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Technical Annex

**Trade Analysis of Environmental Policies for U.S.
Trade Agreements**

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This document is the technical annex to the full paper “Trade and Environment: A New Direction for Green Trade” which is available separately.

The following is a detailed qualitative analysis of the environmental policies developed in conjunction with the 13 U.S. free trade agreements (FTAs) concluded since 1992. There are multiple environmental policies associated with each trade agreement and these policies are located in either an environmental side agreement (ESA) or environmental chapter within the FTA itself (see generally Free Trade Agreements, n.d.; Supporting Free Trade, n.d.). To facilitate discussion and comparison, the major policy provisions in the ESAs and FTAs were categorized based on their *policy content*, which is a traditional policy dimension used to classify public policies (Bennett, 1991; Smith, 2002). Each major policy provision was characterized based on substantive content as *aspirational*, *cooperative*, *quasi-regulatory*, and *permissive*.

While it is possible to evaluate the policies without these groupings, the groupings allow for a more structured policy framework for the analysis. Tables A1 through A4 summarize the major environmental policies by their substantive content. The footnotes to these tables provide a brief description of the general policy content. In many cases, the language of the policy provision was identical or very similar across the trade agreements although there were a few trade agreements in which the policy language varied. Taking into consideration these slight variations, the footnote is crafted to capture the general policy content of the policy provisions. Tables A1 through A4 also indicate the policy locus for each policy provision as either the ESA or FTA. The policy locus determines the government agency responsible for overseeing policy implementation; the trade ministries oversee implementation of the FTA policies while foreign affairs or environmental ministries oversee implementation of the ESA policies.

The policy portfolios for each trade agreement were also partitioned into three generations based on their collective similarities at the *trade agreement level*. The classification of policies into generations can be used to indicate notable shifts in policy content and breadth over time (see e.g. Fiorino, 2006). The first generation policies are associated with the NAFTA; these policies have the greatest breadth with comprehensive policy content. The second generation policies collectively had the smallest number of policies and minimal policy content, with the exception of the CAFTA-DR, while the third generation policies fall somewhere in between the first and second generation policy portfolios in terms of breadth and content. Each of the

four general policy groupings and major variations in policy portfolios across the generations are discussed further below.

Aspirational Policies

Aspirational policies (see table 1) consist primarily of hortatory statements that in principle all trading partners should strive to achieve (Government Accountability Office, 2009). Substantively, the policies set forth general commitments for the countries to improve their environmental protection regimes or otherwise ensure that they are providing for high levels of environmental protection. These policies are to be implemented unilaterally by the countries but do not include specific deadlines, targets, or enforcement mechanisms. Given their soft law nature, these policies are legally binding in principle but as a practical matter are not strictly enforceable. In fact, the United States has acknowledged that it is not even feasible to monitor implementation of these policies given the absence of a meaningful baseline for measuring progress against (Government Accountability Office, 2009).

The aspirational policies have not changed much over the years; the policies were included under the NAFTA and carried forward into subsequent agreements. Thus, all three generations of policy portfolios have included all of the policies, with the exception of the policy portfolio for the trade agreement with Jordan (which was not considered under the Congressional fast track procedures (Smith, 2011)). None of the aspirational policies is directly related to the negotiating objectives listed in table A5; inclusion of these policies in trade agreements is due largely to past precedent rather than the negotiating priorities established by Congress. Although it is unlikely that the aspirational policies will have any *direct* impact on improving environmental protection regimes or mitigating environmental effects of trade liberalization, these policies articulate some important policy principles, which, coupled with past precedent, dictate that they very likely will continue to be included in future trade agreements (see e.g. USTR Touts TPP Environment Proposal, 2011).

Cooperative Policies

Cooperative policies (see table A2) have been included in all of the policy portfolios and are intended to address many of the environmental impacts of trade liberalization through voluntary cooperative initiatives that build the institutional capacity of the trading partners and their environmental protection regimes (see e.g. Allen, 2012; Block, 2003). In general, cooperative policies have varied in terms of level of

prioritization and specificity of areas for environmental cooperation. The first generation policies included very broadly defined areas for cooperation with no attendant prioritization (North American Agreement on Environmental Cooperation, 1993). The second and third generation policies, by comparison, are all more focused on identifying and prioritizing areas for cooperation. However, the second generation policies are the most focused; these policies often specify a limited number of priority areas for environmental cooperation, which in some instances were identified based on an ex-ante environmental assessment (Organization for Economic Co-operation and Development, 2007; see also Free Trade Agreements, n.d.). The third generation policies are more broadly defined areas for cooperation but not as broadly defined as those under the NAFTA (see Supporting Free Trade, n.d.).

With just a few exceptions, all of the cooperative policies include requirements to develop benchmarks and work plans and to conduct periodic meetings to review progress on implementation of cooperative activities (see Supporting Free Trade, n.d.); however, the frequency for conducting the meetings, developing the work plans, or reviewing progress on benchmarks is generally left to the discretion of the countries. Only the NAFTA cooperative policies include specific requirements for a mandatory annual meeting and work plan (North American Agreement on Environmental Cooperation, 1993). The requirements for benchmarks, meetings, and work plans create some onus to pursue cooperation activities; however, even for those cooperative policies that include requirements for completion of work plans and periodic meetings, efforts to do so have been sporadic and very limited (Government Accountability Office, 2009; see also table A6 below and various ESA work plans at Supporting Free Trade, n.d.).

The level of cooperation actually undertaken is at the discretion of the countries (OECD, 2007) and is strongly influenced by the availability of funding (Government Accountability Office, 2009). In fact, the lack of dedicated new funding for the majority of the cooperative policies is the primary factor that limits the extent of cooperation undertaken (Government Accountability Office, 2009). There is no requirement for mandatory or dedicated funding in any of the cooperative policies for the 13 trade agreements; the level of funding provided for cooperation is likewise entirely at the discretion of the countries (Government Accountability Office, 2009). To date, only the cooperative policies for the NAFTA and CAFTA-DR have received dedicated *new* funding (Government Accountability Office, 2009). The NAFTA countries together provide a total of \$9 million per year (\$3 million from each country) to fund activities under all environmental policies, including cooperative

activities; thus, from 1994 to 2013, the countries provided a total of \$171 million (see Annual Reports, n.d.). For the CAFTA-DR, the United States has unilaterally provided around \$82 million in new funding to implement its cooperative policies through 2012 (Organization of American States, 2010; U.S. Department of State, 2012). The cooperative policies for the other trade agreements do not have any new, dedicated streams of funding; cooperative activities, if they occur at all under these policies, are usually activities that have been repackaged or reprogrammed from existing U.S. funded programs, such as under the U.S. Agency for International Development (see e.g. Government Accountability Office, 2009; Organization for Economic Co-operation and Development, 2007; U.S. and Chile, 2012; U.S. and Peru, 2011; Free Trade Agreements, n.d.).

