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Fronteras No Mas (with Kathleen Staudt)

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Leverage and accountability tactics, Keck and Sikkink's final two, need institutional shrouds, but these are few and far in between inside the still-imagined North American Community. And when they exist, it is often capital-derived appointees from Washington, D.C., and Mexico City who make decisions in response to national, rather than local people. The International Boundary and Water Commission is one such example. The Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBANK) have their regulation-inspired, top-down "steering committee," with occasional means for access. Where are the global human rights organizations on the murdered women in Ciudad Juárez? The United Nations Human Rights leader Mary Robinson did come to Ciudad Juárez in 2001, but there was very little publicity and even keenly attentive cross-borderlanders like us could not track down details. Border places seem to fall through bureaucratic oversight cracks, even though the extent of "civil strife" would seem to warrant attention. As we will see later, local organizing around this gender strife is minimal.

Using sociological concepts from chapter two, we conclude that transnational organizing gains effectiveness from its "weak-tied" quality, while local, cross-border organizing is stymied in long-term sustainability with its "strong-tied" quality. Among problems are competition over scarce resources and resulting enmity between winners and losers, intensely personal friends and enemies that make ideological connections around ideas quite difficult to manage, and burnout or fatigue when too few people attempt to do too much work without compensation or constantly chasing grant monies. Moreover the plethora of societal problems multiply, compound and exacerbate thereby leading to an overwhelming sense of frustration in activists.

CHAPTER 4

INSTITUTIONAL SHROUDS: NATIONAL SOVEREIGNTY AND ENVIRONMENTAL NGOS

La frontera is the back yard ... *no se ve*, (it can't be seen) we can do things there that you cannot do in the front yard.

—Environmental activist

Some come to comfort the afflicted, some come to afflict the comforted.

—Catholic sister

I realize that trust is not a concept that usually springs to mind when Americans think about Mexico. For years, the United States operated on the assumption that Mexico was governed by liars and thieves at worst, or at best, by technocratic authoritarians. Meanwhile, Mexico has long harbored suspicions about its neighbor to the north and acted accordingly. Bad blood and distrust ran deep on both sides of the border, making collaboration on many issues difficult if not impossible. The time has come to make trust the keystone of our agenda.¹

—President Vicente Fox

The bad blood and distrust that President Fox mentions are indeed obstacles to cross-border cooperation. In border communities, where there is interaction every day of the week, the words of Vicente Fox resonate differently to borderlanders, who in many instances have deep-rooted trusting (and untrusting) relationships with people on the other side of the border. Unlike people at the respective centers of power who deal with bilateral issues from a distance, border people are actively engaged in the binational arena in all aspects of daily life, whether it is for good or bad. Examples of trusting and non-trusting relationships abound on the border. For example, maids from Ciudad Juárez who cross to clean houses and take care of young children or others' elderly parents and enter people's homes and lives obviously have trusting relationships with those who employ them. There are people in El Paso who avoid going to Ciudad Juárez because they are afraid of crime and distrustful of

authorities. There are El Pasoans who, despite the fact that they were born in Ciudad Juárez, now report that they "haven't been there in years." Some El Pasoans report going to doctors in Ciudad Juárez "*porque le tengo más confianza a los doctores*" (I trust the doctors more). Cultural affinities and the ability to speak to someone who speaks your language are important factors for deepening trust and understanding. Couple the cultural and linguistic variables with lower costs of medical care and medicine and the appeal to visit doctors in Mexico is greater especially if you do not have medical insurance in El Paso.

Institutional Shrouds: U.S.–Mexico Border Environment

Binational problems require binational solutions, especially when dealing with environmental issues and natural resource allocation and depletion. Natural resource conservation, especially of water, is critical to this border region. The paucity of water has reduced surface water flows, causing serious impacts to water-dependent habitats such as riparian areas and marshes.² The Rio Grande/Río Bravo has meandered over time and it has also changed tremendously in its character. Juan de Oñate in 1598 described the Rio Grande/Río Bravo as "having many fish, catfish, bass, white fish." Fray García de San Francisco in 1659 wrote that he saw "apples, roses and vineyards. . . Here they cultivate wheat, corn, beans and sweet plums." Other early settlers described the area as having "vineyards, cottonwoods, oak trees, and in terms of animals antelope, buffaloes, ducks and cranes were abundant." Much has changed since those early days and today the river is hardly a river in some areas, rather a shallow, dry creek bed.³ As one looks from El Paso into Anapra, one of the poorest *colonias* in Ciudad Juárez, one can see children swimming on a hot sunny day in green murky water. The aforementioned vegetation and wildlife are long gone.

