

CEC Makes a Difference in Mexico by Fostering Public Participation

The North American Free Trade Agreement has succeeded to address some environmental issues in Mexico

By Laura Silvan

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Tijuana, 4 June 2004 – Within the past ten years, important environmental developments have taken place in Mexico. Some examples are:

- Mexico banned the dangerous pesticide DDT in 2000, a year before other countries joined to ratify the international convention prohibiting it.
- The Mexican Congress reformed the federal environmental law to require that factories track and report their toxic discharges to a national public register.
- Having successfully contributed to strengthening Mexico's capacity to promote and implement pollution prevention programs, the CEC has demonstrated the economic and environmental benefits of pollution prevention techniques and technologies in Mexico.
- A cooperative alliance to conserve highly endangered species such as the leatherback sea turtle and the humpback whale has been developed, building a network of critical habitats in the Baja California to Bering Sea regions.
- Shade coffee, sustainable tourism, sustainable palm, renewable energy and efficiency, and green procurement work have been promoted to increase access to the Mexico market.
- Mexico, Canada and the United States are working on a program to better track the transboundary hazardous waste shipments across borders, thereby ensuring the safe disposal of these wastes

What do these achievements have in common?

They are a few of the results benefiting Mexico from the cross-border collaboration fostered by the Commission for Environmental Cooperation (CEC) of North America, an international organization created in 1994 through the North American Agreement on Environmental Cooperation (NAAEC)—a side accord to the North American Free Trade Agreement (NAFTA).

High-level government actions to protect Mexico's habitat are the most visible outcomes of the CEC's 11-year-old trilateral partnership. In 2003, Canada, Mexico and the United States launched the first-ever regional biodiversity conservation strategy to protect species and habitats of common trilateral concern. Underpinning the success of the strategy is an equally important process of public participation that advances science, education, standards, monitoring and comparability, all in the interest of sustainable development.

The CEC's North American Regional Action Plans attain objectives such as the end to DDT use and the trilateral protection of migratory species by bringing together working groups of individuals interested in specific programs. The only requirement for taking part is demonstration of commitment to the cause.

In addition, Mexico's experience on banning DDT, at the same time that is reducing the number of Malaria cases, has a high level recognition in the international arena, now with international financial support Mexico is transferring its experience to the seven Central American Countries.

This first experiment with transboundary environmental policy making on a regional scale has benefited Mexico, according to observers. Funding and technical support have allowed Mexican nongovernmental organizations and indigenous peoples to move forward in a number of ways: allowing them to speak up in international fora, exchange information and technical expertise with American and Canadian NGOs and build capacity at the local level.

Support for private and public sector representatives in the CEC's volunteer Consultative Group for the North American Pollutant Release and Transfer Register Project helped spur Mexico's development of an inventory of industrial pollutant emissions comparable to the programs found in Canada and the United States. This effort led to legislative approval of an executive reform bill for site-specific, mandatory, public reporting.

Grants from the CEC to non-profit community organizations through its North American Fund for Environmental Cooperation (NAFEC) from 1996 to 2003 have helped 109 public interest groups strengthen local and area-wide impact during a period when support from Mexican government and foundation sources was scant.

NAFEC was a success story in Mexico until its highly contested discontinuation last year shining example of its support was an award to the Mexico City-based NGO Programa La Neta, S.C., to consolidate an electronic network of non-profit environmental groups to facilitate information exchange and nationwide collaboration on toxic waste control.

The process of Citizen Submissions on Enforcement Matters has enabled whistle-blowers to file for CEC investigations and factual records that have motivated voluntary remedial action in several instances. Since these rulings are non-binding, results have amounted only to the promise of remediation in the case of tons of toxic pollutants abandoned at the former *Metales y Derivados* lead smelter in Tijuana. On the other hand, just six months after another filing, Mexico's president declared the Cozumel Coral Reef a Protected Natural Area in Quintana Roo.

In 2004, the CEC will support the completion of the first-ever, national air emissions inventory in Mexico covering a number of important air pollutants, including sulfur oxides, nitrogen oxides, and particulate aerosols.

The CEC issues a unique series of monographs and trilateral comparative research, such as the volumes in the *North American Environmental Law and Policy* series, the annual *Taking Stock* report on pollutant releases and transfers from industry facilities in the three countries, the new online North American Renewable Energy Database, and periodic summary reports on air emissions, which will include Mexico beginning in 2004.

The CEC's entire gamut of studies, proceedings and recommendations is a matter of public record, up-to-date and easily accessible in Spanish via the Internet.

Why is public participation stronger in Mexico?

Part of the reason the CEC's structure has worked so well to date is due to an unwavering commitment from its independent Joint Public Advisory Committee (JPAC)—five citizens from each country in North America—that provides advice and public input to the CEC Council—the three North American environment ministers—on any matter within the scope of NAAEC. JPAC's mandate sets a standard for international environmental agencies with its vision statement “to ensure active public participation and transparency in the actions of the commission.”

Through JPAC, the citizens of North America have raised the importance of access to information on the governmental agenda, as well as ways of incorporating citizens' opinions in the CEC's own work program.

JPAC's public comment periods provide ways to improve the CEC's effectiveness. One on the scope of Citizen Submissions [related to NAAEC Article 14] and another on the commission's independent expert report about transgenic corn [under Article 13] are currently of special significance to Mexicans.

No other international agreement includes similar provisions for transparency and public involvement. In Mexico, these have created unprecedented space for public participation, thereby increasing the legitimacy of public participation in environmental policy.

It is in the context of its tenth anniversary that the CEC, including JPAC, will hold its annual Council meeting in Puebla, Mexico, June 21–23, to discuss future directions for the NAAEC in the decade ahead. On this occasion, the Mexican government, together with its two NAFTA economic partners, should make a strong declaration to maintain international environmental cooperation based on the principles of public participation and transparency that assure accountability to North American citizens.