Table A6 summarizes the work plans completed for all free trade agreements; a detailed review of all work plans is beyond the scope of this analysis but the following provides some general discussion on cooperative activities. The extent of cooperative activities that have been actually undertaken has varied widely across the trade agreements (Government Accountability Office, 2009; see work plans for ESAs at Supporting Free Trade, n.d.). The most extensive cooperation has occurred under the NAFTA (see Our Work, n.d.) and CAFTA-DR (see CAFTA-DR Environmental Cooperation, n.d.), followed by the Peru FTA (see Supporting Free Trade, n.d.). In general, the remainder of the work plans included a limited number of cooperative activities that tend to be activities that were already being undertaken by the countries or vaguely defined proposals that might be undertaken depending on available funding. With all of the cooperative policies except for those associated with NAFTA and CAFTA-DR, there have been no efforts to establish or measure meaningful benchmarks.

Evaluation of the effectiveness of the cooperative activities has been limited. Two independent reviews of the NAFTA environmental cooperative activities have been completed (Commission for Environmental Cooperation, 1998; Johnson et al., 2004) along with a few detailed academic reviews of some or all of the NAFTA cooperative activities (see e.g. Allen, 2012; Dimento & Doughman, 1998; Aspinwall, 2013). There have been four reviews completed of cooperative activities under the CAFTA-DR (U.S. Agency for International Development, 2008; Organization of American States, 2010, 2011a, 2011b). In general, these reviews have indicated that cooperative activities under the NAFTA have served primarily to build some institutional capacity in Mexico to implement their environmental protection regime, while reviews of the CAFTA-DR cooperative activities indicate that these have likewise contributed to

development of some institutional capacity but it was too premature to fully assess the effects.

Despite the variability in the scope and extent of environmental cooperation conducted under the cooperative policies, as well as their potential effectiveness, these policies have been carried forward from the NAFTA and are viewed as a cornerstone of the policy portfolios because they can be used for building capacity to achieve the overall goals of many of the other environmental policies. Additionally, the cooperative policies are also consistent with some of the negotiating objectives outlined in table A5 and as such, the cooperative policies are very likely to be included in future trade agreement policy portfolios.

Quasi-Regulatory Policies

Quasi-regulatory policies (see table A3) are largely focused on improving effective enforcement of domestic environmental laws in the territories of the trading partners. In general, these policies encompass enforceable commitments to effectively enforce laws as well as establish two mechanisms for ensuring the trading partners adhere to those commitments: a public submissions process and a state-to-state consultation and dispute resolution process (Johnson & Beaulieu, 1996). Although the primary obligation subject to enforcement using these regulatory mechanisms has been the commitment to effectively enforce some or all domestic environmental laws, as is discussed further below, for the third generation quasi-regulatory policies, all obligations under the environmental chapters are actionable under the state-to-state dispute resolution process.

The state-to-state consultation and dispute resolution process is the cornerstone of the quasi-regulatory policies, and, similar to any dispute resolution process, it is available for the countries to submit complaints against each other for failure to effectively enforce their domestic environmental laws (Government Accountability Office, 2009). The process also has ultimate recourse to sanctions or fines. Once initiated, implementation of the dispute resolution process is not discretionary, and with recourse to sanctions, the process has the potential to be highly coercive if used. Ever since the NAFTA environmental policies were developed, the availability of a dispute resolution process within the policy portfolios has been touted as the “teeth” of the portfolios to ensure environmental effects of trade agreements are mitigated (Hogenboom, 1998; Mayer, 1998).

A dispute resolution process has been included in all policy portfolios, except for the Jordan FTA; however, the scope of obligations that are actionable under this

process has changed in two distinct ways under the third generation of quasi-regulatory policies compared to the first and second generation policies. First, the quasi-regulatory policies for the Peru, Colombia, S. Korea, and Panama trade agreements have narrowed the scope of the obligation to effectively enforce only domestic laws associated with a limited number of multilateral environmental agreements (MEAs), whereas the first and second generations of policies allowed the process to be used for all domestic environmental laws (Free Trade Agreements, n.d.; Villarreal, 2010). At the same time, however, the third generation quasi-regulatory policies now encompass the adoption, maintenance, and implementation of these MEA-related domestic laws, not just their enforcement. Given this new formulation, the third generation policies are intended to bring domestic laws of trading partners into compliance with MEAs as well as ensure their effective enforcement, which reflects a narrowing of the scope of the laws covered but a strengthening of the commitment to harmonize domestic laws upward towards internationally defined standards. Second, the other obligations in the FTA environmental chapters are now actionable under the state-to-state dispute resolution process, but it is important to note that these obligations consist of the aspirational policies outlined in table A1.

The other mechanism established under the quasi-regulatory policies to ensure effective enforcement of environmental laws is the public submission process, which allows private citizens or organizations to submit complaints of lax enforcement of domestic laws for independent review and verification (Free Trade Agreements, n.d.; North American Agreement on Environmental Cooperation, 1993; Environmental Law Institute, 2003). In general, this process is a sunshine remedy that focuses public scrutiny on particular enforcement activities and thereby generates pressure for remedial action (Schorr, 2000). Although a weak enforcement mechanism, implementation of the submission process is not discretionary; thus, this policy places a specific onus on the trading partners to establish and administer the process. The quasi-regulatory policies associated with the public submission process have been included in the policy portfolios on a selective basis. The submission process was first included under the NAFTA policy portfolio (North American Agreement on Environmental Cooperation, 1993), but has been selectively included in only some of second and third generation policies, in particular those for the CAFTA-DR, and Peru, Panama, and Colombia trade agreements (Free Trade Agreements, n.d.), primarily when trading partners appear to have particularly weak environmental protection regimes or histories of enforcement. Substantively, the policies for the public submission process have not changed much over the years.

