rienner Publishers, Inc., 53-96.

Housman, R. (1994), "The North American Free Trade Agreement's Lessons for Reconciling Trade and the Environment," *Stanford Journal of International Law*, 30, 379-422.

http://www.sice.oas.org/trade/nafta/chap-01, *North American Free Trade Agreement*.

http://cocef.interjuarez.com/INGLTEXT.htm.

http://www.cec.org/templates/Registry.

http://www.sice.oas.org/trade/nafta/env-9141.

Jain, S. (1990), *International Marketing Management*, Third Edition, Boston, MA: PWS-Kent.

Kublicki, N. (1994), "The Greening of Free Trade: NAFTA, Mexican Environmental Law, and Debt Exchanges for Mexican Environmental Infrastructure Development," *Columbia Journal of Environmental Law*, 19, 59-140.

Mello, J. (1994), "The Environmental Cost of Free Trade," *Business and Society Review*, 91(Fall), 18-28.

Middleton, R. (1995), "NAFTA and the Environmental Side Agreement: Fusing Economic Development with Ecological Responsibility," *San Diego Law Review*, 31, 1025-1055.

Moran, R. and J. Abbott (1994), *NAFTA: Managing the Cultural Differences*, Houston, TX: Gulf Publishing Co.

Moore, M. (1996), "GAO: Mexican Border Cleanup Falters," *Washington Post*, (August 3), 17+.

New York Times (1997) "Despite Agreements, Cleanups are Slow to Come to the Border," (January 26), 19+.

Orme, W. (1996), *Understanding NAFTA: Mexico, Free Trade, and the New Americas,* Austin, TX: University of Texas Press.

Priol-Vrejan, S. (1994), "The NAFTA Environmental Side Agreement and the Power to Investigate Violations of Environmental Laws," *Hofstra Law Review*, 23, 483-511.

Rowe, L. (1995), "NAFTA, the Border Area Environmental Program and Mexico's Border Area: Prescription for Sustainable Development?" *Suffolk Transnational Law Review*, 18, 197-235.

Stenzel, P. (1995), "Can NAFTA's Environmental Provisions Promote Sustainable Development?" *Albany Law Review*, 59, 423-482.

United States Trade Representative (1992), *Review of U.S.-Mexico Environmental Issues*, (February).

__________ (1993), *The NAFTA: Expanding U.S. Exports, Jobs and Growth*, Washington, DC: USGPO, (November).

__________ (1994), *Environmental Impact of NAFTA*, Rockville, MD: Government Institutes, Inc.

__________ (1997), *Study on the Operation and Effects of the North American Free Trade Agreement*, Washington, DC: Office of the USTR, (July).

Zagaris, B. (1992), "The Transformation of Environmental Enforcement Cooperation Between Mexico and the United States in the Wake of NAFTA," *North Carolina Journal of International Law and Commercial Regulation*, 18, 59-132.