

Environmental Assessment of NAFTA

Lessons Learned from CEC's Trade and Environment Symposia

DRAFT DISCUSSION PAPER

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Introduction

The Commission for Environmental Cooperation (CEC) is currently planning its Fourth North American Symposium on Assessing the Environmental Effects of Trade. The previous three symposia were held in 2000, 2003 and 2005. Goals for these symposia included improving the understanding of the environmental effects of free trade and related economic integration in North America, as well as identifying opportunities for further integration between environmental and trade policies.

In conjunction with the CEC's fourth symposium, the Joint Public Advisory Committee (JPAC) is holding a public session to review the proceedings, results, and recommendations of past symposia. The intention of this review is to provide recommendations on improving public access to the symposia's background papers as well as to the discussions occurring during the event, and to render the ongoing environmental assessment of NAFTA more relevant to efforts aimed at ensuring that trade liberalization and environmental protection are mutually supportive. The JPAC will then prepare a report based on its consultation, along with recommendations for action by the Parties as appropriate.

This discussion paper provides background material for the JPAC's public session. It is based on a review of relevant literature as well as interviews with 24 leading North American and international experts¹ and aims to present an assessment of the proceedings, results, and recommendations of the previous symposia. The impact and effectiveness of past symposia are assessed based on a set of criteria which includes policy impact, cost effectiveness, communications and outreach, as well as others proposed by the experts.

This discussion paper is divided into four sections that synthesize a review of relevant literature and the results of interviews with experts.²

- **Section I** analyses the results and impact of past symposia on advancing the understanding of the trade and environment relationship.
- **Section II** assesses the results of efforts to outreach and engage with stakeholders in the context of symposia, including through JPAC's involvement.

¹ The list of experts interviewed is available in Appendix I.

² The lines of inquiry are available in Appendix II.

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- **Section III** analyses the effectiveness of strategies put in place to disseminate the results of symposia.
- **Section IV** assesses symposia's influence on North American trade and environment policies.

Given the nature of the CEC's work, the evaluation conducted in this report is mainly qualitative. Quantitative elements were used as a complement where available. The conclusion identifies questions and issues for discussion at the roundtable.

I. Advancing Knowledge on the Trade and Environment Relationship

Established in 1994 by the North American Agreement on Environmental Cooperation (NAAEC), the Commission for Environmental Cooperation (CEC) was entrusted with a general mandate to promote environmental cooperation among Canada, Mexico and the United States as well as a more specific mandate to monitor and assess on an ongoing basis the environmental effects of the North American Free Trade Agreement (NAFTA). These mandates addressed the fears prevalent at the time that the newly negotiated regional trade agreement would have overall significant negative environmental impacts in all three members country. In addition, the CEC's role was to improve and deepen the general understanding of the trade and environment relationship, as positive effects were also expected to arise from increased continental liberalization.

To fulfill the requirement to consider the environmental effects of the NAFTA, the CEC first elaborated a comprehensive analytic framework that set criteria to identify and empirically document changes in environmental quality and policy trends linked with trade liberalization in North America.³ For its first *North American Symposium on Assessing the Linkages between Trade and Environment* in 2000, the CEC issued a public call for research papers to be presented at the event, hence allowing for substantive input from a broader group of pertinent organizations and experts. Since then, symposia have been one of the major venues used by the CEC to fulfill its mandate and conduct an ongoing assessment of the North American environment. Two other symposia were subsequently held following the same procedures, one in 2003 in Mexico City (focusing on energy and agriculture) and one in 2005 in Montreal (focusing on investment, growth and the environment). A total of 50 papers have been produced since 2000.

³ CEC. 1999. *Analytic Framework for Assessing the Environmental Effects of the North American Free Trade Agreement*. Montreal: CEC.

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The research and data collected with the support of the CEC and presented at these events demonstrated that most assumptions and expectations (both positive and negative) expressed at the time of NAFTA's negotiations did not materialize, at least not to the extent anticipated ten years ago. This section presents a brief summary of the main conceptual results and findings.