One new quasi-regulatory policy that has been added under the Peru free trade agreement only have been the commitments related to strengthening forest sector governance in Peru (see Free Trade Agreements, n.d., Annex 18.3.4 in Peru Trade Promotion Authority; Environmental Investigation Agency, 2010). These commitments are intended to improve Peru's compliance with the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) (Free Trade Agreements, n.d.; see also Jinnah, 2011). This commitment goes far beyond the general commitments to adopt, maintain, and implement laws associated with MEAs; it is a set of highly prescriptive obligations to improve forest governance laws and institutions, such as increases in enforcement staff, reforming forest sector laws including penal codes, conducting inventories of forest resources, and establishing administrative systems for monitoring and verification of logging operations (see Free Trade Agreements, n.d.; see also Jinnah, 2011). These provisions have been highly controversial (see Jinnah, 2011; U.S. Presses Peru, 2010; U.S., Peruvian NGOs Oppose, 2009) and to date, Peru has not fully implemented the commitments (Progress under the Forest Annex, 2013).

Overall, the quasi-regulatory policies, in particular the dispute resolution process and the actionable commitments to effectively enforce domestic environmental laws, have been and remain the Holy Grail for the environmental lobby. Environmentalists have long sought to use these policies to create supranational mechanisms to enforce domestic environmental laws. In addition, these policies are consistent with or directly fulfill many of the negotiating objectives set forth by Congress in table A5, which inherently reflects the political saliency of the issues and priorities of the environmental lobby. Despite the importance of these policies, implementation of the quasi-regulatory policies has had limited effect to date, with perhaps the exception of the forest sector governance commitments under the Peru FTA. The NAFTA public submission process has the longest history of implementation and it has had limited effectiveness in improving effective enforcement of environmental laws (see e.g. Allen, 2012; Tollefson, 2002; Wold et al., 2004). The process has helped to redress particular instances of lax enforcement but has not resulted in macro-level changes to enforcement capacities or approaches (Allen, 2012; however, see Aspinwall, 2013 for a slightly more positive assessment).

The public submissions process for the CAFTA-DR has been operational since 2007, and although there have been no comprehensive evaluations of its effectiveness, of the 29 submissions to date, one submission has been fully evaluated with publication of a factual record, six submissions are under review, and 22 submissions

have been closed out or terminated without completion of a full review (Secretariat for Enforcement Matters, n.d.). At the same time, the state-to-state dispute resolution process has never been initiated under any U.S. trade agreement for failure to effectively enforce environmental laws or implement other actionable environmental obligations. Although the environmental lobby has strongly supported this process, the trading partners have generally viewed it as an option to be used only in the most extreme situations. Given that the process is completely controlled by the countries and some government officials have acknowledged that the process will never be invoked (Allen, 2012; see also Schorr, 2000), it is not surprising the process has never been initiated.

The quasi-regulatory policy that appears to be the most far-reaching has been the forest sector governance reforms outlined in the Peru FTA; however, given that this policy still has not been fully implemented six years after the FTA entered into effect, it is not possible to ascertain the ultimate effectiveness of the policy. The inclusion of this policy represents a new approach to strengthening domestic environmental laws, but the design of similar policies for future trade agreements should be scrutinized more closely given the unintended adverse consequences it has had in Peru (Hughes, 2010; New Peru FTA Decrees, 2008; Democrats Urge Caution, 2009) as well as its potential to undermine rather than reinforce efforts to implement multilateral environmental agreements. The policy transfers responsibility for enforcement of international environmental agreement to a non-environmental bureaucracy in a single country, removing it from the purview and control of the remainder of the international community. In addition, this type of quasi-regulatory policy is unlikely to be effective unless it is coupled with extensive capacity development for the target country (Progress under the Forest Annex, 2013). To date, the U.S. government has committed \$60 million under U.S. Agency for International Development programs to support implementation of the forest sector governance in Peru (Progress under the Forest Annex, 2013).

Notwithstanding the limited effectiveness of many of the quasi-regulatory policies, these policies will assuredly be included in all future trade agreements given their political saliency. Moreover, future quasi-regulatory policies will likely mirror the changes made to the third generation policy portfolios, and the policy for establishing a public submission process will likely continue to be included in policy portfolios when justified by the context. Lastly, the quasi-regulatory policies will all likely continue to be included in the environmental chapters for the FTA, as has been done for all second and third generation policy portfolios (Kennedy, 2009; Free Trade

Agreements, n.d.; Supporting Free Trade, n.d.; North American Free Trade Agreement, 1993; North American Agreement on Environmental Cooperation, 1993).

Permissive Policies

Permissive policies (see table A4) establish optional mechanisms to redress specific environmental concerns associated with trade liberalization, such as honouring obligations under multilateral environmental agreements (MEAs) in instances when they conflict with obligations under the trade agreements, establishing protocols for transboundary environmental assessments, considering reciprocity of access to and rights and remedies before courts and administrative agencies of trading partners for damages arising due to transboundary pollution, developing prohibitions for the export of a pesticide or toxic substance whose use is prohibited within the other trading partners' territories, or evaluating the environmental effects of trade liberalization (North American Agreement on Environmental Cooperation, 1993). There are no specific commitments established under permissive policies, yet they allow the trading partners to pursue actions at their discretion should certain conditions arise or if the countries feel an action is warranted. Given their discretionary nature, these policies do not place any onus on the countries to actually implement them.

Permissive policies were very prominent in the NAFTA policy portfolio, but have largely been eliminated from the second and third generation policies. Only one policy has endured over time: the policy to minimize potential conflicts between the trade agreements and MEA obligations; however, the formulation of the policy has varied (Free Trade Agreements, n.d.; North American Free Trade Agreement, 1993; North American Agreement on Environmental Cooperation, 1993; Jinnah, 2011). Under the NAFTA, the policy straightforwardly allowed for the trading partners to honour obligations under a limited number of MEAs in the event there was a conflict between the MEA obligations and NAFTA obligations (North American Free Trade Agreement, 1993). The second generation policies included a weaker formulation of this policy that did not explicitly allow for MEA obligations to take precedence over the provisions of the trade agreement, but the third generation policies include the stronger formulation of the NAFTA, and this policy has been expanded to cover more MEAs than under the first generation policy (Free Trade Agreements, n.d.; North American Free Trade Agreement, 1993). Given the focus on MEAs in the negotiating objectives and third generation policies, this particular permissive policy is likely to be included in future free trade agreements.

Institutional Structures for Policy Implementation

An integral part of the environmental policies developed for the U.S. free trade agreements is the institutional structures that serve as vehicles for policy administration and implementation, and similar to the policies themselves, the institutional structures have varied over time (see table A7). The NAFTA institutional structures are the most extensive and include a permanent international secretariat, advisory bodies at the international and national levels, and an oversight body or governing council comprised of cabinet level officials (North American Agreement on Environmental Cooperation, 1993). The institutions for all other trade agreements are more minimalist in structure (Organization for Economic Co-operation and Development, 2007). The vast majority are virtual (sometimes optional) institutions comprised of national government representatives who are directly responsible for the planning, coordination, and oversight of policy implementation. The only permanent institutional structure established for these trade agreements, if needed, is the secretariat for public submissions process; however, these secretariats are housed in existing multilateral organizations, such as the Secretariat for Central American Economic Integration for the CAFTA-DR public submission process (Secretariat for Enforcement Matters, 2005).