The El Paso–Ciudad Juárez–Doña Ana County metroplex faces a series of environmental issues that clearly transcend borders, both international and with the state of New Mexico. Water quality and quantity issues, air pollution, solid waste issues, transportation of hazardous waste are all salient and important issues in the border region. Environmental problems abound and are compounded with issues of legal responsibility, competency, funding, technical wherewithal and jurisdiction especially in a binational setting.

As Vicente Fox noted, there is a history of distrust that has existed between the two countries that has existed since 1836 when American colonists living in what was then Mexico declared Texas independence

and the United States government tacitly approved. However, in spite of the mutual distrust that exists between Mexico and the United States, both countries have attempted to address transboundary environmental issues over time. Agreements, treaties, minutes, annexes, and memorandums of understanding have been signed by both governments regarding environmental issues, starting with the creation of the International Boundary and Water Commission, the La Paz Agreement, the Integrated Environmental Plan for the Mexican–U.S. Border Area (IBEP), and the side agreement to the North American Free Trade Agreement. The ten bordering states (California, Arizona, New Mexico, Texas, Baja California Norte, Sonora, Chihuahua, Coahuila, Tamaulipas and Nuevo León) have also engaged in cross-border activities with their respective neighboring state. The annual border governors' conference provides a forum for environmental issues to be discussed. This is an area where the institutional shroud is quite heavy. Cooperation in the environmental arena has been rather extensive at all levels of government, unlike immigration, human rights, drug enforcement, and labor issues. Notwithstanding the formal mechanisms that have been established to address environmental issues, this is an issue area that will require far more collaboration in the future. At a time when competition for water resources in this arid region becomes more intense, air more polluted, and the population growing and exerting more pressure on natural resources, it is very important to capitalize on existing institutional mechanisms and the binational efforts of NGOs. It would stand to reason that if so much institutional cooperation has taken place in the environmental arena, then these problems would be addressed. However, that is not the case. In spite of the heaviness of the institutional shroud in the environmental arena, these problems still abound and lend themselves to mistrust and misunderstanding among neighbors and friends in the border region, especially when trying to find the culprit(s) of air pollution, water contamination and depletion, toxic spills, and clandestine solid waste dumps.

The focus of this chapter is to set forth some of the binational environmental problems on the border, including the formal institutional mechanisms that exist in the environmental arena starting from the federal level down to the grassroots level, and to provide and highlight nongovernmental organizations in the region involved in environmental issues, such as the Joint Advisory Committee for the Improvement of Air Quality in the Paso del Norte Air Basin, (JAC), Environmental Defense, and The Rio Grande/Río Bravo Basin Coalition. We will depict the heaviness of the institutional shroud of the environmental arena. Last we will present the perceptions of different actors involved in both

the government-sanctioned institutions and the NGO sector regarding obstacles, challenges, and successful examples of cross-border cooperation.

Air Quality

While environmental problems abound on the border, in this section special focus will be given to two important issues: air quality and the solid waste issue of tires. The binational dimensions of both problems will be highlighted to demonstrate the complex nature of environmental issues.

Air quality issues have been a source of contention for many years in the border region. There are many variables with varying degrees of explanatory power that help to explain and understand bad air quality in the community. However, we contend that more binational scientific, climatological, and geographical research needs to be conducted in order to better inform binational policy making in the community. Air quality is of concern throughout the border region.