COMPETITION EFFECTS: RACE TO THE BOTTOM AND POLLUTION HAVENS

The most important environmental fears towards NAFTA were linked to the possibility that the intensification of competitive pressures would lead to a regulatory race to the bottom or a “regulatory chill”⁴, thereby setting the stage for the creation of pollution havens where industry would relocate in order to benefit from lower environmental standards. However, an analysis of the North American environmental regulatory context since NAFTA’s inception finds only anecdotal evidence supporting the hypothesis of a race to the bottom.⁵ On the contrary, a few examples can be found where NAFTA-associated liberalization created an upward movement of environmental standards or regulations, especially in Mexico.⁶ Correspondingly, industry relocation is only tenuously influenced by environmental regulations, whereas factors such as wages, market proximity, infrastructure and fiscal policy, among others, have been shown to have a greater influence on the choice of location.⁷

SCALE EFFECTS: ECONOMY GROWTH AND INCREASED INDUSTRIAL POLLUTION

⁴ In the first hypothesis, competitive pressures lead jurisdictions to lower environmental standards or enforcement to attract foreign investment, while in the latter, the jurisdiction refrain from enacting new environmental laws. Both hypotheses were based on the fear that producers would move to the location with the most lax environmental standards.

⁵ For a brief presentation of studies discussing this issue, see CARPENTIER, Chantal Line. 2006.

“NAFTA Commission for Environmental Cooperation: ongoing assessment of trade liberalization in North America” 24 Impact Assessment and Project Appraisal 259 at 6-7.

⁶ *Ibid.* at 8-9.

⁷ Yet, two examples show the necessity to ensure comparable levels of environmental legislation and enforcement in order to avoid such phenomenon. First, a 400% increase in imports of hazardous waste by Quebec and Ontario from the United States following NAFTA’s entry into force was caused by lower regulatory compliance costs and the absence of joint and severable liability and pretreatment standards in Canada. See JACOTT *et al.* 2003. *Energy Use in the Cement Industry in North America: Emissions, Waste Generation and Pollution Control, 1990–2001*. Paper presented at the Second North American Symposium on Assessing the Environmental Effects of Trade, 24–26 March 2003, Mexico City, Mexico; as well as JACOTT *et al.* 2004. *The Generation and Management of Hazardous Wastes and Transboundary Hazardous Waste Shipments between Mexico, Canada, and the United States since NAFTA: a 2004 Update for the CEC*. Austin TX: Texas Center for Policy Studies. While lower enforcement standards between the United States and Mexico contributed to locational shifts in the textile sector from the north to south. See ABEL, Andrea & Travis PHILIPS, “The Relocation of El Paso’s Stonewashing Industry and its Implications for Trade and the Environment”, in CEC, *supra* note 3. (picture becomes clearer, p.13) (Abel and Philips, 2002)

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It was largely assumed that the entry into force of NAFTA would lead to increased industrial production resulting in additional environmental pressures. This hypothesis is supported today,⁸ especially in the absence of proper policies to cope with fast market liberalization, though it is generally de-linked from GDP growth and varies from one sector or country to the other.⁹ The most important impact of increased trade was measured in the transport sector as freight transport expanded massively while local infrastructure was not adapted to the changes.¹⁰

There were also expectations that new production activity created by NAFTA would concentrate in the most economically and environmentally efficient firms and regions, which would in return limit the presumed additional environmental stress. This was the case only on some occasions.¹¹ Concentration of production and specialization occurs at different rates according to the sector and does not necessarily happen in “areas where environmental conditions are most favourable and regulatory oversight the strongest.”¹²

CONVERGENCE OF ENVIRONMENTAL PRACTICES, INCREASED TECHNOLOGY TRANSFERS, IMPROVED MANAGEMENT APPROACHES

Greater liberalization was expected to favour the spread of best environmental practices, cleaner technologies and management approaches through increased FDI investment across North America. It was assumed that rising income would increase resources dedicated to environmental protection, while this trend would be strengthened by higher consumer expectations and public demand.

With some exceptions, these expectations generally did not materialize, especially in the Mexican context. There are few examples of technology diffusion¹³ and “scant empirical evidence supports the hypothesis that, in the

⁸ GALLAGHER, Kevin 2004. *Free Trade and the Environment: Mexico, NAFTA and Beyond*. Stanford CA: Stanford Law and Politics; REINERT, Kenneth A. & David W. ROLAND-HOLST, “The Industrial Pollution Impact of NAFTA: Some Preliminary Results”, in CEC, *supra* note 3; PORTER, Gareth. 2003. *Agricultural Trade Liberalization and the Environment in North America: Analyzing the ‘Production Effect’*. Paper presented at the Second North American Symposium on Assessing the Environmental Effects of Trade, 24-26 March 2003. Mexico City, Mexico.

⁹ MAYRAND, Karel and Marc PAQUIN. 2004. *The CEC and NAFTA Effects on the Environment: Discussion Paper*. Montreal: Unisféra International Centre at 7.

¹⁰ POYNTER, Rachel and Sheila HOLBROOK-WHITE. “NAFTA Transportation Corridors: Approaches to Assessing Environmental Impacts and Alternatives” in CEC, *supra* note 3.