In general, there are advantages and disadvantages of both permanent and virtual institutions. The existence of permanent institutions with professional staff frees the countries from conducting the day-to-day activities associated with administration of the policies while at the same time providing a convenient, neutral forum outside of the domestic political structures for the countries to interact at the international level. However, permanent institutions require dedicated funding and may still create a substantial administrative burden for the countries (Organization for Economic Co-operation and Development, 2007), especially for smaller or less developed countries, and this burden may not be justified if there is no dedicated funding for actual policy implementation. Virtual institutions, by contrast, do not require dedicated or new funding and, by their nature, provide more flexibility to the countries to modulate or reduce their efforts to implement policies over time, and lighter structures are more easily allowed to expire (Organization for Economic Co-operation and Development, 2007). In general, it is likely that minimalist institutional structures will continue to be used for implementation of future policy portfolios.

Lastly, a key characteristic of the institutions is their locus in either the FTAs or ESAs. Policies located in FTAs are administered by trade ministries, while policies located in ESAs are administered by environment or foreign affairs ministries. The vast majority of the NAFTA environmental policies were located in the ESA, thus the policy portfolio was largely overseen by environment ministries, which clearly have expertise in environmental policy issues. For the second and third generation environmental policy portfolios, the majority of environmental policies are located within the FTAs. Thus, there has been a substantial shift in placing the majority of policies under the purview of the trade ministries for the post-NAFTA policy portfolios (see tables A1 to A4; Jinnah, 2011). At the same time, the foreign affairs ministries now typically oversee implementation of the ESA policies. This delegation of responsibility allows the trade ministries to control policies (quasi-regulatory) that have the most potential to impact the benefits of trade liberalization.

Generational Shifts in Environmental Policy Portfolios

Taking into consideration policy content and breadth, as well as institutions established for policy administration and levels of dedicated funding, the first generation environmental policies developed for the NAFTA have been and remain the most comprehensive and ambitious set of policies to date established by the United States to address environmental effects of trade liberalization and they have never been fully replicated. In comparison to the first generation NAFTA policies, the second generation policies, with the exception of the policies for the CAFTA-DR, are collectively the most minimalist, while the third generation environmental policies fall somewhere in between; these policies are also pared back compared to the first generation policies but are still more robust than the second generation policies. Thus, the overall evolution of environmental policies has not been consistently downward toward weaker policies or consistently upward towards more robust policies. The evolution of policies appears to be most influenced by the political saliency of the issues and the policy priorities identified by the environmentalists.

Table A1: Aspirational Policies by Substantive Content, Policy Locus, & Policy Generation (Free Trade Agreements, n.d.; Supporting Free Trade, n.d.)

Aspirational Policies						
Policy Generation	Free Trade Agreement (year entered into effect)	Levels of Protection ¹	Anti-Rollback ²	Procedural Guarantees ³	Opportunities for Public Participation ⁴	Voluntary Mechanisms to Enhance Environmental Performance ⁵
1st	NAFTA (1994)	ESA, Part 2, Art. 3	FTA, Article 1114	ESA, Art. 5 (2), Art. 6 and Art. 7	ESA, Part 1, Art. 1 and Part 3, Art. 5, 16, 17, and 18	-
2nd	Jordan FTA (2002)	FTA, Art. 5 (2)	FTA, Art. 5 (1)	-	-	-
	Chile FTA (2004)	FTA, Chap. 19, Art. 19.1	FTA, Chap. 19, Art. 19.2 (2)	FTA, Chap. 19, Art. 19.8	FTA, Chap. 19, Art. 19.4	FTA, Chap. 19, Art. 19.10
	Singapore FTA (2004)	FTA, Chap. 18, Art. 18.1	FTA, Chap. 18, Art. 18.2 (2)	FTA, Chap. 18, Art. 18.3	FTA, Chap. 18, Art. 18.5 (1)	FTA, Chap. 18, Art. 18.9
	Australia FTA (2005)	FTA, Chap. 19, Art. 19.1	FTA, Chap. 19, Art. 19.2 (2)	FTA, Chap. 19, Art. 19.3	FTA, Chap. 19, Art. 19.5 (3)	FTA, Chap. 19, Art. 19.4
	Morocco FTA (2006)	FTA, Chap. 17, Art. 17.1	FTA, Chap. 17, Art. 17.2 (2)	FTA, Chap. 17, Art. 17.4	FTA, Chap. 17, Art. 17.6	FTA, Chap. 17, Art. 17.5
	Bahrain FTA (2006)	FTA, Chap. 16, Art. 16.1	FTA, Chap. 16, Art. 16.2 (2)	FTA, Chap. 16, Art. 16.3	FTA, Chap. 16, Art. 16.6	FTA, Chap. 16, Art. 16.4
	Oman FTA (2009)	FTA, Chap. 17, Art. 17.1	FTA, Chap. 17, Art. 17.2 (2)	FTA, Chap. 17, Art. 17.3	FTA, Chap. 17, Art. 17.6 ESA, Section 5	FTA, Chap. 17, Art. 17.4
	CAFTA-DR (2006/2007/2009)	FTA, Chap. 17, Art. 17.1	FTA, Chap. 17, Art. 17.2 (2)	FTA, Chap. 17, Art. 17.3	FTA, Chap. 17, Art. 17.6 ESA, Art. VI	FTA, Chap. 17, Art. 17.4
3rd	Peru FTA (2009)	FTA, Chap. 18, Art. 18.1	FTA, Chap. 18, Art. 18.3 (2)	FTA, Chap. 18, Art. 18.4	FTA, Chap. 18, Art. 18.7 ESA, Art. VI	FTA, Chap. 18, Art. 18.5
	Colombia FTA (2012)	FTA, Chap. 18, Art. 18.1	FTA, Chap. 18, Art. 18.3 (2)	FTA, Chap. 18, Art. 18.4	FTA, Chap. 18, Art. 18.7 ESA, Art. VI	FTA, Chap. 18, Art. 18.5
	S. Korea FTA (2012)	FTA, Chap. 20, Art. 20.1	FTA, Chap. 20, Art. 20.3 (2)	FTA, Chap. 20, Art. 20.4	FTA, Chap. 20, Art. 20.7 ESA, Art. 5	FTA, Chap. 20, Art. 20.5
	Panama FTA (2012)	FTA, Chap. 17, Art. 17.1	FTA, Chap. 17, Art. 17.3 (2)	FTA, Chap. 17, Art. 17.4	FTA, Chap. 17, Art. 17.7 ESA, Art. V	FTA, Chap. 17, Art. 17.5

