

National Governments, Transnational Actors, and their Roles in the Creation of the North American Environmental Agreements and Institutions

Gobiernos nacionales, actores transnacionales y su papel en la creación de acuerdos e instituciones ambientalistas en Norteamérica

Iván Farías Pelcastre*

Abstract: Most accounts in current literature on North American integration consider the implementation of side and parallel environmental agreements to the North American Free Trade Agreement (NAFTA), and their corresponding institutions, as either a side-effect of the pursuit of the economic interests of the national governments or the result of the successful push of the socio-environmental demands of non-governmental organisations into the NAFTA's negotiation. These opposite explanations closely resemble liberal intergovernmentalist and transnational-focused accounts used to explain the occurrence and progression of regional integration in Europe. This article reviews and challenges both accounts and argues that they both assess inadequately the interests of governmental and transnational actors, and their roles and relative influence in determining the outcome of the negotiations of the NAFTA's side and parallel agreements on the environment. It proposes that a *revised* liberal intergovernmentalist account, that considers the non-economic national interests of nation-states, would explain better the pursuit and negotiation of the NAFTA's environmental side and parallel agreements, and the institutional structure that resulted from them.

Keywords: North American environment, regional integration, NAFTA, liberal intergovernmentalism, transnationalism

Resumen: La mayoría de las explicaciones teóricas en la literatura actual sobre integración en América del Norte consideran que la implementación de los tratados ambientales complementarios y paralelos al Tratado de Libre Comercio de América del Norte (TLCAN), y sus instituciones correspondientes, es un efecto colateral de la búsqueda de los intereses económicos de los gobiernos nacionales, o el resultado de la presión ejercida por las organizaciones no gubernamentales para incorporar sus demandas socioambientales a la negociación del TLCAN. Estas explicaciones, opuestas en naturaleza, se asemejan a las teorías intergubernamental liberal y transnacionalistas utilizadas para explicar la incidencia y el progreso de la integración regional en Europa. Este artículo examina y cuestiona ambas explicaciones teóricas y argumenta que ambas evalúan inadecuadamente los intereses de los actores gubernamentales y transnacionales, y sus roles e influencia relativas en la determinación del resultado de las negociaciones de los tratados complementarios y paralelos al TLCAN sobre el medio ambiente. Propone que

* Centro de Estudios Políticos y Constitucionales, España

una teoría intergubernamentalista liberal revisada, que tome en consideración los intereses nacionales no económicos de los estados-nación, explicaría mejor la búsqueda y negociación de los acuerdos complementarios y paralelos al TLCAN sobre el medio ambiente, y la estructura institucional que resultó de ellos.

Palabras Clave: Medio Ambiente en América del Norte, Integración Regional, TLCAN, intergubernamentalismo Liberal, transnacionalismo

1. Introduction

On January 1994, two side and parallel environmental agreements between Canada, the United States (U.S.), and Mexico came into effect along with the North American Free Trade Agreement (NAFTA): the North American Agreement on Environmental Cooperation and the U.S.-Mexico Border Environment Cooperation Agreement. To administer these agreements, the governments established three regional institutions: the (North American) Commission for Environmental Cooperation, the North American Development Bank, and the (U.S.-Mexico) Border Environment Cooperation Commission. The implementation of these agreements and the creation of these institutions, which are aimed at protecting and enhancing the North American environment, made the three countries' domestic environmental policies trilaterally interdependent.¹

To date, most accounts in the current literature on North American integration consider the implementation of these agreements and the creation of these institutions as either a side-effect of the pursuit of the economic interests of the national governments, or the successful push of the socio-environmental demands of non-governmental

¹ Following Gilardi (2014), interdependence is defined as the influence that the decisions and actions that a given nation-state takes, in the pursuit of its national interests, have on the policy choices of other nation-states. Such pursuit imposes upon or produces significant constrains, costs, and/or benefits for other states, and vice versa. Should this influence be mutual, it can be argued that the nation-states in question are interdependent.

organisations into the NAFTA's negotiation. On the one hand, most North America-focused scholars argue that national governments –most prominently, the U.S.– dominate this integration process (see Wise, 1998; Appendini & Bislev, 1999; Cameron & Tomlin, 2000; Weintraub, 2004; Studer Noguez & Wise, 2007; Clarkson, 2008; Macdonald, 2008; Ayres & Macdonald, 2012; Duina, 2016). In their view, transnational actors and/or regional institutions either very limitedly influence this process, or do not influence it at all (see Cameron & Tomlin, 2000; Clarkson, 2008; Hale & Blank, 2010; Ayres & Macdonald, 2012; McKinney, 2015). According to these scholars, the occurrence and progression (or lack thereof) of North American integration, including the implementation of the NAFTA's environmental agreements, is satisfactorily explained by theoretical accounts based on the analysis of the interests, positions, and actions of national governments. I argue that these explanations closely resemble Liberal Intergovernmentalist accounts provided for the occurrence and progression of regional integration in Europe.

On the other hand, a smaller number of scholars highlight the influence of transnational actors in determining the extent of this process, even if not its current pace or direction. According to these scholars, social-oriented, labour, and environmental civil society organisations in the three countries, and especially in the U.S., pressed the national governments into negotiating and implementing environmental and labour agreements alongside NAFTA, as a condition to its approval in their corresponding domestic legislatures (see Raustiala, 1996, 2003, 2004; Bugeda, 1998; Kibel, 2001; Markell, 2004, 2005; Knox & Markell, 2003). In these accounts, transnational actors held significant influence in the negotiation and implementation of NAFTA, by broadening the scope of

the overall bargain to incorporate and establish environmental and labour side and parallel accords to the main agreement, which the Canadian, U.S., and Mexican governments did not originally pursue.² This explanation, then, closely resembles recent 'transnational'-centred theoretical approaches, which emphasise the role of transnational actors (i.e. neither governments, nor regional institutions) to explain the occurrence and development of European integration (see Hurrelmann, 2009 and 2011).

I review both accounts and argue that they both assess inadequately the interests of governmental and transnational actors, and their roles and relative influence in determining the outcome of the negotiations of the NAFTA's side and parallel agreements on the environment. I argue that both 'purely' liberal intergovernmentalist- and transactionalist-like accounts of this process overlook significant features of the NAFTA bargain and its institutional outcome that reveal the non-economic interests of the national governments, and the very limited capacity of transnational actors to act as a cohesive group with coherent demands. I propose then to review and reassess, more adequately even if briefly, the origins and occurrence of North American integration in a better manner than currently dominant accounts do. In doing so, I also aim at demonstrating the relevance of European integration theories to the North American case study, through the comparative use of the liberal intergovernmentalist and transnationalist approaches. I argue that such a revised account would better explain the

² Given the focus of this article, I do not discuss further the NAFTA's side agreement on labour, i.e. the North American Agreement on Labour Cooperation.

original and current extent, pace, and direction of North American integration –including its expansion towards ‘non-economic’ policy areas.

To do so, I first briefly describe and discuss the emergence of environmental cross-border rules and regional institutions in North America. Then, I summarise the liberal intergovernmentalist- and transnationalist-like accounts that are often used to explain the emergence and development of North American integration. I argue that although the theorisation of this process has been very limited, the accounts that are currently provided to explain it closely resemble those used to explain the emergence and development of European integration. I discuss and analyse the relevant policy and institutional developments in the region, and the roles of governmental and transnational actors. Finally, I review the current explanations for the emergence of this process and show their ability to more adequately explain the extent, pace, and direction of this process. I argue that doing so, will contribute to demonstrate the relevance of (European) integration theories to the study of the North American case.