¹¹ Such as the displacement of tomato production from the Florida region to Mexico. See Porter, *supra* note 7.

¹² Carpentier, *supra* note 5 at 10.

¹³ Such as the adoption of drip-irrigated technologies in tomato’s production in Mexico, but in other sector it seems that NAFTA has had no effect on the rate of technology diffusion.

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near term, increased incomes associated with trade liberalization correlate with increased resources for environmental authorities or improved policies to ensure sustainable use of resources.”¹⁴ Nonetheless, the upgrading of Mexico’s environmental regulations positively impacted the environmental performance of Mexican businesses, while export-oriented businesses were also influenced by the “pull” effect of additional exporting opportunities into markets with environmentally-sensitive demand.¹⁵

In synthesis, based on the research supported by the CEC over the last decade, it appears that the environmental impacts of NAFTA are neither very bad nor very good, and that they vary considerably from one sector to the next and from one region to another.

It was demonstrated that "trade liberalization does not in itself favour environmentally preferable goods and services or favour sustainable economies"¹⁶. Trade liberalization or trade-related assessments do not automatically lead to the elaboration of mutually supportive trade, environmental and economic policies at the continental level. This is true especially in a context where policy decisions are made based on imperfect information. Furthermore, many dimensions of the trade and environment nexus have yet to be documented and analyzed, thus making it impossible to draw an overall conclusion on the environmental impacts of NAFTA in North America.

II. Engaging Stakeholders and Civil Society

The importance of outreach to and the participation of civil society in the implementation of the NAAEC is reflected in its provisions. For its purposes the JPAC defines outreach as “an organization going outside its normal scope of operation to provide information, resources and services to those not in its immediate service area” and believes that “public engagement is obtained through open communication with the desire to understand its issues and concerns [...]. It is not simply informing the public, but an active process whereby feedback from interested parties/individuals is sought.”¹⁷ The

¹⁴ Carpentier, *supra* note 5 at 8 and 11.

¹⁵ WISNER, Priscilla and Mark P. EPSTEIN 2005. *‘Push’ and ‘pull’ impacts of NAFTA on environmental responsiveness and performance in Mexican industry*. Paper presented at the Third North American Symposium on Assessing the Environmental Effects of Trade, 30 November–1 December 2005. Montreal: CEC.

¹⁶ Carpentier, *supra* note 5 at 11.

¹⁷ Joint Public Advisory Committee (JPAC). 2006. *Our Future within the CEC, Strategic Plan of the Joint Public Advisory Committee (JPAC) 2006-2010*. Montreal: CEC. Available online at <http://www.cec.org/files/PDF/JPAC/JPAC-StrategicPlan_en.pdf>. [JPAC Strategic Plan]

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Symposia have been an important part of the CEC's engagement and outreach strategy. Based on experts' comments, this section seeks to assess the impact and effectiveness of symposia as outreach and engagement mechanisms.

In the context of symposia, the CEC engaged civil society, academics and other stakeholders through public calls for papers, advisory committees and partnerships. This approach is not without merit: it brought transparency and a participatory value to a technical, specialised process. Moreover, financial support to allow for the participation of the North American NGO community was instrumental in making the symposia more participatory. Each symposium attracted between roughly 200 to 300 stakeholders. Notwithstanding that the location of the symposia influenced the dominant nationality of the persons attending, a slight increase in Mexican participation can be noticed over the years, while American participation has been the lowest in the last two symposia.

Based on an analysis of participants' lists of the symposia, regional **NGOs** have comprised about 20% of the audiences in both 2000 and 2005 symposia, with a significant increase in participation in 2003. However, their participation in the production of knowledge has diminished over time as the **academic community** became more involved in the symposia. In 2005, most of the papers were produced by experts with an academic background, while participants from the academic community more than doubled from 2000 to 2005.

At the same time, participation from governments drastically dropped to a third of its original attendance, from more than 36% of the whole audience in 2000 to about 12% in 2005. Moreover, only two papers have been produced by government (in both cases by the United States), one in 2000 and one in 2003. As attendance is a good indicator of which stakeholders are interested in symposia, the decrease in **government officials'** participation may be symptomatic of a certain disengagement linked to a perception that symposia do not deliver ready-to-use policy recommendations. Both **private sector** and **international experts'** participation has been low in the first three symposia. Nonetheless, a few important business players on the corporate social responsibility front have demonstrated interest. Still, greater effort will be needed to increase and solidify links with both groups.