Footnotes:

1. Policy consists of a commitment to ensure that domestic laws provide for and encourage high levels of environmental protection.
2. Policy consists of a commitment to not waive or otherwise derogate from domestic environmental laws in a manner that weakens or reduces the protections afforded in those laws in a manner affecting trade or investment.
3. Policy consists of a commitment to have available judicial, quasi-judicial, or administrative proceedings to sanction or remedy violations of its environmental laws and private party access to remedies.
4. Policy consists of a commitment to promote public participation via receipt of public communications and establishment of advisory bodies.
5. Policy consists of a commitment to encourage development and use of incentives and mechanisms to improve environmental protection, such public-private partnerships or market-based policies.

Table A2: Cooperative Policies by Substantive Content, Policy Locus, & Policy Generation (Free Trade Agreements, n.d.; Supporting Free Trade, n.d.)

Cooperative Policies						
Policy Generation	Free Trade Agreement (year entered into effect)	Environmental cooperation ¹	Work plan or program ²	Periodic or regular meetings ³	Benchmarks or performance indicators ⁴	Targeted areas for cooperation ⁵
1st	NAFTA (1994)	ESA, Part 3, Art. 10 (1)	ESA, Part 3, Art. 11 (6)	ESA, Part 3, Art. 9 (3) and 10(1)	-	-
2nd	Jordan FTA (2002)	ESA, Para. 3	ESA, Para. 5	ESA, Para. 3	-	ESA, Para. 4 and Annex
	Chile FTA (2004)	FTA, Chap. 19, Art. 19.5 and Annex 19.3 ESA, Art. I	ESA, Art. III	ESA, Art. II (3)	-	FTA, Annex 19.3
	Singapore FTA (2004)	FTA, Chap. 18, Art. 18.6 ESA, Section 2	ESA, Section 4	ESA, Section 3	-	-
	Australia FTA (2005)	FTA, Chap. 19, Art. 19.6 ESA, Para. 2 and 6	-	-	-	-
	Morocco FTA (2006)	FTA, Chap. 17, Art. 17.3 ESA, Para. 2	ESA, Para. 7	ESA, Para. 5	-	ESA, Annex
	Bahrain FTA (2006)	FTA, Chap. 16, Art. 16.7 ESA, Para. 1	ESA, Para. 3	ESA, Para. 2	-	ESA, Annex
	Oman FTA (2009)	FTA, Chap. 17, Art. 17.7 ESA, Section 1	ESA, Section 3	ESA, Section 2 (2)	-	ESA, Annex
	CAFTA-DR (2006/07/09)	FTA, Chap. 17, Art. 17.9 ESA, Article II	ESA, Art. IV (1b) and Art. V (2)	ESA, Art. IV (1)	ESA, Art. V (2)	ESA, Art. V (1)
3rd	Peru FTA (2009)	FTA, Chap. 18, Art. 18.10 ESA, Art. I	ESA, Art. III (2b) and Art. IV	ESA, Art. III (4)	ESA, Art. IV (3)	ESA, Art. IV (2)
	Colombia FTA (2012)	FTA, Chap. 18, Art. 18.10 ESA, Art. I	ESA, Art. III (2b) and Art. IV	ESA, Art. III (4)	ESA, Art. IV (3)	ESA, Art. IV (2)
	S. Korea FTA (2012)	FTA, Chap. 20, Art. 20.8 ESA, Art. 1	ESA, Art. 3 (2) and Art. 4	ESA, Art. 3(3)	-	ESA, Art. 2 (2)
	Panama FTA (2012)	FTA, Chap. 17, Art. 17.10 ESA, Art. I	ESA, Art. III (1b) and Art. IV	ESA, Art. III (2)	ESA, Art. IV (2)	ESA, Art. IV (1)

Footnotes:

1. Policy consists of a commitment to pursue environmental cooperation on environmental issues to build capacity of the trading partners.
2. Policy consists of a commitment to develop a work plan or program outlining the cooperative environmental activities to be undertaken by the countries.
3. Policy consists of a commitment to conduct periodic or regular meetings to review progress on implementing cooperative activities.
4. Policy consists of a commitment to develop benchmarks or performance indicators to track progress of cooperative activities.
5. Policy consists of defined areas for environmental cooperation.

Table A3: Quasi-Regulatory Policies by Substantive Content, Policy Locus, & Policy Generation (Free Trade Agreements, n.d.; Supporting Free Trade, n.d.)

Quasi-Regulatory Policies							
Policy Generation	Free Trade Agreement (year entered into effect)	Effective enforcement domestic environmental laws ¹	State to state consultation and dispute resolution process ²	Environmental experts in dispute resolution ³	Public Submissions Process ⁴	Effective enforcement laws under MEAs ⁵	Other enforceable obligations ⁶
1st	NAFTA (1994)	ESA, Part 2, Art. 5	ESA, Part 5	ESA, Part 5, Art. 25	ESA, Part 3, Art. 14 and 15	-	-
2nd	Jordan FTA (2002)	FTA, Art. 5 (3)	-	-	-	-	-
	Chile FTA (2004)	FTA, Chap. 19, Art. 19.2 (1)	FTA, Chap. 19, Art. 19.6	FTA, Chap 19, Art. 19.7	-	-	-
	Singapore FTA (2004)	FTA, Chap. 18, Art. 18.2 (1)	FTA, Chap. 18, Art. 18.7	-	-	-	-
	Australia FTA (2005)	FTA, Chap. 19, Art. 19.2 (1)	FTA, Chap. 19, Art. 19.7	-	-	-	-
	Morocco FTA (2006)	FTA, Chap. 17, Art. 17.2 (1)	FTA, Chap. 17, Art. 17.7	-	-	-	-
	Bahrain FTA (2006)	FTA, Chap. 16, Art. 16.2 (1)	FTA, Chap. 16, Art. 16.8	-	-	-	-
	Oman FTA (2009)	FTA, Chap. 17, Art. 17.2 (1)	FTA, Chap. 17, Art. 17.8	-	-	-	-
	CAFTA-DR (2006/07/09)	FTA, Chap. 17, Art. 17.2 (1)	FTA, Chap. 17, Art. 17.10	FTA, Chap. 17, Art. 17.11	FTA, Chap. 17, Art. 17.7 and 17.8	-	-
3rd	Peru FTA (2009)	-	FTA, Chap. 18, Art. 12	-	FTA, Chap. 18, Art.18.8 and 18.9	FTA, Chap. 18, Art.18.3	FTA, Chap. 18, Art.18.3 (4) and Annex 18.3.4
	Colombia FTA (2012)	-	FTA, Chap. 18, Art. 12	-	FTA, Chap. 18, Art.18.8 and 18.9	FTA, Chap. 18, Art. 18.3	-
	S. Korea FTA (2012)	-	FTA, Chap. 20, Art. 9	-	-	FTA, Chap. 20, Art. 20.3	-
	Panama FTA (2012)	-	FTA, Chap. 17, Art. 17.11	FTA, Chap. 17, Art. 17.12	FTA, Chap. 17, Arts. 17.8 and 17.9	FTA, Chap. 17, Art. 17.3	-

