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NAFTA & The Environment: Substance and Process

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NAFTA & The Environment: Substance and Process

analysis of Japanese democracy with a focus on the American Occupation period from 1945-1952. According to Krauss, the twin aims of the American Occupation were democratization and demilitarization. He suggests that the Americans pursued both aims with equal vigor and were quickly able to build and support a stable democratic system that has had lasting benefit for the Japanese people.

Krauss next turns his attention to Japanese democracy in the post-occupation period. Specifically, Krauss discusses the period leading up to the 1980s and the "transformation of 1993-94." In the former period, Krauss delves into such important issues as human rights, political protest, minority discrimination, unequal treatment of women, crime and the structure of Japan's electoral system. Krauss does a particularly good job of both clarifying and explaining the confusing world of Japanese party politics; a world that is rife with nepotism, corruption and "pork" projects. The discussion is well-organized and presents a detailed analysis of the complexity of Japanese politics in a way readily understood by both scholars and laymen alike.

Krauss's discussion of "pork" politics and corruption serves as a useful and natural transition into the last substantive chapter, wherein Krauss catalogs Japan's latest political scandals and opportunistic party realignments. To Krauss, corruption and bureaucratic stagnation are some of the many problems that confront the modern Japanese democratic system.

Overall, the book is a very useful synopsis of Japanese democratic history. While admittedly brief, the book does, however, provide a broad conceptual guide for those interested in Japanese politics.

Scott Huylar

MAGRAW, DANIEL, NAFTA & THE ENVIRONMENT: SUBSTANCE AND PROCESS; American Bar Association, U.S.A. (1995); (\$75.00); ISBN 0-89707-961-2; 759 pp. (softcover).

This volume is a useful desk-reference for any attorney involved in the NAFTA-Environmental debates. The author begins by defining the parameters of the NAFTA and Environmental controversies. The creation of NAFTA brought to the forefront many environmental concerns in the United States. A main concern was the possible effects on United States environmental laws and trade related provisions in international agreements. This concern translated into fears of harmonization, pollution havens and environmentally damaging growth.

Magraw goes on to state how "harmonization," or compatibility of environmental standards, within a trade area can benefit health, the environment, and trade. Many, however, believe that within a free trade area standards would be reduced to the "least common denominator" or that regulations would be prohibited from exceeding international standards.

Pollution havens are areas with low environmental standards or enforcement, attracting extensive industrial development. This idea parallels environmentally damaging growth. The general fear was that development would increase dramatically quicker than an environmental protection infrastructure could be created. However, not all the expected effects on the environment from the establishment of a free trade area were negative.

Others, Magraw points out, believed that more efficient pollution prevention and clean-up methods would result from increased communication and information flow between companies. Further, it was expected that more resources would be available for the protection of the environment, especially in Mexico. Objectors to this view have asserted that a free trade agreement would not result in an equitable distribution of wealth to the Mexican population. Without an increase in economic resources, environmental problems in Mexico would not be addressed.

Magraw discusses another key aspect of environmental concerns - dispute settlement mechanisms. Dispute settlement processes in trade regimes are considered anti-environmental. Structures are usually created by trade experts who have little or no environmental expertise. Trade negotiations are also considered lacking environmentally sensitive negotiators. Furthermore, these mechanisms do not allow for public input, eliminating public awareness of the trade impact on the environment.

To address these concerns, the Bush Administration created a negotiating framework which provided a dual-track approach for discussions on the environment. Concern relating to the trade of goods and services would be considered within the text of NAFTA. Issues relating to increased investment and population along the United States-Mexico border would be addressed through cooperative activities. It was envisioned that these activities would result in bilateral and trilateral efforts.

One important resulting document under the Bush Administration was the Integrated Environmental Plan. The Plan was created through the joint effort of United States Environmental Protection Agency and the Mexican Secretaria de Desarrollo Urbano y Ecologia. It was released by President Bush in February 1992. Other agreements never came to fruition during the Bush Administration.

This dual approach was adopted by the Clinton Administration. Clinton had stated during his presidential campaign that his support for NAFTA rested on the adoption of adequate labor and environmental safeguard agreements. As a result, substantial agreements were reached outside of the NAFTA document.

The text of NAFTA also contains environmentally sensitive provisions. The preamble includes statements committing the countries to "promote sustainable development" and "strengthen the development and enforcement of environmental laws and regulations." Countries are also asked to act in a "manner consistent with environmental protection and conservation."

Domestic laws in the United States are protected in NAFTA by: ensuring the United States can choose its own level of protection, which may be higher than international standards; allowing standards to exist absent scientific certainty; and, permitting states and counties to adopt higher standards than federal or international levels. Provisions within the text also address concerns of pollution havens, international environmental and trade agreements, and dispute settlement.

Part One of this book provides an overview and introduction to understanding the NAFTA agreement and related documents. In addition to the subject matter mentioned above, the author explains the political motivations behind the creation of the North American Agreement on Environmental Cooperation, the Border Environment Cooperation Commission, the North American Development Bank, and environmental provisions in the NAFTA text. The functions of each are fully examined and explained. Each of these documents are reprinted in Part Two.

Part Two, which focuses on intergovernmental documents, also includes the trilateral press release by the countries environmental representatives. This document is important in understanding the United States motivation in reaching an agreement on the environment. In particular, the press release helped gain the support of the National Wildlife Federation for NAFTA.

The last two sections of the book analyze U.S. government documents and other documents released by environmental and non-governmental organizations. Magraw examines the role that these documents have played in the evolution of NAFTA and their political importance.

The book highlights the environmental elements of NAFTA and the process that led to their development. The underlying premise is that NAFTA represents an unprecedented attempt to deal with environmental concerns in the development of trade regimes. The creation of a sustainable development framework encompasses a balance between trade and the environment, which includes not only economic, environmental and social considerations, but also democratic decision-making. Taken as a whole, this author clearly articulates how NAFTA can provide a successful development framework which is essential for a constructive dialogue to emerge between developing and developed nations.

Dawn McKnight

MCGLENN, NANCY E. & SARKEES, MEREDITH REID, *THE STATUS OF WOMEN IN FOREIGN POLICY*, Foreign Policy Association Headline Series, Foreign Policy Association, New York, NY (1995). (\$5.95); ISBN 0-87124-165-X; 72 pp. (pbk).

This book provides a good overview of the changing role women play in U.S. foreign policy. The authors paint a picture of the ways in which women have been historically excluded in the realm of foreign policy. The