2. The Emergence of Environmental Cross-Border Rules and Regional Institutions in North America

Canada, Mexico, and the U.S. cooperated very limitedly on environmental issues before the implementation of NAFTA and NAAEC in the 1990s. Although trilateral consultation between these countries on environment-related matters dates to as far back as the late nineteenth century, no trilateral cross-border rules existed in the region prior to these

agreements.³ Prior to NAFTA, environmental issues had not been raised in the negotiation or functioning of bilateral, trilateral, or multilateral agreements between the North American countries –including the Canada-U.S. Free Trade Agreement (CUSFTA). When the Canadian, Mexican, and U.S. governments started to negotiate NAFTA at the beginning of the 1990s, they did not expect then environmental issues to affect its negotiations (Knox and Markell, 2003).

By the early 1990s, however, intra-regional trade and foreign direct investment between the three countries had already been growing significantly. When the NAFTA negotiations started, civil society groups in the three countries raised concerns about the social and environmental impact that increased cross-border economic exchanges would have over their communities. Most of these groups argued that such exchanges would impact negatively on the three countries' environment by prompting a 'race to the bottom' for trade and investment.⁴ According to these groups, firms and investors would seek to take advantage of the uneven levels of economic development and enforcement

³ Before NAFTA and NAAEC, trilateral intergovernmental engagements between the North American governments were limited in both scope and frequency, and, for the most part, took place in the context of multilateral fora. Although government officials from Canada, Mexico, and the U.S. had been calling for the treatment of environmental issues in a trilateral and institutionalised form since the 1890s, the national governments opted to maintain separate consultative bilateral mechanisms –burdened by significant obstacles to cooperation– well until the 1990s. These high-level bilateral consultations between the U.S. and Mexican, and U.S. and Canadian, governments were usually circumscribed to the discussion of single issues –e.g. distributing water bodies located along their common borders, or countering pollution in the areas surrounding them. Due to their remedial focus, however, these consultative mechanisms commonly failed at preventing, identifying, and effectively addressing cross-border environmental problems.

⁴ The concerns of these groups varied considerably and were, at times, even conflicting. Some groups, for instance, argued that the increased cross-border trade resulting from NAFTA would lead to the degradation of the environment in their communities –especially, in those located along the U.S.-Mexico border. Others, meanwhile, argued that the liberalisation of foreign direct investment in North America would result in a region-wide race to the bottom, as environmental standards would be reduced (or further reduced) to attract investment and jobs. It was said that this phenomenon would especially affect the U.S. and Canada, as environmental regulations were purportedly stricter in these countries than in Mexico (Bugada, 1998: 1592; Scott, 2003: 1). Finally, others argued that the liberalisation of trade and investment would result in the relocation of environmentally-harmful foreign companies, from the U.S. and Canada, to Mexico, where they would allegedly benefit from laxer environmental regulations.

of environmental laws existing throughout North America, and which were claimed to be especially low and weak in Mexico (see Weintraub, 1990; Shrybman, 1993; Husted and Logsdon, 1997). In their view, NAFTA should incorporate explicit means of enforcement (e.g. trade sanctions) to ensure that its implementation would not lead to the degradation of the environment in their corresponding countries or the rest of North America. In response, government officials in the three countries committed not to downgrade or weaken domestic environmental laws and standards owing to the implementation of NAFTA. They rejected, however, creating enforcement mechanisms (including trade penalties) in cases of failures to enforce environmental laws. They considered that doing so would generate trade distortions that would hinder the gains expected from implementing the agreement. At the same time, they acknowledged that rejecting such proposals downright could lead to continued (and, possibly, growing) opposition from civil society groups. To avoid obstacles in passing NAFTA in their corresponding legislatures, the three governments then resolved to negotiate and implement the NAAEC as a side agreement to NAFTA.⁵ Meanwhile, to address the specific needs of the area along their shared border, the U.S. and Mexico resolved to also negotiate and implement the BECA as a parallel agreement to NAFTA, as Canada expressed no interest in taking part on it.

At first glance, these agreements resemble other international, intergovernmental instruments aimed at protecting the environment. The NAAEC's main objectives are:

⁵ The NAFTA's side agreements (i.e. NAAEC and NAALC) are not part of the main bargain. They are, instead, trilateral agreements entered between Canada, Mexico, and the U.S. to address labour and environmental issues and concerns related to the effects of the implementation of NAFTA. Meanwhile, as a parallel agreement, BECA is not part of NAFTA itself.

- Fostering the protection and improvement of the domestic environment in the three countries;
- Increasing trilateral cooperation for the conservation, protection, and enhancement of North America's environment.
- Enhancing compliance with and enforcement of domestic environmental laws, policies, and regulations throughout the region.

To accomplish these three objectives, the NAAEC recognises the *rights* of each country for determining their own levels of environmental protection, setting their own environmental policies and priorities, and adopting or modifying their laws and regulations accordingly. At the same time, however, the NAAEC creates *obligations* for the national governments to ensure that their domestic laws and regulations provide for high levels of environmental protection; enforce such safeguards; and aim at improving them continuously. This combination of rights and obligations for national governments constitutes NAAEC's *raison d'être*, i.e. ensuring the effective enforcement of *domestic* environmental laws in North America through the implementation of a *regional* agreement that sets *cross-border* rules.

To ensure fulfilment of these obligations, the NAAEC mandated the establishment of the (North American) Commission for Environmental Cooperation (CEC).⁶ This institution oversees the implementation of the agreement, facilitates collaboration between the

⁶ The CEC's institutional structure resembles that of other international bodies. It is made of a Council, a Secretariat, and a Joint Public Advisory Committee (JPAC). The Council is CEC's governing body and is made up of the environmental ministers of each country. The Secretariat conducts most of CEC's day-to-day work and assists the Council in fulfilling its responsibilities. It is also responsible for managing and considering, in the first instance, citizen submissions on enforcement matters. Finally, the JPAC fosters public participation in CEC's work, aims at ensuring transparency in CEC's activities, and advises the Council and Secretariat on environmental priorities and issues of concern to the North American public.

national governments, and fosters public participation for the conservation, protection, and enhancement of the North American environment. This last provision is especially important. On the one hand, it enables the North American public, i.e. individuals and NGOs in any of the three countries, to protect and enhance the region's environment even beyond the borders of their own countries. On the other hand, it gives the CEC jurisdiction to address "almost any environmental issue that might arise in the continent" and that the public might bring forward to its attention through the Submission on Enforcement Matters (SEM) process (Knox and Markell, 2003: 11). The Border Environmental Cooperation Agreement (BECA), meanwhile, aims at strengthening cooperation between the U.S. and Mexico on environmental issues and preventing damage to the environment in the area along their common border, resulting from the operation of NAFTA. To fulfil these aims, the BECA established two binational institutions: the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB). These institutions are charged with evaluating and providing administrative and financial support and resources for developing and improving environmental infrastructure in the area.⁷ To fulfil their mandates, they have quasi-independent budgets whose allocation is not subject to changes in national or subnational

⁷ The BECC and NADB are mutually complementary. The BECC reviews and certifies the technical, environmental and social viability, impact, and expected benefits of environmental projects applying for NADB funding. If the positive impact and long-term financial sustainability of the project are ensured for the sponsor, investors, and intended beneficiaries, the NADB finances it. Initially, the NADB only financed water supply, wastewater, and solid waste treatment projects.

administrations.⁸ Along with the trilateral Commission for Environmental Cooperation, the BECC and NADB constitute North America's regional environmental institutions.