The first condition for a successful engagement and outreach strategy for symposia is to have a clear definition of the **targeted audiences**. Different activities and messages will reach different audiences. Government officials, NGOs, academics and private sector representatives do not entirely share the same expectations from such symposia, nor do they have similar concerns. They also have distinct contributions to make. Since the CEC is perceived by many as the only forum that engages all North American stakeholders on trade and environment, a balance needs to be struck among the needs and

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expectations of different categories of stakeholders in order to create a coherent and dynamic event that will help advance knowledge, inform the public and foster productive and policy-relevant discussions.

The symposia's primary audience is the North American **scientific and academic community**. Past events have been relatively successful in engaging this community, where the CEC is perceived as a convener of high quality research on trade and environment issues in North America and is respected for having created comprehensive methodologies and gathered information on a vast array of topics. However, most experts pointed out that the results of symposia were not disseminated adequately, while a few others pointed out that macro studies and methodologies were not necessarily useful in practice as opposed to more targeted research. A more systematic effort at disseminating the results of symposia needs to be at the center of any expert engagement strategy in the future. The development of new partnerships with NGOs, academic networks and international organizations for instance, was proposed as a cost-efficient way to increase awareness of the CEC and its work. This would also create new channels to disseminate the findings, results and recommendations of symposia and this increase their impact.

So far, the symposia's engagement and outreach with the **international expert community** has been relatively limited. Numerous international experts interviewed, if aware of the symposia, never attended and could not identify specific repercussions these could have had in their field. They were generally more aware of the work of the OECD, the WTO, UNCTAD, etc. on trade and environment issues. Some experts mentioned that the CEC's expertise would be highly beneficial to other regions experiencing regional economic integration such as the Central American Free Trade Area (CAFTA) and Mercosur or emerging economies such as China and India that are subject to increased trade. Therefore, greater efforts could be made to disseminate symposia results and show their relevance for the understanding of the trade and environment relationship. Moreover, by engaging more internationally, the CEC could improve its methodologies, learn new approaches and expand its sources of data.

Experts suggested numerous times that the diversity of stakeholders brought to the table during CEC symposia is an important dimension of its success. However, many interviewed experts estimate that engagement and outreach to the **broader public** is relatively weak and that symposia have not been prime instruments for outreach and engagement outside the traditional trade and environment specialized community.

Although more difficult to quantify, awareness and interest of the **general public** are other indicators of the success of symposia. Numerous experts pointed out that trade and environment issues are not at priority concerns the top of the list as they were during the mid-90s. Of course, CEC symposia, by

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disproving overall the “race to the bottom” and “pollution havens” theories, helped reduce the worst fears regarding the environmental impacts of trade. They also played a role in addressing public concerns over the issues brought up by Chapter 11 on investment rules in the late 1990s and early 2000s. But experts stressed that diminished interests can be mainly explained by the rise of other concerns, generally linked with climate change.

Some experts mentioned that efforts could be made to reach out to **local communities**, especially where the symposia are held. JPAC already stated in its Strategic Plan that it “will seek to engage local groups and organizations that may disseminate information or facilitate communication with the public”¹⁸. A few experts suggested that symposia could allow for sessions to address local issues. They believe this would improve awareness in the area and link the subject of the symposium with the daily life and problems of local citizens.

In addition to the general public, almost all consulted experts stressed that the CEC should engage more with the **private sector**, especially corporate decision-makers and business academics. Working with private sector actors would help identify best practices, develop successful incentives and strong engagement strategies, and to cater them to different sectors. The best way to engage the corporate world would be to develop strategies and tools that can produce business value. For instance, more information on international trends in environmental standards could help corporations stay at the cutting edge, enhance business predictability, reduce risk and improve competitiveness while encouraging a shift towards greener technologies.

To guaranty success of its symposia, special attention needs to be given to **who is attending**. Not only does the CEC and JPAC need to determine who their targeted audiences are, but they most importantly need to engage the key and most active agents from each group of stakeholders. The overall quality and representativeness of participants will impact the capacity of the symposia to attract people and attention. Given that such events are often seen as networking opportunities, mobilizing key stakeholders could allow symposia to attract more attention.

In order to generate high profile attendance, improved networking and targeted communication strategies with key sectoral stakeholders will be needed. Specific audiences and communities could be mobilized through enhanced partnerships for instance. Working increasingly in partnerships with other organizations, whether academic, governmental or private, is a good way to reach experts in the field and be able to reach their audiences, especially for an institution with limited resources such as the CEC. Experts suggested that the CEC could maximize the use of its scarce resources by systematically seeking to **develop partnerships** with industry associations, NGOs, academic

¹⁸ JPAC Strategic Plan, *supra* note 16 at 5.

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networks and international organizations. This would allow it to play a catalytic role and to increase its outreach and engagement. Experts mentioned that the CEC could be a focal point in the trade and environment research community and help coordinate research throughout North America by informing the stakeholders of the different specializations and perspectives being developed across the continent.