Footnotes:

1. Policy consists of a commitment to not fail to effectively enforce domestic laws and regulations in a sustained or recurring manner affecting trade between the trading partners, reflecting a race to the bottom.
2. Policy consists of a consultation and dispute resolution process for resolving claims related to failure to effectively enforce domestic environmental laws and regulations.
3. Policy consists of use of environmental experts in the state to state dispute resolution process.
4. Policy consists of establishment of a public submission process for any person to file a claim asserting that one of the trading partners is failing to effectively enforce its environmental laws. Process is administered by a secretariat. Claims must meet certain criteria in order to be eligible for review under the process and may result in the development of a factual record. Factual records may serve as a basis for cooperative activities under the ESA (except NAFTA).
5. Policy consists of a commitment to establish laws and regulations related to forest sector governance to conform to obligations under CITES.
6. Policy consists of a commitment to adopt, maintain and implement laws and regulations to fulfill obligations under selected MEAs and a prohibition on failing to effectively enforce these laws and regulations in a sustained or recurring manner affecting trade between the trading partners, reflecting a race to the bottom.

Table A4: Permissive Policies by Substantive Content, Policy Locus, & Policy Generation (Free Trade Agreements, n.d.; Supporting Free Trade, n.d.)

Permissive Policies						
Policy Generation	Free Trade Agreement (year entered into effect)	Minimize conflicts between FTA and MEA obligations ¹	Support environmental goals of FTA ²	Evaluate environmental effects of FTA ³	Complete independent reports ⁴	Other obligations ⁵
1st	NAFTA (1994)	FTA, Art. 104	ESA, Part 3, Art. 6	ESA, Part 3, Art. 6(d)	ESA, Part 3, Art. 1	ESA, Part 3, Art. 7
2nd	Jordan FTA (2002)	-	-	-	-	-
	Chile FTA (2004)	FTA, Chap. 19, Art. 19.9	-	-	-	-
	Singapore FTA (2004)	FTA, Chap. 18, Art. 18.8	-	-	-	-
	Australia FTA (2005)	FTA, Chap. 19, Art. 19.8	-	-	-	-
	Morocco FTA (2006)	FTA, Chap. 17, Art. 17.8	-	-	-	-
	Bahrain FTA (2006)	FTA, Chap. 16, Art. 16.9	-	-	-	-
	Oman FTA (2009)	FTA, Chap. 17, Art. 17.9	-	-	-	-
	CAFTA-DR (2006/07/09)	FTA, Chap. 17, Art. 17.12	-	-	-	-
3rd	Peru FTA (2009)	FTA, Chap. 18, Art. 18.13	-	-	-	-
	Colombia FTA (2012)	FTA, Chap. 18, Art. 18.13	-	-	-	-
	S. Korea FTA (2012)	FTA, Chap. 20, Art. 20.10	-	-	-	-
	Panama FTA (2012)	FTA, Chap. 17, Art. 17.13	-	-	-	-

Footnotes:

1. Policy allows the obligations under MEAs to take precedence over obligations under the FTA or rely on guidance developed by WTO on reconciling WTO rules and specific trade obligations set out in multilateral environmental agreements.
2. Policy allows the Commission for Environmental Cooperation to support implementation of the NAFTA by assisting the NAFTA Free Trade Commission in environment-related matters, serving as a point of inquiry on the NAFTA environmental goals and objectives, providing assistance under NAFTA Art. 1114, and identifying experts for NAFTA committees, working groups, and bodies.
3. Policy allows for an assessment of the environmental effects of the NAFTA on an ongoing basis.
4. Policy allows the Commission for Environmental Cooperation to prepare an independent report on any environmental matter within the ambit of the ESA.
5. Policy consists of commitment to develop protocol for transboundary environmental impact assessment, promote reciprocal access to courts or administrative agencies for transboundary pollution, and complete review of implementation of some commitments or policies.

Table A5: Environment Related Negotiating Objectives for U.S. Free Trade Agreements

Trade Act of 2002(1)	Bipartisan Agreement on Trade Policy (2)	Bipartisan Congressional Trade Priorities Act (3)
<p>SEC. 2102. TRADE NEGOTIATING OBJECTIVES. (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 2103 are— (5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world’s resources; (7) to seek provisions in trade agreements under which parties to those agreements strive to ensure that they do not weaken or reduce the protections afforded in domestic environmental laws as an encouragement to trade;</p>	<p>The Administration and Congress have agreed to incorporate a specific list of multilateral environmental agreements (MEAs) in our FTAs. The list includes (with abbreviated titles) the Convention on International Trade in Endangered Species (CITES), Montreal Protocol on Ozone Depleting Substances, Convention on Marine Pollution, Inter-American Tropical Tuna Convention (IATTC), Ramsar Convention on Wetlands, International Whaling Convention (IWC), and Convention on Conservation of Antarctic Marine Living Resources (CCAMLR). The United States is a signatory to all of these agreements. The United States takes seriously its obligations under these MEAs. We have nothing to fear from taking on FTA commitments for these agreements as well and subjecting those commitments to the FTA dispute settlement process where trade or investment are affected;</p>	<p>SEC. 2. TRADE NEGOTIATING OBJECTIVES (a) OVERALL TRADE NEGOTIATING OBJECTIVES.— The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 3 are— (5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world’s resources (7) to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental laws as an encouragement for trade;</p>
<p>(11) LABOUR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labour and the environment are— (A) to ensure that a party to a trade agreement with the United States does not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the United States and that party after entry into force of a trade agreement between those countries; (B) to recognize that parties to a trade agreement retain the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other environmental matters determined to have</p>	<p>We have also agreed to alter the non-derogation obligation for environmental laws from a “strive to” to a “shall” obligation, with allowance for waivers permitted under law as long as it does not violate the MEA. For the United States, this obligation is limited to federal laws and should not affect our implementation of these laws;</p> <p>Finally, we have agreed that all of our FTA environmental obligations will be enforced on the same basis as the commercial provisions of our agreements – same remedies, procedures, and sanctions. Previously, our environmental dispute settlement procedures focused on the use of fines, as opposed to trade sanctions, and were limited to the obligation to effectively enforce environmental laws.</p>	<p>(10) LABOUR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labour and the environment are— (A) to ensure that a party to a trade agreement with the United States— (i) adopts and maintains measures implementing ...its obligations under common multilateral environmental agreements (as defined in section 11(6)), (ii) does not waive or otherwise derogate from, or offer to waive or otherwise derogate from— - its environmental laws in a manner that weakens or reduces the protections afforded in those laws and in a manner affecting trade or investment between the United States and that party, except as provided in its law and provided not inconsistent with its obligations under common multilateral environmental agreements (as</p>