NORTEAMERICA - AHEAD-OF-PRINT

⁸ Although their budgets cannot be altered unilaterally, the institutions can and have been affected by underfunding. In past years, the U.S. administrations of Presidents Barack Obama and Donald Trump have failed to procure the institutions with their corresponding national contributions to their budgets. In practice, these failures have compromised the capacities and power to fulfil their mandates adequately, even if, in principle, their budgets remain unchanged (see Mosbrucker, 2016).

3. Theorising North American Integration

3.1. Do Liberal Intergovernmentalism or Transnationalism explain the Pursuit, Negotiation, and Implementation of NAFTA's Environmental Agreements?

To date, most of the academic and non-academic literature on North America is still focused primarily on the study of NAFTA and its effects on the economies (and, to a lesser extent, societies) of Canada, the U.S., and Mexico. The nature, functioning, and effects of the operation of NAFTA's side and parallel agreements on labour and environment are far less discussed and studied. This is due to the seeming consensus among academic and non-academic analysts of North American integration that the process is limited only to the functioning of trade and investment agreements between Canada, the U.S., and Mexico, over the past fifty years.⁹ Such an interpretation leads most scholars and commentators to conclude that the process does not involve 'non-economic' policy issues. Most of them argue that the Canadian, Mexican, and U.S. national governments –and especially the latter– dominate this integration process, and largely or entirely determine its extent, pace, and direction. In their view, the process is constrained to the operation of a handful of intergovernmental agreements whose negotiation and implementation enabled governments to achieve their common economic interests, while maintaining their own political sovereignty and policymaking powers. Their accounts, consequently, focus on the interests, positions, and actions of national governments, to explain the occurrence and progression (or lack thereof) of North American integration. In their view,

⁹ Starting with the U.S.-Canada Auto Pact in 1965; continuing with the CUSFTA in 1988 and NAFTA in 1994; and peaking with the defunct Security and Prosperity Partnership of North America in 2005.

the existence and operation of regional institutions on environmental and labour issues does not change the primarily economic and intergovernmental nature of this process –as the institutions were allocated with very limited responsibilities and very constrained capacities to meet them.¹⁰

Most of the current explanations of North American integration then strongly resemble the Liberal Intergovernmentalist (LI) accounts provided for the occurrence and progression of integration in Europe. In LI, national governments play the foremost role in the integration process, and their economic interests are claimed to be “the more intense, certain, and institutionally represented” of all their corresponding national interests (Moravcsik, 1998: 47, 2006; see also Schimmelfennig, 2015: 727). The pursuit of regional integration by states, results then from their interest in reaping the economic benefits of cross-border trade and investment through policy coordination. To achieve coordination, states engage in careful intergovernmental bargaining, and then secure agreements by establishing limited cross-border rules and weak regional institutions whose sole purpose is easing interactions between them. Given their constrained nature, such rules or institutions do not challenge the states’ ultimate policymaking authority. Instead, they reinforce it by enabling them to pursue their shared primary economic interests. Following LI’s claims, it could be argued that the U.S., Mexican, and Canadian governments sought, negotiated, and implemented NAFTA’s side and parallel environmental agreements in pursuit of their economic interests. To support this

¹⁰ The dominant assumption in the current literature is that North American integration is an intergovernmental process centred on trade and investment issues. I discuss and review of the impact of this assumption on the study of this process in Farías Pelcastre, 2017.

argument, it could be noted that, by the start of the 1990s, increasing economic exchanges between these countries, in the form of rising intra-regional trade and foreign direct investment, had created considerable economic interdependence between them.¹¹

As these exchanges became increasingly important to their domestic economies, there were the incentives for the three national governments to purposely expand them.

The negotiation and proposed implementation of a trilateral free trade and investment agreement faced, however, noticeable opposition from civil society organisations. This circumstance could jeopardise the passing of NAFTA in the national legislatures. The national governments therefore addressed this risk by proposing, negotiating, and implementing environmental agreements, which enabled them to pursue and secure the passing of NAFTA in their corresponding legislatures. In these accounts, the creation of the CEC, BECC, and NADB would have merely served to lock-in and enhance the credibility of the mutual commitments between national governments. It is argued that to ensure that these institutions would not gain any relevance in domestic policy-making, the governments charged them with limited responsibilities, and allocated them with minimal resources and powers to accomplish their duties. Should this account be accurate, it would support the LI's view of institutions as passive actors that are created and exist only to enhance the credibility of intergovernmental commitments (Moravcsik, 2006: 292). It would also explain adequately the preferences of the Canadian, Mexican, and US governments for promoting limited intergovernmental cooperation on the

¹¹ The U.S. accounted for almost three quarters of Canada's and Mexico's trade with the world, while trade with Canada and Mexico accounted for one quarter of U.S. trade with the world (own calculations based on data from North American Transportation Statistics, 2012, Statistics Canada, 2013 and U.S. Census Bureau, 2013).

protection of the North American environment, rather than creating region-wide environmental laws and standards backed by concrete means of enforcement. Following the premises of LI, the environmental agreements would have been mere instruments for securing NAFTA.

There are, nonetheless, 'transnational' accounts for the creation and implementation of these agreements. These accounts argue that the very visible opposition of civil society organisations to the negotiation and implementation of NAFTA did influence the decisions of the North American governments to propose and negotiate the NAAEC and BECA. The claim that the implementation of these agreements resulted partly (or entirely) from pressures exerted on national governments by the civil societies, non-governmental organisations, and some state, provincial, and local authorities in the three countries is not uncommon in the current academic literature (see Bugeda, 1998; Mumme, 1999; Knox and Markell, 2003; Varady, 2009). There is disagreement, however, over the extent it did. Some scholars argue that the opposition to NAFTA significantly altered the bargain and its result. For instance, Varady argues that the Mexican, Canadian, and U.S. governments *agreed* to implement agreements and create regional institutions on the environment to "placate this influential sector of civil society" (i.e. environmental groups, especially those in the U.S.) who demanded states to create rules and institutions to protect "the continent's environment and especially the fragile [...] U.S.-Mexico border region" (2009: 1). Meanwhile, Knox & Markell go further, and argue that civil society groups *pressured* the national governments into negotiating these agreements –hence, making of NAFTA a "significantly different [agreement to that which these governments]

had originally envisaged” (2003: 2). Finally, Mumme argues that “NAFTA’s critics”, i.e. civil society organisations, “*forced* [the governments into establishing these] institutions and programs” to ensure the protection of the North American environment from trade-induced degradation (1999). Transnational-focused accounts of North American integration, then, emphasise the role of transnational actors, namely interest groups, in shaping the outcome of the NAFTA bargain, much in the way that transnationalist accounts of European integration do in its own regional context.

In the European context, scholars argue that transnational actors influenced the integration process, “not at the expense of, but in addition to, the role of national governments” (Gehler and Kaiser, 2001: 775). According to these accounts, the extent, pace, and direction of European integration is both determined by “a multilateral bargaining process driven by clear-cut national (economic) interests” and the interactions between actors operating below the governmental level and across national borders (Gehler and Kaiser, 2001: 798). It follows that transnational actors contribute to developing and furthering European integration by engaging “knowingly and intentionally” into cross-border transactions (e.g. exchanges of goods, services, and ideas) (Hurrelmann 2009: 10). These activities contribute to establishing and maintaining linkages between countries, and when aggregated, are said to exert significant and direct influence in domestic decision-making processes, in turn shaping regional policy outcomes.