Air pollution is a growing problem for the California-Baja California border region. Air pollution comes from different sources, but ultimately is linked to growing human populations in the region. The exact trans-border linkages of air pollution are not well understood. It is not clear to what extent San Diego's air quality is affected by pollutants transported from Tijuana sources and vice versa. At the same time, it is not clear how pollutants generated in the Imperial/Mexicali valleys move back and forth across the border. Also, air pollution sources outside the region are important. It has been documented that a significant part of the failure of San Diego to meet minimum air quality regulations for a certain number of days each year is caused by the transport of pollutants by winds and air currents from the Los Angeles basin. This may also affect Tijuana.⁴

The complexity surrounding air quality research in the El Paso-Ciudad Juárez region is just as challenging as in the San Diego-Tijuana metropolis and other sister cities. Additionally, diesel trucks waiting in lines to cross the border pollute the air; however, it is difficult to determine the exact amount and how much of it can be attributed to privately owned vehicles. What is important to note is that the trucks idling away in long lines at the border are carrying goods for the entire nation, not just border consumers. Fresh fruits and vegetables grown in the state of Sinaloa find their way to U.S. markets via Nogales, Arizona. Finished products assembled in *maquiladoras* also enter through other border cities. Heavy truck traffic and subsequent pollution impact border communities adversely,

yet the entire nation (and Canada) benefits from the availability of tomatoes, melons, televisions, medical equipment, and other products at reasonable prices due to low labor costs in Mexico. There are many variables that help to explain the inordinate border traffic and subsequent air pollution that occurs at the border.

... Meanwhile, the U.S. Customs Bureau contributes to both traffic congestion and air pollution by not opening all 15 lanes at the Bridge of the Americas. Thus, El Paso residents and public officials are forced to surrender local control of key issues to federal agencies located thousands of miles from the Border which do not work together and often make far-reaching decisions without regard to local needs.⁵

The communal and aggregated *vox populi* blames air quality problems on Ciudad Juárez; however, there are other factors that come into play that people tend to ignore. The general public contends that Ciudad Juárez has too many cars that are old, do not run on unleaded gasoline, are not well maintained, and contribute to air pollution. Certain segments of the El Paso community fail to see that the old cars sold to residents of Ciudad Juárez are usually U.S. vehicles that otherwise would be discarded creating a landfill problem in the United States. What would happen should Mexico decide that these old cars could no longer be imported into Mexico? What impact would that have on the United States? For sure, used car sales dealers in the United States would be very upset and probably be put out of business. Where would the United States dispose of all of these cars that now go to Mexico? A short trip to the area of Ciudad Juárez where the *yonkes* (comes from the English word "junk") are located gives an indication of the amount of solid waste that would be created in the United States.

Additionally, when those aforementioned old cars wait in line, sometimes one to two hours, to cross the international bridge, they are idling and contaminating the air. Never mind that these folks contribute substantially to the El Paso economy, either by working, shopping, entertainment or seeking services. There are approximately over half a million cars in Ciudad Juárez traveling on a road system that is less than half paved.⁶ A Partido de la Revolución Democrática (PRD) activist in Ciudad Juárez suggested that only 30–35 percent of all streets in the city were paved.⁷ In spite of the estimated difference in the amount of paved streets, it is clear that dust also contributes to the air quality problems of the community. Furthermore, many people in Ciudad Juárez use wood and coal for home fuel in order to keep warm in the winter. Wood and

coal burning also negatively impact air quality, practices that are common in Ciudad Juárez. Brickmakers in Ciudad Juárez also use alternative fuel sources such as garbage, used tires, and wood scrap (often impregnated with toxic resins, laminates, and varnishes) to burn in their kilns thereby creating more air pollution.

The Ciudad Juárez Brickmakers Project established in 1990 by FEMAP with the collaboration of binational private and public sectors attempted to promote the use of clean-burning propane. However, by the late 1990s many of the brickmakers have reverted to burning debris due to a variety of factors, including lack of public support, compliance costs, and the voluntary nature of the program.⁸

One of the areas where binational cooperation has worked well at the local level is that in October 1999 Ciudad Juárez and the City of El Paso ensure that gasoline stations only dispense oxygenated fuel in the winter months. This has helped reduce air pollution in the region. The oxygenated fuel program was enacted due in part to the binational efforts of the JAC, an organization that will be highlighted in the next section of this chapter.