In synthesis, result-oriented, innovative strategies and partnerships could be explored to improve the CEC's engagement and outreach. In addition, performance indicators should be defined to help assess the strategies' effectiveness. In this regard, use could be made of the Evaluation Framework outlined in the JPAC Strategic Plan¹⁹. In the light of experts' comments, it also seems that the engagement and outreach strategy outlined in JPAC Strategic Plan seems transferable to the symposia.

III. Disseminating Symposia Results

In the last decade, CEC symposia have constituted one of the most inclusive fora in the world to discuss the trade and environment relationship. But symposia are one opportunity among a myriad of others to assess the environmental effects of NAFTA on an ongoing basis. Moreover, the success of such an event will vary, not only depending on outreach and engagement strategies but on information production and dissemination as well.

So far, symposia findings have been the results of research paper proposals reviewed by a trilateral advisory committee. Symposia proceedings have been distributed in a printed format (2000), through a CD-Rom (2005) and each year all the papers were made available online on the CEC's website. New venues for producing and disseminating knowledge could be explored in order to improve symposia effectiveness.

This section presents experts' suggestions on criteria to be put forward during the selection of papers, methods and approaches the CEC can use to provide broader access to its results, findings and recommendations in order to inform the public, stakeholders and decision-makers. Their suggestions are grouped under some of the tactical options identified in the CEC 2008 Operational Plan.²⁰ Finally, each method is assessed for its potential to reach different categories of stakeholders.

RESEARCH PAPERS SELECTION

¹⁹ *Ibid.* at 10.

²⁰ CEC. 2007. *Operational Plan of the Commission for Environmental Cooperation 2008*. Montreal: CEC.

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Most experts agreed that the actual format of the CEC's symposia is an adequate way to channel money to finance serious peer-reviewed research and to inform the community about new results and findings. Criticism has nonetheless been formulated with regard to the criteria that guide papers selection. It was suggested that papers presenting other organizations' work in the field of trade and environment would be of great interest and benefit for both the experts and the CEC.²¹ In addition, exploratory work should have a less prominent share of the supported research. Indeed, according to some experts, more importance should be given to empirical cases as well as the analysis and application of lessons learned in other sectors. Furthermore, greater focus should be put on yielding result-oriented research and policy relevant recommendations. In general, experts estimated that the CEC should increase and promote the symposia's potential to create links and networks and foster collaboration among researchers of the three countries.

Finally, a few experts questioned whether symposia were the best way to conduct an ongoing assessment of the environmental effects of NAFTA as they focus on only a few sectors/issues every two or three years. They were wondering if ongoing issues identification could be better suited to highlight changing pressure points in North America's environment.

SPEECHES AND PRESENTATIONS

Direct contact and briefing in persons have been recommended as a good way for the CEC to engage and reach out to stakeholders. As such, symposia are offering interesting networking opportunities and allow for the creation of personal relationships which in turn foster greater exchange of ideas.

However, additional presentations and outreach tours could allow for information to be catered to the specific situations, needs and cultures of the participants. This could be particularly useful when engaging the private sector or more remote communities. However, such activities can be costly and time consuming.

DISTRIBUTION OF PUBLICATIONS, REPORTS AND PROCEEDINGS

Although the usefulness of printed publications was mentioned in reference to communities that do not have access to the Internet, especially in México, they are generally considered too expensive for their limited use. As such, distribution of physical material could be limited to specific regions or stakeholders.

²¹ When asked to name organizations working on similar issues as the CEC, experts mentioned the following organizations: UNEP, OAS, ADB, UNCTAD, EU, OECD, WWF, IISD, ICTSD, IUCN, NRTEE, WBCSD, WTO and the European Commission's program on Trade Sustainability impact assessment.

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A majority of experts agreed that electronic version of the symposia's papers, summaries and proceedings are sufficient, especially if the participants are informed of their online publication through a newsletter or an e-bulletin, for instance.

More generally, in order to increase the dissemination and outreach of the CEC's work, greater efforts to provide article summaries and briefs that are specifically adapted to targeted audiences may complement more general documents in specific stakeholder communities. This effort should take the form of newsletters, press releases, and targeted list-serves for specific audiences.

CEC symposia could lead to the publication of a new CEC flagship publication such as the Taking Stock Report, which has generated significant media attention over the years by providing an inventory of pollutants release in North America. The environment, economy and trade program could publish a state of the North American trade and environment report based on ongoing monitoring and innovative research presented in symposia. Such a report could increase the CEC's outreach and help convey the result of its work to new audiences.