In the North American context, however, ‘purely’ liberal intergovernmental or transnationalist accounts are problematic. On the one hand, the accounts focused on

governmental actors overstate the economic interests of the North American nation-states, and especially those of the U.S., in pursuing and securing NAFTA, at the expense of their non-economic interests. They assume that national governments were (almost) entirely focused on securing the economic benefits of increased cross-border trade and investment that NAFTA would promote, but did not consider, or simply disregarded, the social and environmental impact and externalities of increased exchanges upon their populations and territories. Should national governments had truly ignored (or overlooked) these concerns, it is unlikely that individuals or civil society organisations would have managed to push for the creation of environmental agreements and instruments, or subsequently, for making changes to such instruments. On the other hand, should civil society organisations and individuals in the three countries had decisively influenced governments and shaped the resulting agreements, it is unlikely that the agreements, or the institutions they established, would have lacked enforcement powers.¹² Finally, the emphasis on the concerns of civil society organisations as grounds for the establishment of environmental agreements does not explain adequately the different positions of the Canadian, Mexican, and U.S. national governments, on such agreements. For instance, these accounts cannot adequately explain why Canada participated in NAAEC, but not in BECA, as it was originally proposed. Or why did the U.S. initially propose creating a stronger regional environmental institution that could potentially put into question its sovereign policy-making decisions, policies, and practices

¹² In fact, some transnational actors were so patently dissatisfied with the proposed environmental side and parallel agreements and institutions that they continued expressing their opposition to the NAFTA bargain even after its signing and implementation (see Johnson & Beaulieu, 1996: 34).

on this issue-area. I argue that these interests and differences in positions can only be explained by looking *simultaneously* at the economic and non-economic interests that the Mexican, Canadian, and U.S. governments had in pursuing, negotiating, and implementing (or not) NAAEC and BECA.

To address these issues, I put forward an alternative to purely intergovernmentalist- and transnationalist-like accounts, for the proposal, negotiation, and implementation of the North American environmental agreements. I claim that, should this account be accurate, it would better explain the pace, extent, and direction of North American integration.

3.2. An alternative explanation to North American Integration

In opposition to current accounts, I submit that these agreements resulted from the pursuit of the corresponding *economic and non-economic* interests of the Canadian, Mexican, and U.S. governments –which at the outset of this process, were only marginally influenced by the concerns of civil society organisations on the environmental impact of NAFTA. In this alternative explanation, the governments had two sets of interests in pursuing and achieving the environmental agreements:

- A primary, common economic interest in securing the passing of NAFTA in the three national legislatures to create and implement cross-border rules on trade and foreign investment in North America; and,
- A secondary asymmetrical socio-environmental interest in protecting their own populations from (further) environmental degradation.

In the face of opposition from civil society organisations to NAFTA, the Canadian, U.S., and Mexican national governments resolved to negotiate and implement environmental agreements, which secured the passing of the trade and investment agreement, *while* addressing several environmental externalities resulting from the current and expected economic exchanges between them. Given that such externalities could not be solved effectively through domestic decision- and policy-making, these countries required entering into intergovernmental agreements. In these agreements, the three governments consistently pursued and mostly achieved their common economic interests. Their distinct socio-environmental interests, however, resulted in the signing and implementation of two separate agreements that established three institutions with dissimilar jurisdictions, responsibilities, and powers to accomplish them. The current institutional framework for the protection and enhancement of the North American environment is a direct result of these interests.

At its outset, North American integration was then a manifestly intergovernmental but not exclusively economic process. Over the past twenty-three years, however, its nature has changed as the cross-border rules and regional institutions have become increasingly complex and influential –a circumstance that the national governments did not originally intend or anticipate. The creation of cross-border rules enabled transnational actors to *demand* to national and subnational governments, through the actions of regional institutions, to address environmental issues and externalities resulting from increased cross-border economic exchanges between their countries. The institutions have proactively and purposely sought ways and means to foster the participation of

transnational actors in the protection of the region's environment. This *demand-and-response* dynamic has resulted in changes to the domestic policies, practices, and decisions of national and subnational governments, which would not have otherwise occurred. In fact, at times, these changes have been manifestly opposed by governmental actors.

To reassess and reinterpret the emergence and development of cross-border rules for the protection of the North American environment, and the roles of governmental, regional, and transnational actors in prompting (or hindering) these institutional developments in a better manner than current accounts do, I assume that all these actors make rational choices. That is, their positions and decisions on a given policy issue and their behaviour within a given institutional context are determined through the evaluation of a range of possible outcomes and alternatives available to pursue them. Through this evaluation, the actors determine and rank their preferred outcomes, and in turn, choose the best course of action to achieve them. Moreover, just as governmental actors, transnational actors (i.e. individuals and civil society organisations) and regional institutions have goals and preferred outcomes and means to achieve them. Moreover, actors taking part in an integration process also aim at bolstering their position vis-à-vis other actors. For instance, as the institutions *respond* to demands from transnational actors, i.e. using, applying, interpreting, and even modifying the existing rules, their actions result in institutional changes that progressively expand and advance their scope and significance.

4. Reinterpreting the National Interests & Positions on NAFTA's Environmental Agreements

Current interpretations of the North American integration emphasise to different extents the roles of various actors in the process. Depending on the account under review, it is argued that either national governments and transnational actors played a decisive role in shaping its institutional outcomes. Both intergovernmentalist and transnational accounts acknowledge that from the moment it was proposed, NAFTA faced strong opposition from environmental groups –specially, but not exclusively, in the U.S. The disagreement between these accounts lies on the extent upon which such opposition shaped the outcome of the NAFTA bargain. A reinterpretation and reassessment and reinterpretation of the proposal, negotiation, and securing of the agreement confirms its decidedly intergovernmental, but not solely economic, nature as it is commonly argued.

First, civil society organisations did not constitute a cohesive group with well-defined demands or comparable access or influence in their own domestic political systems. For instance, even before the terms of the agreement were determined, many organisations in the U.S. had already expressed their resolute opposition to NAFTA. They claimed that free and increased trade between the U.S. and its neighbours –particularly, Mexico– would impact negatively on the environment in their communities. In the U.S., these groups opposed the agreement but did not engage with policymakers to advance and look for representation of their positions in the national agenda. Some other groups, meanwhile, sought and secured support from legislators in Congress to prevent the approval and implementation of the agreement. In general, U.S. legislators conveyed and

expressed this dissatisfaction at the lack of environmental safeguards in NAFTA. Many of them, however, partially favoured the negotiation and implementation of the agreement. Therefore, they only conditioned their support to the inclusion of provisions and mechanisms that protected their communities –especially those located along the U.S.-Mexico border– from (further) environmental degradation. To ensure the inclusion of such safeguards, the U.S. Congress passed the NAFTA Implementation Act of 1993, which outlined the conditions set to the Executive to approve the agreement's negotiation and entry into force (see U.S. GPO, 1993). The administration of President Bill Clinton, nonetheless, estimated that only some groups opposing NAFTA had enough political clout to disrupt the congressional vote and prevent the agreement from being passed. Therefore, the Executive focused only on meeting the demands of such key groups, and concluded that by making some changes, NAFTA would gather enough support to be approved in Congress. To fulfil the demands of these groups, the Executive pursued and secured the negotiation and implementation of both NAAEC and BECA. The former agreement would contribute to prevent trade-induced damage to the North American environment and the weakening of environmental, laws, and standards in the U.S. The latter, meanwhile, would address the specific demands of communities along the U.S.-Mexico border for restoring and improving the environmental conditions in the area (see McFadyen, 1998).