Lack of infrastructure is common on both sides of the border. The fact that there are unpaved streets in *colonias* in El Paso County that also contribute to the dust and air pollution of the region does not go unnoticed.⁹ However, inhabitants north of the political boundary very seldom mention or even acknowledge this urban amenity that is taken for granted. Residents in *colonias* in El Paso County complain vehemently about the dust in their neighborhoods due to unpaved streets. However, many of them would rather have water, sewer, and natural gas infrastructure in place before the streets are paved, a preference that obviously makes economic sense in the long run.¹⁰ The plight of the more than 340,000 *colonia* residents in Texas has often been a topic of state and national concern, in part because the scattershot settlements are characterized as pockets of extreme poverty on the southern edge of one of the wealthiest nations in the world.¹¹

A "Tired" Border

Likewise, the inordinate number of tires from the United States that find their way into Mexico are subsequently used for a variety of things such as flower beds or embedded on hillsides to avoid erosion. The problem of tire disposal crystallized in 2000 when the Mexican government stopped trucks heading into Ciudad Juárez with old tires.

Evidently, there was a small group of people from Ciudad Juárez who made their living by going to El Paso businesses and receiving payment (\$1 per tire more or less) to take the tires into Mexico. When the Mexican government stopped the importation of tires, then Mayor of El Paso, Carlos Ramírez stated that the landfills in El Paso would not be able to handle the amount of tires and that it would create a problem for the community. The tire problem also posed a health hazard in certain areas of the border region because they became breeding grounds for mosquitoes and are the main culprits in the transmission of dengue fever.¹²

While there are official and formal mechanisms that address certain environmental problems, there is a thriving NGO community that is promoting more binational cooperation in this arena. Though it is difficult to actually quantify the number of environmental NGOs in the community, what is important to note is that in the community the spirit of binational collaboration is valued highly by borderlanders. The environmental NGOs in the community are some of the best-organized communities in the region, with a classic example being the El Paso, Ciudad Juárez, Doña Ana County Clean Air Coalition. Texas National Resources Conservation Commission (TNRCC) official Diana Borja, who hosted a public meeting in El Paso in the spring of 2000, remarked that "the people in El Paso were upset that we were starting the meeting without their Mexican counterparts present." She went on to say that in her opinion the environmental NGO community in the El Paso–Ciudad Juárez demonstrated great sophistication and knowledge of the binational dimensions of environmental issues and most importantly were acutely aware of the need for cooperation in this area. Last, she commented that she had attended similar meetings in the border region and that the environmental NGOs in El Paso–Ciudad Juárez "had its act together in terms of working binationally."

Environmental problems on the border are not a new phenomena; rather, the attention that they are now finally receiving from federal, state, and local governments coupled with the demands and exigencies of an empowered citizenry in the region are the new phenomena. It seems that there is a lack of connection between people's environmental problems and the institutions that are supposed to serve them. In some instances it is intimidating to go to a public hearing of the TNRCC or the Environmental Protection Agency (EPA) and express your concerns regarding waste-water in your *colonia* and it is another thing that someone will follow up and address your concern. The accountability factor

is missing from the equation. After all, who is responsible for wastewater issues in *colonias*, the county, the state or the federal government? Another important factor that must be taken into account is that poor and minority people in communities such as El Paso–Ciudad Juárez are plagued by a host of issues: poor wages, inadequate housing, limited access to medical care, transportation concerns, quality of education. Because of this host of issues, environmental problems might not be high on people's personal or political agendas, especially if they are unemployed, or sick. The same conditions exist in El Paso and are exacerbated by limited English speaking skills and legal status. The plethora of concerns that people contend with daily could be overwhelming and may preclude people from becoming more involved with environmental institutions. In the next section, an overview of the institutions that are mandated to address border environmental issues will be presented.

The Evolution of the Institutional Shroud

Seven different institutions, agreements, plans, and boards comprise the environmental institutional shroud: The International Boundary and Water Commission, Mexico–United States Border Environmental Cooperation Agreement, The Integrated Environmental Plan for the U.S.–Mexican Border Area, North American Free Trade Agreement–Border Environmental Cooperation Commission and the North American Development Bank, Border XXI, United States Environmental Protection Agency and a variety of local, county, *municipio*, and state entities. All will be discussed in the following section.