Finally, increased presence in academic journals has been suggested numerous times as one of the best ways to reach out to the scientific and academic communities.

WEBSITE

According to all experts, the CEC website has to become a real informational focal point for all stakeholders where access to CEC's findings, results and publications is easy. Currently, the website is perceived as being difficult to navigate and having a poor search engine. It does however present the purpose and objectives of the CEC and its program in a comprehensive manner. Finally, experts suggested that videos be hosted on the symposia website to attract more visitors.

MEDIA RELATIONS, BRIEFINGS AND OP-ED/FEATURE ARTICLES

Trade and environment issues can be highly challenging if not controversial, hence the potential for media attention is important, especially during high-level events such as the symposia. Many experts suggested increased relations with the media to attract the public attention.

In fact, most experts were not aware of CEC's media outreach and suggested that more news releases be written and even a periodic chronicle be published in different media, while press conferences, op-eds and featured articles should announce the release of new publications or the preparation of events.

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However, the CEC's Media Impact Reports and the Electronic Outreach Impact reports,²² although containing useful materials that could help guide future outreach strategies, do not give comprehensive insight on what would be the impacts of such initiatives nor do they offer real analysis of long term trends.

TRIO, E-BULLETINS AND NEWSLETTERS

A majority of experts estimated that newsletters are efficient means to transmit information. Thus many suggested summarizing the most innovative symposia findings and recommendations in an e-bulletin. *TRIO*, the CEC's newsletter, only offered a minimal coverage of the past three symposia.²³ A special issue dealing specifically with the symposia could therefore increase access to its results and findings.

Moreover, as previously mentioned, experts suggested designing special newsletters for specific audiences, especially policy makers and the private sector. The production of a newsletter specifically aimed at promoting the CEC's work to experts, composed of shorter articles and resumes and referencing to the online documents could increase readership. Experts also suggested distributing to partner organizations summaries and announcements that could then be circulated in their own network.

IV. Informing and Influencing NAAEC Implementation

According to interviewed experts, measuring the impacts of symposia and publications on policy developments and decision-making is very difficult. If there has been influence, it is hard to pinpoint. Measuring policy influence means assessing effects that are diffuse in time and space, based on indirect observations and on the interaction of multiple intervening variables. In absence of strong methodologies to measure policy impact, assessments often focus on the formal integration recommendations into new policies. However, informal influence is much more frequent, making direct causal linkages between recommendations and policy all the more difficult to identify.

Generally speaking, experts believe symposia had a minimal influence on policy in the three countries. The reasons for this situation are mainly institutional and relate to the policymaking processes in the three countries. First, in order to introduce new policies in the field of trade and the environment, environment ministries in the three countries need to build support across trade and economic departments. Such support is difficult to obtain given the

²² CEC's Media Impact reports and Electronic Outreach Impact reports are available online at <<http://www.cec.org/qcomreports/>>.

²³ Only one mention for 2000 and 2003 symposia, two mentions for 2005.

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relative influence of economic and environment departments. Also, experts consider that the lack of dynamic collaboration between the Free Trade Commission (FTC) and the CEC is a missed opportunity in this regard.

Moreover, the CEC is not perceived as having strong bonds and networks with government officials in the three countries outside of its immediate network of government representatives. In this context, it is difficult to convey policy recommendations. Symposia results and recommendations do not seem to have circulated through to relevant decision processes. According to experts, the CEC fulfilled its mandate of documenting the environmental impacts of NAFTA, but the information did not reach decision makers. CEC recommendations were discussed by environment officials or junior trade officials only and were not delivered to high-level officials in an appropriate format with relevant contents. Moreover, experts also said that the influence potential of symposia recommendations may depend on who is attending them. Attracting high level speakers and participants can attract higher levels of interest from government.

Informing and influencing policy is a central role of the CEC and one of the key areas where it needs to show added value. According to a majority of experts, the CEC has to become more policy and result-oriented. The CEC needs to produce more concrete, applicable suggestions and recommendations and to convey them to policy-makers. It also needs to develop methodologies to assess its policy influence and measure its role in the adoption of new policies, standards, laws or regulations.

In order to influence policy, greater efforts at networking will be needed to improve awareness in key processes for influencing North American integration, such as the FTC and the Security and Prosperity Partnership (SPP). Consulted experts also suggest that the CEC should be given an enhanced role to assist trade departments in dealing with environment-related issues raised in trade policy, including outside NAFTA. Other experts suggested that CEC symposia involve more government officials working outside the trade and environment ministries, including officials from transport, energy or agriculture ministries, for instance.