<p>higher priorities, and to recognize that a country is effectively enforcing its laws if a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources, and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labour standards and levels of environmental protection;</p> <p>(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;</p> <p>(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;</p> <p>(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;</p> <p>(G) to ensure that labour, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;</p>		<p>defined in section 11(6)) or</p> <ul style="list-style-type: none"> - other provisions of the trade agreement specifically agreed upon, and - does not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the United States and that party after entry into force of a trade agreement between those countries; <p>(B) to recognize that—</p> <ul style="list-style-type: none"> (i) with respect to environment, parties to a trade agreement retain the right to exercise prosecutorial discretion and to make decisions regarding the allocation of enforcement resources with respect to other environmental laws determined to have higher priorities, and a party is effectively enforcing its laws if a course of action or inaction reflects a reasonable, bona fide exercise of such discretion, or results from a reasonable, bona fide decision regarding the allocation of resources; <p>(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;</p> <p>(E) to reduce or eliminate government practices or policies</p>
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<p>(c) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—</p> <p>(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999, and its relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;</p> <p>(10) continue to promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of the GATT 1994;</p>	<p>In connection with the Peru FTA, we have agreed to work with the Government of Peru on comprehensive steps to address illegal logging, including of endangered mahogany, and to restrict imports of products that are harvested and traded in violation of CITES.</p>	<p>that unduly threaten sustainable development;</p> <p>(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;</p> <p>(G) to ensure that labour, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;</p> <p>(H) to ensure that enforceable labour and environment obligations are subject to the same dispute settlement and remedies as other enforceable obligations under the agreement; and</p> <p>(I) to ensure that a trade agreement is not construed to empower a party’s authorities to undertake labour or environmental law enforcement activities in the territory of the United States.</p> <p>(6) COMMON MULTILATERAL ENVIRONMENTAL AGREEMENT.—</p> <p>(A) IN GENERAL.—The term “common multilateral environmental agreement” means any agreement specified in subparagraph (B) or included under subparagraph (C) to which both the United States and one or more other parties to the negotiations are full parties, including any current or future mutually agreed upon protocols, amendments, annexes, or adjustments to such an agreement.</p> <p>(B) AGREEMENTS SPECIFIED.—The agreements specified in this subparagraph are the following:</p> <p>(i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).</p> <p>(ii) The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.</p> <p>(iii) The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London February 17, 1978.</p> <p>(iv) The Convention on Wetlands of International Importance</p>
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		<p>Especially as Waterfowl Habitat, done at Ramsar February 2, 1971 (TIAS 11084).</p> <p>(v) The Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra May 20, 1980 (33 UST 3476).</p> <p>(vi) The International Convention for the Regulation of Whaling, done at Washington December 2, 1946 (62 Stat. 1716).</p> <p>(vii) The Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949 (1 UST 230).</p> <p>(C) ADDITIONAL AGREEMENTS.—Both the United States and one or more other parties to the negotiations may agree to include any other multilateral environmental or conservation agreement to which they are full parties as a common multilateral environmental agreement under this paragraph.</p>
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Footnotes:

1. Trade Act of 2002 (2002)
2. U.S. Trade Representative (2007)
3. Bipartisan Congressional Trade Priorities Act (2014)

Table A6: Environmental Side Agreement Work Plans (“Supporting Free Trade, n.d.; Operational Plans, n.d.)

Free Trade Agreement	Work Plans
NAFTA (1994)	Annual or multiyear work plans from 1995 to 2014
Jordan FTA (2002)	2008–2011; 2012–2013
Chile FTA (2004)	2007–2008; 2009–2011; 2012–2014
Singapore FTA (2004)	2008–2010; 2011–2012; 2013–2014
Australia FTA (2005)	None
Morocco FTA (2006)	2005–2007; 2010–2012
Bahrain FTA (2006)	2006–2008
Oman FTA (2009)	2006–2008; 2011–2014
CAFTA-DR (2006/2007/2009)	Website with specific cooperation activities
Peru FTA (2009)	2009–2010; 2011–2014
Colombia FTA (2012)	2014–2017
S. Korea FTA (2012)	2013–2015
Panama FTA (2012)	None

Table A7: Institutional Structures for Environmental Policy Implementation

	Free Trade Agreement	ESA	FTA Environment Chapter	New Funding	
Policy Generation	1 st	NAFTA	<ul style="list-style-type: none"> • Commission for Environmental Cooperation • Council of Ministers • Secretariat • Joint Public Advisory Committee • National Advisory Committee(1) • Governmental Advisory Committee(1) 	None	Yes
	2 nd	Jordan	Joint Forum on Environmental Technical Cooperation	<ul style="list-style-type: none"> • Environmental Affairs Council • National Advisory Committee(1) 	-
		Chile	Joint Commission for Environmental Cooperation	None	-
		Singapore	Principal Coordinator	Subcommittee (on Environmental Affairs(1)	-
		Australia	None	Subcommittee on Environmental Affairs(1)	-
		Morocco	<ul style="list-style-type: none"> • Principal Coordinator • Working Group on Environmental Cooperation 	Subcommittee (on Environmental Affairs) (1)	-
		Bahrain	<ul style="list-style-type: none"> • Principal Coordinator • Joint Forum on Environmental Cooperation 	Subcommittee on Environmental Affairs(1)	-
		Oman	Joint Forum on Environmental Cooperation	Subcommittee on Environmental Affairs(1)	-
		CAFTA-DR	Environmental Cooperation Commission	<ul style="list-style-type: none"> • Environmental Affairs Council • Secretariat for Environmental Matters 	Yes
	3 rd	Peru	Environmental Cooperation Commission	<ul style="list-style-type: none"> • Environmental Affairs Council • Secretariat for Public Submissions • Subcommittee on Forest Sector Governance 	-
		Panama	Environmental Cooperation Commission	<ul style="list-style-type: none"> • Environmental Affairs Council • Secretariat for Public Submissions 	-
		Colombia	Environmental Cooperation Commission	<ul style="list-style-type: none"> • Environmental Affairs Council • Secretariat for Public Submissions 	-
		S. Korea	Environmental Cooperation Commission	Environmental Affairs Council	-