International Boundary and Water Commission (IBWC)/ Comisión Internacional de Límites y Aguas (CILA)

This venerable institution, which has served the border region well for more than one century, is a model of diplomatic binational cooperation at the federal level. Created originally in March 1889, the International Boundary Commission's purpose (along with its Mexican counterpart, the *Comisión Internacional de Límites*) is to address physical boundary issues. These are two separate entities that work jointly. In 1944 water sanitation issues became part of their mission, hence the name change to the International Boundary and Water Commission, and the *Comisión Internacional de Límites y Aguas*. Officially housed at the Department of State and *Secretaría de Relaciones Exteriores* (Ministry of Foreign Relations) the IBWC/CILA have provided binational leadership in the environmental arena. Traditionally, the IBWC/CILA addressed issues of

international boundary preservation and demarcation, water allocation, border sanitation and maintenance programs for the international bridges. IBWC/CILA's *modus operandi* is one of treaty writing and passing of minutes; in essence a major part of their work is one of diplomatically addressing problems through a series of negotiations with their counterparts.¹³ The IBWC/CILA has been criticized for its lack of citizen participation in their decision-making process.¹⁴

The IBWC is attempting to address the issue of citizen participation, as we will discuss this later in this section. However, from the Mexican perspective, CILA is a closed entity due to the high level diplomatic negotiations that they engage in without the inclusion of local citizens. An example of this is the critical situation encountered in the Colorado River Delta. The IBWC's main concern is the allocation of water between the two countries, both at the Colorado River and the Río Bravo/Río Grande. Mexico "owes" the United States 1,024 million acre-feet of water (1,263 million cubic meters) from six Mexican tributaries to the Río Grande specified in a 1944 Treaty. The deficit occurred over time during 1992–1997 at the height of a serious drought that afflicted the region. Farmers in South Texas and regions in Northern Mexico were adversely affected. The deficit pitted the two countries against each other. Although a diplomatic and negotiated agreement was reached in 2001 by IBWC/CILA, it is yet to be seen whether or not Mexico will "pay back" the water that it owes the United States. Notwithstanding the negotiating powers that the IBWC/CILA share, there is a lack of enforcement authority on either side, just a lot of diplomatic goodwill that may or may not come to fruition. In reality, it can be said that the IBWC/CILA minutes do not have any enforcement mechanisms or sanctions.

This lack of enforcement of environmental laws on the border is a perpetual problem due to the regulatory nature of environmental institutions. Industrialization taxes the environment and its resources and subsequently, pollution and degradation are by-products, or negative externalities of capitalism. However, some would argue that pollution is a necessary evil that we can only attempt to regulate and cannot really prevent.

A Mexican national who both belongs to an agency that is part of the environmental institutional shroud and is closely linked to the activist community in the Baja California/California region relayed the following example of the limitations of the IBWC/CILA and also highlighted the lack of *confianza* (trust) and secretiveness of the organization:

Approximately, 150,000 farmers in the Mexicali Valley rely on water from the Colorado River for agricultural use. The U.S. proposed channeling

the "excess" water to the All-American Canal¹⁵ thereby denying the farmers in Mexico the use of this resource that they have been using for several generations. The channeling of this water is a violation of the 1944 Water Treaty and Mexican NGOs in the past have put up posters in Mexicali using the typical Uncle Sam picture, stating "*Tío Sam quiere tu agua*" (Uncle Sam wants your water).¹⁶

Additionally, several agricultural growers and NGOs have requested a seat at the negotiating table with the IBWC/CILA, which under the shroud of secrecy, diplomacy, and high-level government negotiations, has traditionally excluded people. While this water controversy is not new to the government negotiators, what is distinct is the way that an increasingly sophisticated and active NGO community on both sides of the border increasingly demands participation in the decision-making process. Community reaction has been rather sophisticated, with Mexican citizens writing to the Mexican Congress with documents attached that demonstrate that in 1994 the U.S. Bureau of Reclamation published a report on the environmental impact of lining the All-American Canal. In this report, the bureau proposed transferring 200,000 acre feet of water classified as excess, claiming that it would not affect Mexico. (The water would be transferred from the Imperial Valley to the Los Angeles-San Diego Area). In page 8 of the document one can read:

Reclamation has complied with the E.O. by informing the USIBWC of the Project and by providing technical support to USIBWC for the consultation. USIBWC has kept the Department of State informed of the process and has received guidance from that agency. USIBWC also counseled Reclamation regarding the diplomatic sensitivities of the issues involved, and advised Reclamation to limit dissemination of information regarding Project impacts to Mexico to avoid jeopardizing the consultation and diplomatic relations with Mexico.