Besides securing the approval of NAFTA, however, the U.S. government had a secondary socio-environmental interest in pursuing NAAEC and BECA to address problems affecting U.S. communities. Most urgently, those located in the area along the border with

Mexico.¹³ Various U.S. national and subnational governments, and their administrations, had previously attempted to address environmental issues affecting this area. However, the continuous growth in population, trade, and industry experienced in it; the vast economic differential between the two countries; and the lack of investment on environmental infrastructure on both sides of the border, had prevented these governments from achieving long-term and effective solutions. The government (particularly, the Clinton administration), then, had a strong interest in pursuing and achieving NAAEC and BECA to protect its population from (further) environmental degradation resulting from increased economic exchanges (see Carmona Lara, 1993: 299-302).¹⁴

The U.S. government was not the only one with a two-fold set of national interests in pursuing the North American environmental agreements. It is widely assumed that Mexico's position, as the economically weakest partner, determined heavily (or entirely) its interest in pursuing NAFTA's environmental agreements. According to some scholars, Mexico regarded the negotiation and implementation of NAAEC and BECA only as a requisite to attain the main trade and investment agreement and, in turn, gain and secure improved access to the U.S. market (Vega Cánovas, 2003; Clarkson, 2008: 120). According to their accounts, the administration of Mexican President Carlos Salinas de Gortari was

¹³ During the 1960s, some areas along the U.S.-Canada border faced problems like those experienced on the U.S.-Mexico border in the 1990s, including severe damage to shared water bodies, extreme air pollution, and rain acidification.

¹⁴ For instance, then-Governor Clinton criticised President George Bush Sr's approach to the NAFTA negotiations claiming that the "agreement appears to be lacking substantive provisions on [...] environmental clean-up in Mexico" and protection of the environment in the U.S.-Mexico border area (cited in *The New York Times*, 1992). As president, Clinton then instructed his administration to include these objectives in the NAFTA negotiations. The U.S. Department of State instructed its negotiators to achieve two objectives: first, ensuring that the growth in trade generated by NAFTA "is accompanied by increased cooperation between [...] governments on environmental issues; [and, second,] protecting the U.S. and its citizens from environmental degradation" (1998: 98).

very concerned about potential hold-ups to the negotiation and ratification of the agreement. To ensure the attainment of NAFTA, Mexico was willing to agree to any demands from their trading partners (namely, the U.S.). Hence, it pursued the environmental agreements. These accounts are simplistic and inadequate. Instead, I argue that Mexico had a set of primary economic and secondary environmental interests, comparable to that of the U.S.

I claim that Mexico's interests went well beyond securing the agreement. First, the country had an *economic* interest in carefully shaping the *environmental* agreements and its institutions to prevent their use as tools for "disguised protectionism" by the U.S. and Canada (Cameron and Tomlin, 2000: 185). The Mexican government opposed the creation of a strong regional institution to enforce region-wide environmental regulations, as it considered that such an institution could potentially reduce the free flows of trade and foreign direct investment to the country. Furthermore, such an institution could be used as an instrument by the U.S. and Canada to protect their markets from Mexican competition through the setting of non-tariff barriers (see Carmona Lara, 1993). Mexico then rejected the proposal from the Clinton administration to establish a regional institution with power to enforce the countries' own *domestic* environmental laws, as it deemed inadmissible (Cameron and Tomlin, 2000: 184). It was willing, however, to help the U.S. to improve the prospects of passing the NAFTA Implementation Act in the U.S. Congress, while ensuring that neither the U.S. nor Canada would gain a competitive advantage over Mexico. To meet both objectives, it proposed establishing regional environmental agreements and institutions with weaker mandates and enforcement

powers than those originally proposed by the U.S., but strong enough to help the U.S. Executive to meet the requirements of the NAFTA Implementation Act.

Secondarily, the Mexican government had an interest in securing funding for building and improving its environmental infrastructure and enhancing the wellbeing of its population—especially, in communities along its 3,145 km-long border with the U.S. By the beginning of the 1990s, the industrial and population growth, sustained rise in trade and manufacture, deficient provision of sanitation infrastructure, and lack of investment in public services, had severely degraded the environment in the U.S.-Mexico border area. In the Mexican side, the limited municipal or state funding (or lack thereof) dedicated to address these problems, along with the reluctance of the federal government to allocate funds to the area, further complicated this situation.¹⁵ When the NAFTA negotiations began, and the need for committing to an environmental agreement became increasingly evident, Mexico seized this opportunity to secure financial support to address its infrastructure deficiencies (BECC, 2009). When the U.S. proposed establishing a regional institution charged with overseeing and enforcing environmental laws across North America, the Mexican government proposed setting up a North American development fund that would help to address infrastructure deficiencies (including, but not limited to, environmental ones) in Mexico, through U.S. and Canada-funded grants. The U.S. and Canada recognised the need to help Mexico in developing its infrastructure. While the U.S. found the proposal politically contentious, Canada dismissed it entirely, and refused to

¹⁵ The federal government was reluctant to invest public funds in an area that was purportedly becoming one of the wealthiest in the country, and which was then allegedly able to fund the development and enhancement of its own infrastructure.

participate (Zamora, 2008: 121). In response, Mexico scaled down its proposal. The fund would only provide financial support for the improvement of environmental infrastructure along the U.S.-Mexico border. The U.S. accepted this revised proposal, but Canada still expressed no interest in participating. Mexico and the U.S. agreed then to pursue and implement the Border Environmental Cooperation Agreement (BECA) as a bilateral agreement to be signed and implemented in parallel to NAFTA. In other words, the agreement would be negotiated alongside NAFTA, but signed and entered separately between the two countries only.

It can be argued that Canada's interest in negotiating NAAEC, but staying out of BECA, resulted from its own pursuit of economic and socio-environmental interests, which were comparable to those of the U.S. and Mexico. Canada's federal government had two primary economic interests for pursuing and achieving these agreements. First and foremost, attaining NAFTA as a way of securing the trade advantages it had made through CUSFTA. It is worth recalling that Canada originally joined the then-bilateral negotiation of the U.S.-Mexico free trade agreement, to protect its own FTA with the U.S. Faced with the prospect of a bilateral trade agreement between these two countries, Canada sought and secured accession into the bargain. Comparatively, then, for Canada, negotiating and entering environmental agreements was only "a minor", even if controversial, condition to realise NAFTA (Cameron and Tomlin, 2000: 206). Second, Canada aimed at preventing protectionism from the U.S. through the setting of trade sanctions for non-trade issues, including environmental ones (Cameron and Tomlin, 2000: 188-200; Clarkson, 2009: 15). In this regard, the Canadian government supported the creation of a regional

environmental institution, but found the idea of establishing an independent commission with sanctioning powers “particularly difficult to accept” (Knox and Markell, 2003: 8). Canada deemed that such an institution could jeopardise the trade gains already made under CUSFTA and those expected from NAFTA, as the U.S. could use it to hinder trade.¹⁶ Up until the end of the negotiations, then, Canada opposed creating a regional institution with enforcement powers.