Overall, the CEC's accumulated expertise, including that obtained from symposia, can inform policy processes, trade negotiations and environmental assessments in trade processes and sectoral policymaking, leading to improved economic and environmental outcomes. Lessons from the last decade show that the key to the CEC's success is to produce policy-relevant results and to find ways to convey these results to the appropriate audiences.

Conclusion: Proposed Issues for Discussions

Based on a review of symposia literature and interviews conducted with experts, it can be concluded that CEC symposia have been successful in advancing knowledge on trade and environment issues in North America and engaging with the North American specialized trade and environment community. However, symposia seem to have had limited success in engaging actors outside this community, especially among broader academic audiences, international experts, private sector and public officials.

The CEC had limited success in disseminating symposia results outside its primary, expert audience. In order to convey these results to new audiences, the CEC needs to find new ways to synthesize and disseminate the findings. It also had limited impact in influencing policy in the three countries. In summary, the CEC has proven its capacity to mobilize the specialized North American community to improve knowledge and trade and environment issues but it has failed to reach broader audiences and to influence policy.

Based on this analysis, it appears timely to look at ways in which the CEC could improve its capacity to engage with and reach out to new audiences, notably the private sector, research institutions, international organizations and policy makers. The JPAC public session could address this general question by dividing it into four broad questions:

- 1) What are the key audiences with which the CEC should engage in the context of symposia? How can these audiences be reached and mobilized, including through new partnerships?
- 2) How can the CEC improve the dissemination of symposia results to key audiences and generally improve public access to symposia findings? Which channels should be used to disseminate findings? How can the format and content of symposia findings be adapted and made relevant to various audiences?
- 3) How can symposia findings be made relevant and conveyed to policymakers? How can they best identify and help implement opportunities for further integration between environmental and trade policies?
- 4) How can the CEC's performance be measured? Which criteria and indicators should be used to measure success?

Discussions on these four questions should be conducted bearing in mind that the institutional capacity of the CEC is limited and has not evolved over time.

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In this context, the CEC needs to adopt cost-effective strategies to develop knowledge, engage stakeholders and reach out to various audiences. The challenge of the CEC will be to maximize the impact of its limited resources.

Bibliography

ABEL, Andrea & Travis PHILIPS. 2002. "The Relocation of El Paso's Stonewashing Industry and its Implications for Trade and the Environment" in CEC, 2002.

CARPENTIER, Chantal Line. 2006. "NAFTA Commission for Environmental Cooperation: ongoing assessment of trade liberalization in North America" 24 Impact Assessment and Project Appraisal 259

CEC. 1999. *Analytic Framework for Assessing the Environmental Effects of the North American Free Trade Agreement*. Montreal: CEC.

CEC. 2002. *The Environmental Effects of Free Trade: Papers Presented at the North American Symposium on Understanding the Linkages between Trade and Environment*. Montreal: CEC.

CEC. 2007. *Operational Plan of the Commission for Environmental Cooperation 2008*. Montreal: CEC.

GALLAGHER, Kevin 2004. *Free Trade and the Environment: Mexico, NAFTA and Beyond*. Stanford CA: Stanford Law and Politics

JACOTT, Marisa, Cyrus REED, Amy TAYLOR and Mark WINFIELD. 2003. *Energy Use in the Cement Industry in North America: Emissions, Waste Generation and Pollution Control, 1990–2001*. Paper presented at the Second North American Symposium on Assessing the Environmental Effects of Trade, 24–26 March 2003, Mexico City, Mexico.

JACOTT, Marisa, Cyrus Reed, and Mark Winfield. 2004. *The Generation and Management of Hazardous Wastes and Transboundary Hazardous Waste Shipments between Mexico, Canada, and the United States since NAFTA: a 2004 Update for the CEC*. Austin TX: Texas Center for Policy Studies.

Joint Public Advisory Committee (JPAC). 2006. *Our Future within the CEC, Strategic Plan of the Joint Public Advisory Committee (JPAC) 2006-2010*. Montreal: CEC.

PORTER, Gareth. 2003. *Agricultural Trade Liberalization and the Environment in North America: Analyzing the 'Production Effect'*. Paper presented at the Second North American Symposium on Assessing the Environmental Effects of Trade, 24-26 March 2003. Mexico City, Mexico.

MAYRAND, Karel and Marc PAQUIN. 2004. *The CEC and NAFTA Effects on the Environment: Discussion Paper*. Montreal: Unisféra International Centre

DRAFT DISCUSSION PAPER

REINERT, Kenneth A. & David W. ROLAND-HOLST. 2002. "The Industrial Pollution Impact of NAFTA: Some Preliminary Results", in CEC, 2002.