Footnote:

1. Institution is optional.

Table A8: Country Participation in Multilateral Agreement

Country/FTA	CITES(2)	Montreal Protocol(3)	IATTC(4)	Ramsar Convention(5)	Whaling Convention(6)	CCAMLR(7)	MarPol(8)
Peru	√	√	√	√	√	√	√
Colombia	√	√	√	√	√	-	√
S. Korea	√	√	√	√	√	√	√
Panama	√	√	√	√	√	√	√
U.S.	√	√	√	√	√	√	(1)

Footnotes:

1. Country is a party to one or more Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships but not all Annexes.
2. CITES, List of Contracting Parties, retrieved from <http://www.cites.org/eng/disc/parties/alphabet.php>
3. Montreal Protocol, Status of Ratification, retrieved from http://ozone.unep.org/new_site/en/treaty_ratification_status.php
4. Inter-American Tropical Tuna Commission. Retrieved from http://www.nmfs.noaa.gov/ia/agreements/regional_agreements/pacific/13_pacific_rfmo.html
5. Contracting Parties to the Ramsar Convention on Wetlands. Retrieved from http://www.ramsar.org/cda/en/ramsar-about-parties-parties/main/ramsar/1-36-123%5E23808_4000_0
6. International Whaling Commission, Membership and Contracting Governments. Retrieved from <http://iwc.int/members>
7. Commission for the Conservation of Antarctic Marine Living Resources, Members. Retrieved from <http://www.ccamlr.org/en/organisation/members>
8. IMO Documentation. Retrieved from <https://imo.amsa.gov.au/public/parties/marpol78.html>

Table A9: TPP Country Participation in Multilateral Agreement

Country	CITES(2)	Montreal Protocol(3)	IATTC(4)	Ramsar Convention(5)	Whaling Convention(6)	CCAMLR(7)	MarPol(8)
Peru	√	√	√	√			
Colombia	√	√	√	√			
S. Korea	√	√	√	√			
Panama	√	√	√	√			
Australia	√	√		√	√	√	√
Brunei	√	√					(1)
Canada	√	√	√	√			√
Chile	√	√		√	√	√	√
Japan	√	√	√	√	√	√	√
Malaysia	√	√		√			√
Mexico	√	√	√	√	√		(1)
New Zealand	√	√		√	√	√	(1)
Peru	√	√	√	√	√	√	√
Singapore	√	√					√
Vietnam	√	√		√			(1)
U.S.	√	√	√	√	√	√	(1)

Footnotes:

1. Country is a party to one or more Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships but not all Annexes.
2. CITES, List of Contracting Parties, retrieved from <http://www.cites.org/eng/disc/parties/alphabet.php>
3. Montreal Protocol, Status of Ratification, retrieved from http://ozone.unep.org/new_site/en/treaty_ratification_status.php
4. Inter-American Tropical Tuna Commission. Retrieved from http://www.nmfs.noaa.gov/ia/agreements/regional_agreements/pacific/13_pacific_rfmo.html
5. Contracting Parties to the Ramsar Convention on Wetlands. Retrieved from http://www.ramsar.org/cda/en/ramsar-about-parties-parties/main/ramsar/1-36-123%5E23808_4000_0
6. International Whaling Commission, Membership and Contracting Governments. Retrieved from <http://iwc.int/members>
7. Commission for the Conservation of Antarctic Marine Living Resources, Members. Retrieved from <http://www.ccamlr.org/en/organisation/members>
8. IMO Documentation. Retrieved from <https://imo.amsa.gov.au/public/parties/marpol78.html>

Table A10: TTIP Country Participation in Multilateral Agreement

Country	CITES (2)	Montreal Protocol (3)	IATTC (4)	Ramsar Convention (5)	Whaling Convention (6)	CCAMLR(7)	MarPol (8)
Austria	√	√		√	√		√
Belgium	√	√		√	√	√	(1)
Bulgaria	√	√		√	√		(1)
Croatia	√	√		√	√		√
Cyprus	√	√		√	√		(1)
Czech Republic	√	√		√	√		√
Denmark	√	√		√	√		√
Estonia	√	√		√	√		(1)
Finland	√	√		√	√		√
France	√	√	√	√	√	√	√
Germany	√	√		√	√	√	√
Greece	√	√		√			√
Hungary	√	√		√	√		√
Ireland	√	√		√	√		(1)
Italy	√	√		√	√	√	√
Latvia	√	√		√			√
Lithuania	√	√		√	√		√
Luxembourg	√	√		√	√		√
Malta	√	√		√			(1)
Netherlands	√	√		√	√		(1)
Poland	√	√		√	√	√	√
Portugal	√	√		√	√		√
Romania	√	√		√	√		(1)
Slovakia	√	√		√	√		√
Slovenia	√	√		√	√		√
Spain	√	√	√	√	√	√	(1)
Sweden	√	√		√	√	√	√
United Kingdom	√	√		√	√	√	(1)
U.S.	√	√	√	√	√	√	(1)

Footnotes:

1. Country is a party to one or more Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships but not all Annexes.

2. CITES, List of Contracting Parties, retrieved from <http://www.cites.org/eng/disc/parties/alphabet.php>
3. Montreal Protocol, Status of Ratification, retrieved from http://ozone.unep.org/new_site/en/treaty_ratification_status.php
4. Inter-American Tropical Tuna Commission. Retrieved from http://www.nmfs.noaa.gov/ia/agreements/regional_agreements/pacific/13_pacific_rfmo.html
5. Contracting Parties to the Ramsar Convention on Wetlands. Retrieved from http://www.ramsar.org/cda/en/ramsar-about-parties-parties/main/ramsar/1-36-123%5E23808_4000_0
6. International Whaling Commission, Membership and Contracting Governments. Retrieved from <http://iwc.int/members>
7. Commission for the Conservation of Antarctic Marine Living Resources, Members. Retrieved from <http://www.ccamlr.org/en/organisation/members>
8. IMO Documentation. Retrieved from <https://imo.amsa.gov.au/public/parties/marpol78.html>