Notwithstanding this strong opposition to granting enforcement powers to the proposed (North American) Commission for Environmental Cooperation (CEC), Canada too had a secondary socio-environmental interest in negotiating and entering the NAAEC. Namely, it aimed at preventing degradation of its environment resulting from downward competition for jobs and investments –both with the U.S. and Mexico, and between its own provinces. Canada also aimed at preventing “the anticipated widespread negative outcomes (i.e. race to the bottom, pollution havens) [that might] emerge as an outcome of the economic integration of North America” (Environment Canada, 2007: 23). At the domestic level, the Canadian federal government sought to prevent its provincial and local governments from competing with those of the U.S. and Mexico based on lowering environmental laws, standards, or their enforcement. For Canada, the simultaneous negotiation of NAFTA and NAAEC was therefore advantageous as it brought together its interests in protecting its domestic environment, while securing the gains achieved

¹⁶ During the NAFTA negotiations, a Canadian representative argued that implementing trade sanctions for violations to environmental laws and regulations was an “overkill, dangerous for the U.S. and Mexico and totally unacceptable for Canada” (Clarkson, 2009: 15). Prime Minister Kim Campbell made a similar remark, when she intervened directly in the NAFTA negotiations and declared that Canada “did not support the use of trade sanctions for non-trade issues” (Cameron and Tomlin, 2000: 198).

through CUSFTA (see Environment Canada, 2007: 19). On this same basis, Canada also declined to participate in the creation of an environmental fund for Mexico, or the U.S.-Mexico border area. Although the Clinton administration proposed to Canada to contribute to the fund, the country saw little connection between the clean-up and improvement of the environment in the U.S.-Mexico border area, and the facilitation of trade or expansion of economic opportunities throughout North America. Arguing that the proposed fund reflected binational concerns over the degradation of the environment along the U.S.-Mexico border, Canada expressed no interest in participating in such a fund (Gantz, 1996: 1028). The agreement was hence negotiated between the U.S. and Mexico only, and the resulting institutions, i.e. the NADB and BECC, were created in parallel to NAFTA.

This description of the negotiations shows that all three countries pursued two sets of interests: a primarily economic interest in attaining NAFTA to reap the benefits of freer and increased trade and investment in North America; and secondary and differentiated socio-environmental interests. The combination of these interests resulted in diverging positions and strategies which shaped the NAAEC and BECC bargains and their institutional outcomes.¹⁷ For instance, the U.S. pursued and entered trilateral and bilateral environmental side and parallel agreements to NAFTA to address the environmental problems of communities located along its border area with Mexico. Similarly, Mexico entered the agreements to secure trade advantages *and* funding for creating or improving

¹⁷ McKinney (2000), Knox and Markell (2003), and Knox (2004) describe the NAAEC negotiations in more detail, and analyse how they shaped the authority and functions of the Commission for Environmental Cooperation (CEC).

environmental infrastructure in its border area with the U.S. Moreover, Mexico had an interest in shaping NAAEC to ensure that the U.S. would not use this agreement's rules for protectionist purposes. Finally, the connection (and lack thereof) between the economic and environmental interests and goals of the North American governments in the NAAEC negotiations is even more evident in Canada's case. For Canada, its participation in NAAEC contributed to consolidate the federal government's economic and environmental agenda. It protected the gains made in CUSFTA, while ensuring that the provincial governments would not engage in a downward competition for jobs and investments against the U.S. and Mexico. Given that Canada also had a secondary interest in protecting its territory and population from (possible) environmental degradation, it had incentives to participate in the trilateral North American Agreement on Environmental Cooperation (NAAEC). Nonetheless, given its non-direct vicinity with Mexico, and the dissimilarity in the socio-economic conditions of the U.S.-Canada and U.S.-Mexico border areas, the Canadian government had no incentive to participate in the bilateral BECA –which had been originally proposed as a trilateral accord for promoting development and improvement of (environmental) infrastructure throughout Mexico.

On this basis, I argue that in the negotiations of the North American environmental agreements, the national governments achieved their separate economic and environmental interests. During the negotiations phase, the nation-states –specifically their heads of government– were primarily in control of the integration process. Given that the outcome of these negotiations was the signing of intergovernmental agreements, some scholars argue that the nature of the process itself is intergovernmental. Their

accounts partially support then the arguments of Liberal Intergovernmentalism (LI), which claims that nation-states can efficiently pursue and secure their interests in negotiations. According to LI, states define their national interests through domestic contention between interest groups within the nation-state over a given set of preferences. Once determined, such preferences become national interests and, in turn, intergovernmental bargaining objectives. However, a 'purely' liberal intergovernmentalist account, only based in the examination of the economic national interests of states, would fail to adequately account for the proposal, negotiation and outcomes of the trilateral NAAEC, and the bilateral BECA.

The three governments regarded NAAEC as a requirement to securing NAFTA for purposely expanding their economic exchanges and addressing the environmental externalities of such increased interactions. This was not the case of BECA. Had transnational actors been the key force shaping the development and outcome of the negotiations, as transnationalist-like theorists of North American integration claim, the NAAEC would have been significantly stronger, characterised by strict and enforceable regional rules on environmental protection and backed by trade sanctions in cases of non-compliance. Similarly, had transnational actors had as much influence over the negotiations and their outcome as commonly argued, it is likely that a trilateral fund to improve and enhance the region's –especially Mexico's environment– would have been created. LI only partly explains, then, the interests of the U.S., Canadian, and Mexican governments in negotiating and entering these agreements. A *revised* liberal intergovernmentalist account, that takes into account the non-economic national

interests of nation-states, would explain better the pursuit and negotiation of the NAFTA's environmental side and parallel agreements, and the institutional structure that resulted from them, than transnationalist-like accounts do.

5. Conclusion: Once Intergovernmental, always intergovernmental?

Although it could be argued that LI-like accounts of North American integration might adequately explain the origins of this process, they do not explain satisfactorily its overall development to date. The everyday use of the cross-border rules and the actions of transnational actors (including individuals, communities, activists, and non-governmental organisations) and regional institutions have changed the original intergovernmental nature of the process, even if limitedly, and only in the environmental policy arena.

The implementation of NAAEC and BECA, and the creation of CEC, BECC, and NADB, are innovations in the environmental policy area in North America. Cross-border rules on environmental protection did not exist in North America before the implementation of NAFTA's side and parallel agreements –NAAEC and BECA– in 1994. Although bilateral collaboration and cooperation on environmental issues between Canada, the U.S., and Mexico goes back to the early twentieth century, the governments did not engage each other trilaterally until the implementation of these agreements. Before these agreements, there were bilateral and binational but not *regional* agreements or institutions on these issues. Their implementation and operation over the past twenty-three years, filled a gap in the institutional framework for the conservation, protection, and enhancement of the region's environment, by addressing some of the socio-economic and environment-

related concerns of individuals, non-governmental organisations, and border communities on the implementation of NAFTA. During and after the negotiations of this trade agreement, various individuals, non-governmental organisations, and other civil society groups in the three countries argued that its implementation would result in a rapid degradation of the North American environment, especially in the U.S.-Mexico border area.

Purely liberal intergovernmentalist or transnational accounts of North American integration cannot adequately explain why and how transnational actors have used the cross-border rules, that were created by, agreed between, and purportedly suited to the interests of national governments. To date, these rules have been used to pursue changes to environmental practices, policies, and legislations throughout the three North American countries with moderate to significant success. Moreover, they cannot adequately explain the entrepreneurial nature that the regional institutions have displayed when addressing demands raised by the North American citizens through the institutional mechanisms for public participation that were created by the NAFTA's side and parallel environmental agreements.