Ten-year Review and Assessment Committee (TRAC). 2004. *Ten Years of North American Environmental Cooperation: Report of the Ten-year Review and Assessment Committee to the Council of the Commission for Environmental Cooperation*. Montreal: CEC.

VAUGHAN, Scott and Greg Block. 2002 *Free Trade and the Environment; the Picture Becomes Clearer*. Montreal: CEC.

WISNER, Priscilla and Mark P. Epstein 2005. 'Push' and 'pull' impacts of NAFTA on Environmental Responsiveness and Performance in Mexican Industry. Paper presented at the Third North American Symposium on Assessing the Environmental Effects of Trade, 30 November–1 December 2005. Montreal Canada: CEC.

Appendix I: List of experts interviewed

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Economics and Trade Branch,
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United Nations Environment
Programme,

Gustavo Alanis Ortega

Presidente
Centro Mexicano de Derecho
Ambiental (CEMDA)

Dale Andrew

Head, Trade Policy Linkages and
Services Division
OECD Trade and Agriculture
Directorate

Greg Block

Vice-President
Conservation Programs
Wild Salmon Center

Chantal Line Carpentier

Sustainable Development Officer
UN Department of Economic and
Social Affairs

Brad Gentry

Director
Center for Business and the
Environment, Yale University
Senior Lecturer and Research
Scholar
Yale School of Forestry and
Environmental Studies

Irene Henriques

Associate Professor
Schulich School of Business

Roland Hosein

Board Member

Canadian Manufacturers &
Exporters

Veena Jha

Visiting Professor
Warwick University

Colin Kirkpatrick

Hallsworth Professor
Development Economics
Director
Impact Assessment Research
Centre Institute for Development
Policy
Management School of
Environment and Development
Humanities

John Kirton

Director, G8 Research Group
Research Associate, Centre for
International Studies
Munk Centre
University of Toronto

Howard Mann

Senior International Law Advisor
International Institute for
Sustainable Development

Katia Opalka

Former Legal Officer
Submissions on Enforcement
Matters Unit
Commission for Environmental
Cooperation

Umberto de Pretto

Deputy Secretary General
International Road Transport
Union

Adriana Nelly Correa Sandoval

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Directora, Cátedra Andrés
Marcelo Sada en Conservación y
Desarrollo Sostenible
Profesora Investigadora, Centro
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Claudia Schatan

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Blanca Torres

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El Colegio de México
Centro de Estudios
Internacionales

Scott Vaughan

Director, Policy Development
Unisfera International Center
Former Head, Environment,
Economy and Trade Program
Commission for Environmental
Cooperation

Appendix II: Lines of inquiry

- 1) Have you participated in any of the three previous CEC's symposia as a participant? If so, which one(s)?
 - a. Do you have specific comments about your past experience?
 - b. How has your participation in past symposia impacted you?
 - c. Were the discussions during or outcomes from the Symposia useful to your work, your sector, etc.?
- 2) Do you intend to participate in the fourth one? Why or why not?
- 3) Have CEC symposia been effective in advancing knowledge about the relationship between trade and the environment?
 - a. How could symposia be made more effective?
 - i. Should they be more/less frequent?
 - ii. What format should they have?
 - iii. How should topics be selected?
 - b. Are there models other than symposia which would be more effective?
- 4) To what extent have symposia been effective in informing and influencing NAAEC implementation?
 - a. Have symposia generated useful recommendations to Parties?
 - b. Have the results of symposia been successfully forwarded to relevant decision-making processes?
 - c. Have the results of symposia influenced policy in the three countries?
 - d. Have the results of symposia influenced the work program of the CEC?
- 5) Have CEC symposia been effective in engaging key stakeholders, NGOs, and the broader public on the environmental effects of trade?
 - a. Why or why not?
 - b. Who in North America has been reached by the symposia? Who is being missed?
 - c. Are there alternatives or complementary approaches that could improve performance?
- 6) Have past symposia successfully responded to civil society's concerns in regards to the environmental effects of trade?
 - a. How can the CEC better respond to these concerns?
- 7) Are you aware of other organizations which have a mandate or objective that overlap/complement with the CEC's work on assessing the environmental effects of trade?

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- 8) How can the CEC provide broader access to symposia findings, results and recommendations?
 - a. Which key audiences should be targeted?
 - b. How best could the CEC reach these audiences?
 - i. Printed Proceedings
 - ii. Web/CD-ROMS
 - iii. Summary articles
 - iv. Others

- 9) On the margins of the Symposium, there will be a JPAC regular session on the lessons learned from the CEC's trade and environment symposia. What key issues and questions should be addressed during the public session held by the JPAC at the next symposium?