Moreover, it is worth underscoring that the CEC, BECC, and NADB are not supranational institutions. Consequently, none of them possesses ample powers, autonomy, or human or material resources to push for the use, development, and improvement of cross-border rules. They have, however, been venturesome in expanding their competences by interpreting their mandates broadly. At times, this proactive behaviour has enabled them to modify the provisions of the intergovernmental

agreements in ways that the national governments did not intend. The demands of transnational actors, and the responses of regional institutions to them, contributed to increase the relevance of cross-border rules to policy-making and policy-implementation in the region. Transnational actors could not have achieved these outcomes without the active engagement of the regional institutions on the policy issues that they raised. Despite their constrained resources and power, over more than twenty-four years of operation, the three institutions have worked to expand their jurisdictions and mandates. During this time, they have transformed themselves into the most important institutions on the protection and environment in North America at the regional level –even surpassing in importance long-standing bilateral and binational institutions that have historically dealt with environmental issues.¹⁸ Contrary to the rigid and reactive binational institutions that predated them, the new regional institutions have contributed to review, reaffirm, and advance the rules, in ways that both addressed the demands of transnational actors, and expanded their jurisdictions and mandates, and strengthened their own capacities. I argue that these policy developments have significantly increased the degree of policy interdependence between the three countries on environmental issues.

These policy developments, which are often disregarded in the current literature on North American integration, indicate that the process is more complex and extensive than it is generally acknowledged. The substantive change from the non-existence of cross-

¹⁸ Namely, the International Boundary and Water Commission (IBWC), established in 1889 between the U.S. and Mexico; and the International Joint Commission (IJC), established in 1909 between the U.S. and Canada.

border rules to their creation by national governments is an important development in the integration process. The ever increasingly important role of transnational actors, and most importantly, regional institutions indicates that even a revised liberal intergovernmentalist might face issues to explain the current state of North American integration, especially in the environmental policy area. An approach that takes into account the *combined* actions of transnational actors and regional institutions is likely to explain better the most recent institutional and policy developments in this arena.

Acknowledgements

This article is based on research conducted at the Universities of Birmingham and Oxford. I especially thank Dr Flor González Correa, Dr David Bailey, and Dr Luis Cabrera, for their kind comments and feedback on innumerable previous drafts of this article, and their unwavering support throughout my doctoral and postdoctoral studies. I thank Dr Halbert Jones at the Rothermere American Institute for their kind and extensive support during my time as an Academic Visitor and Vacation Visiting Research Fellow at the University of Oxford, which enabled me to review, strengthen, and complete this article. I thank the Consejo Nacional de Ciencia y Tecnología (CONACYT), Mexico, for its generous and continual financial and logistical support throughout my postgraduate and postdoctoral studies, which enabled me to conduct my research on North American Studies in the United Kingdom and the United States. I also thank the Secretaría de Educación Pública (SEP), Mexico, and the Universities of Birmingham and Southern California for their financial support, at different stages of my academic career, which enabled me to

continue and further my research. I thank too the staff at the Centro de Estudios Políticos y Constitucionales, in Madrid, who kindly supported my postdoctoral research and academic career, by hosting me as a Guest Researcher. Finally, I thank *Norteamérica's* peer reviewers and editorial team for their valuable advice and help in improving the arguments, structure, and presentation of this article.

Bibliography

Appendini, Kirsten, and Sven Bislev, eds.

1999 *Economic Integration in the NAFTA and the EU: Deficient Institutionalilty*, Basingstoke, Palgrave Macmillan.

Ayres, Jeffrey McKelvey, and Laura Macdonald

2012 *North America: Regional Integration in an Era of Economic Turbulence*, Toronto, University of Toronto Press.

Border Environment Cooperation Commission (BECC)

2009 "BECC and NADB: Successful Bi-National Cooperation", in <http://www.cocef.org/english/index.html>, accessed March 10, 2013.

Bugeda, Beatriz

1998 "Is NAFTA up to Its Green Expectations? Effective Law Enforcement under the North American Agreement on Environmental Cooperation," *University of Richmond Law Review*, vol. 32, pp. 1591-1617.

Clarkson, Stephen

2009 "Continentalism from Below: Variations in Tri-National Mobilization among Labour Unions, Environmental Organizations, and Indigenous Peoples", in *Computing in the Humanities and Social Sciences (CHASS)*, in <http://homes.chass.utoronto.ca/~clarkson/publications/Continentalism%20from%20Below%20Variations%20in%20Tri-National%20Mobilization%20among%20Labour%20Unions,%20Environmental%20>

- Organizations,%20and%20Indigenous%20Peoples-draft.pdf, accessed March 12, 2013.
- 2008 *Does North America Exist? Governing the Continent After NAFTA and 9/11*, Toronto, University of Toronto Press.
- Cameron, Maxwell A., and Brian W. Tomlin
- 2000 *The Making of NAFTA: How the Deal Was Done*, Ithaca, Cornell University Press.
- Carmona Lara, María del Carmen
- 1993 "El Tratado de Libre Comercio y el ambiente (acuerdos paralelos)", in Jorge Alberto Witker Velásquez, ed., *El Tratado de Libre Comercio de América del Norte: análisis, diagnóstico y propuestas jurídicas*, México, Instituto de Investigaciones Jurídicas-UNAM, pp. 291-341.
- Duina, Francesco
- 2016 "North America and the Transatlantic Area," in Tanja A. Börzel and Thomas Risse, eds., *The Oxford Handbook of Comparative Regionalism*, Oxford, Oxford University Press, pp. 133-153.
- Environment Canada
- 2007 "Evaluation of Canada's Participation in the Commission for Environmental Cooperation (CEC)" (April 18), in www.ec.gc.ca/doc/ae-ve/CEC-CCE/CEC_CCE_Eval_E.doc, accessed March 5, 2013.
- Farías Pelcastre, Iván
- 2017
- Gantz, David A.
- 1996 "The North American Development Bank and the Border Environment Cooperation Commission: A New Approach to Pollution Abatement along the United States-Mexican Border," *Law and Policy in International Business*, vol. 27, no. 4, pp. 1027-1056.
- Gehler, Michael, and Wolfram Kaiser

2001 "Transnationalism and Early European Integration: The Nouvelles Equipes Internationales and the Geneva Circle 1947-1957," *The Historical Journal*, vol. 44, no. 3, 773-798.

Gilardi, Fabrizio

2014 "Methods for the Analysis of Policy Interdependence," in Isabelle Engeli and Christine Rothmayr-Allison, eds., *Comparative Policy Studies: Conceptual and Methodological Challenges*, Basingstoke, Palgrave Macmillan, pp. 185-204.

Hale, Geoffrey, and Stephen Blank

2010 "North American Economic Integration and Comparative Responses to Globalization – Overview," in Monica Gattinger and Geoffrey Hale, eds., *Borders and Bridges: Canada's Policy Relations in North America*, Oxford, Oxford University Press, pp. 21-40.

Hurrelmann, Achim

2009 "Should there be a Transnational Theory of European Integration?", in *EUSA Papers 2009, The University of North Carolina at Chapel Hill*, in http://www.unc.edu/euce/eusa2009/papers/hurrelmann_01B.pdf, accessed June 28, 2017.

2011 "Transnationalism and the Theory of European Integration: Political Science Perspectives," in Joan DeBardeleben and Achim Hurrelmann, eds., *Transnational Europe: Promise, Paradox, Limits*, Basingstoke, Palgrave Macmillan, pp. 19-36.

Husted, Bryan W., and Jeanne M. Logsdon

1997 "The Impact of NAFTA on Mexico's Environmental Policy," *Growth and Change*, vol. 28, pp. 24-48.

Johnson, Pierre Marc and André Beaulieu

1996 *The Environment and NAFTA: Understanding and Implementing the New Continental Law*, Washington, D.C., Island Press.

Kibel, Paul Stanton

2001 "The Paper Tiger Awakens: North American Environmental Law after the Cozumel Reef Case," *Columbia Journal of Transnational Law*, vol. 39, pp. 395-482.

Knox

2004

Knox, John H., and David L. Markell, eds.

2003 *Greening NAFTA: The North American Commission for Environmental Cooperation*,
Palo Alto, Stanford University Press.

Knox, John H. and David L. Markell

2003 "The Innovative North American Commission for Environmental Cooperation," in
John H. Knox and David L. Markell, eds., *Greening NAFTA: The North American
Commission for Environmental Cooperation*, Palo Alto, Stanford University Press,
pp. 1-21.

McFadyen, Jacqueline

1998 "NAFTA Supplemental Agreements: Four Year Review," in *Peterson Institute for
International Economics*, in
<http://www.iie.com/publications/wp/print.cfm?ResearchId=145&doc=pub>,
accessed March 10, 2013.

McKinney, Joseph A.

2015 "Regional Economic Integration in the European Union and North America: A
Theoretical Perspective," in Joaquín Roy, ed., *A New Atlantic Community: The
European Union, the U.S. and Latin America*, Miami-Florida European Union
Center/Jean Monet Chair, pp. 17-26.

2000 *Created from NAFTA: The Structure, Function, and Significance of the Treaty's
Related Institutions*, Armonk, M. E. Sharpe.

Macdonald, Laura

2008 "Canada and the Politics of Regional Economic Integration in the Americas," in
Diego Sánchez-Ancochea and Kenneth C. Shadlen, eds., *The Political Economy of
Hemispheric Integration: Responding to Globalization in the Americas*, Basingstoke,
Palgrave Macmillan, pp. 219-238.

Markell, David L.

2005 "Governance of International Institutions: A Review of the North American Commission for Environmental Cooperation's Citizen Submissions Process," *North Carolina Journal of International Law and Commercial Regulation*, vol. 30, no. 4, pp. 759-793.

2004 "The North American Commission for Environmental Cooperation after Ten Years: Lessons about Institutional Structure and Public Participation in Governance," *Loyola of Los Angeles International and Comparative Law Review*, vol. 26, p. 341.

Moravcsik, Andrew

2006 "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach," in Mette Eilstrup-Sangiovanni, eds., *Debates on European Integration: A Reader*, Basingstoke, Palgrave Macmillan, pp. 264-303.

1998 *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca, Cornell University Press.

Mosbrucker, Kristen

2016 "Murky Future for NADBank's U.S. Congress Proposal for \$1.5B in Capital," in *San Antonio Business Journal* (November 22), in <http://www.bizjournals.com/sanantonio/news/2016/11/22/murky-future-for-nadbank-s-u-s-congress-proposal.html>, accessed July 1, 2017.

Mumme, Stephen P.

1999 "NAFTA and Environment," in *Foreign Policy in Focus* (October 1), in http://fpif.org/nafta_and_environment/, accessed April 11, 2017.

The New York Times

1992 "The 1992 Campaign; Clinton Criticizes Provisions in Trade Pact" (September 11), in <http://www.nytimes.com/1992/09/11/us/the-1992-campaign-clinton-criticizes-provisions-in-trade-pact.html>, accessed February 16, 2016.

North American Transportation Statistics

2012 "Comercio exterior de México con Canadá y Estados Unidos según modo de transporte," in http://nats.sct.gob.mx/6-1b_es.html, accessed February 12, 2013.

Raustiala, Kal

2004 "Police Patrols & Fire Alarms in the NAAEC," *Loyola of Los Angeles International & Comparative Law Review*, vol. 26, pp. 389-413.

2003 "Citizen Submissions and Treaty Review in the NAAEC," in John H. Knox and David L. Markell, eds., *Greening NAFTA: The North American Commission for Environmental Cooperation*, Palo Alto, Stanford University Press, pp. 256-273.

1996 "International "Enforcement of Enforcement" under the North American Agreement on Environmental Cooperation," in *Virginia Journal of International Law*, vol. 36, no. 3, pp. 721-763.

Schimmelfennig, Frank

2015 "What's the News in 'New Intergovernmentalism'? A Critique of Bickerton, Hodson and Puetter," in *Journal of Common Market Studies*, vol. 53, no. 4, pp. 723-730.

Shrybman

1993

Scott, Robert E.

2003 "The High Price of 'Free' Trade: NAFTA's Failure has Cost the United States Jobs Across the Nation," EPI Briefing Paper #147, in *Economic Policy Institute* (November 17), in https://www.epi.org/publication/briefingpapers_bp147/.

Statistics Canada

2013 "Canadian International Merchandise Trade Database," in <http://www5.statcan.gc.ca/cimt-cicm/section-section?lang=eng&dataTransformation=2&refYr=1990&refMonth=12&freq=12&countryId=999&usaState=0&provId=1&retrieve=null&save=null&trade=World%20Trade>, accessed February 12, 2013.

Studer Noguez, María Isabel, and Carol Wise, eds.

2007 *Requiem or Revival? The Promise of North American Integration*, Washington, D.C., Brookings Institution Press.

U.S. Census Bureau

2013

U.S. Department of State

1998 "United States Department of State Strategic Plan" (June 18), in *Homeland Security Digital Library*, in <http://www.hsdl.org/?view&did=446144>, accessed February 13, 2013.

2013 *U.S.-Mexico Binational Commission*, in <http://www.state.gov/p/wha/ci/mx/c10787.htm>, accessed October 18, 2013.

U.S. Government Printing Office (U.S. GPO)

1993 "North American Free Trade Agreement Implementation Act," (November 30), in <http://www.gpo.gov/fdsys/pkg/BILLS-103hr3450enr/pdf/BILLS-103hr3450enr.pdf>, accessed May 22, 2013.

Varady, Robert G.

2009 "North American Free Trade Agreement" (March 23), in *Encyclopedia of Environment and Society*, in http://udallcenter.arizona.edu/publications/sites/default/files/2009_VARADY_nafta_ency.env_.soc_.pdf, accessed April 11, 2017.

Vega Cánovas, Gustavo

2003 "El TLCAN: El Punto de Vista de México," in José Juan de Olloqui y Labastida, ed., *Jornadas sobre México y los tratados de libre comercio*, México, UNAM, pp. 47-56.

Weintraub, Sidney, ed.

2004 *NAFTA's Impact on North America: The First Decade*, Washington, D.C., CSIS Press.

Weintraub

1990

Wise, Carol, ed.

1998 *The Post-NAFTA Political Economy: Mexico and the Western Hemisphere*, University Park, Pennsylvania State University Press.

Zamora, Stephen

2008 "A Proposed North American Regional Development Fund: The Next Phase of North American Integration under NAFTA," *Loyola University Chicago Law Journal*, vol. 40, pp. 93-140.