This is an explicit recommendation to withhold information from Mexico, an example of the lack of openness that exists in this area. "We do not trust the CILA to do the right thing because as you know they are all political appointees. We Mexicans have a hard time with them. But can you imagine that the U.S. government is withholding information from Mexico at this high level?" denounced a community activist in the region.

Over time, the traditionally treaty-mandated duties of the IBWC/CILA have been challenged by new realities and more complicated environmental problems such as hazardous and toxic waste issues. With

the signing of the NAFTA, the IBWC/CILA became part of a new environmental regime on the border. IBWC/CILA were included in the Border Environmental Cooperation Commission (BECC) as nonvoting members.¹⁷ The IBWC staff helped to organize the NAFTA-created BECC, and subsequently became members of the board of directors. In the Ciudad Juárez-El Paso region, the commissions organized for the United States and Mexican consulates a community development work group to support the consulates' Border Liaison Mechanisms (BLMs). The BLMs bring together people from both sides of the border to discuss issues affecting the communities such as traffic congestion, environmental issues, and trade among other issues.

The IBWC/CILA has demonstrated that it has the potential to be flexible and adapt to new realities. Still, some people doubt their effectiveness since no accountability mechanisms exist. Whether or not the IBWC/CILA does its job right or not is not important; what is significant is that it continues to exist as an institution.

The post-NAFTA IBWC/CILA is more visible in the public arena. It is expected to address more complicated and substantive issues. The IBWC/CILA is studying and collecting data on new pipe and power lines that cross the border and examining hydraulic and environmental studies, current flow data on the Rio Grande, flood control, and salinity control. The growing population on both sides of the border, the demand for more water and wastewater infrastructure development, coupled with the recent drought that has affected the region, all pose challenges to this organization. In spite of its limitations, the IBWC/CILA have been touted as a model of binational cooperation in many international forums. It is clear that this institution has the experience, technical expertise, and the capacity to address in the traditional sense many of the environmental problems of the border. In the information section of November 12, 2001 *El Paso Times*, for example, one can read:

The Rio Grande Citizens' Forum of the U.S. Section of the International Boundary and Water Commission will meet on Nov. 28 at 6:30 PM at the Chamizal National Memorial. The commission's Rio Grande projects near El Paso and Las Cruces will be discussed.¹⁸

According to an IBWC official, they have hosted a series of public meetings in order to be more accessible and open to the public; they hope to establish a citizen advisory board in the near future. After 100 years of existence, this is seen as a novel and timely idea. As problems become more complicated and competition for natural resources increases,

especially for water in the border region, it is uncertain whether the IBWC/CILA can adequately address these problems. What is needed is a mechanism for institutional accountability as well as responsiveness to border citizens on both sides. CILA is not as open as the IBWC to citizen participation.

The IBWC/CILA clearly is a positive role model for binational cooperation and has provided stability and leadership in this area over time. While it faces future challenges in its dealings with the complexity and severity of border environmental issues, it can benefit from working with other agencies in various states, NGOs, and other stakeholders in the region.

La Paz Agreement

Another example of the heaviness of the institutional shroud in the environmental arena is the La Paz Agreement. Presidents Ronald Reagan and Miguel de la Madrid signed the La Paz agreement on August 14, 1983. This bilateral cooperation agreement established that the United States and Mexico "cooperate in the field of environmental protection in the border area on the basis of equality, reciprocity and mutual benefit."¹⁹ Among many other things the La Paz Agreement defined the border as 100 kilometers north and south of the political border, created six work groups (air, water, hazardous and solid waste, contingency planning and emergency response, pollution prevention, cooperative enforcement and compliance). Additionally, it prohibited the location of nuclear waste dumps in the border region. The La Paz Agreement has on occasion been touted as *the* fundamental environment agreement between the two countries.

The La Paz Agreement can be interpreted as an arrangement between the two countries to meet and discuss the important issues. But it did not adequately address the how to, the when, and the concomitant funding streams needed to address these border problems. One longtime border resident from Mexico described the early meetings of the designated officials attending the La Paz Agreement meetings as suffering from *juntitis* (meetingitis). "They loved to meet and meet, and in nice places, but they really never got anything done."

In the early 1990s when the community of Sierra Blanca, Texas, located 75 miles east of El Paso and 16 miles north of the Río Grande/ Río Bravo, was proposed as a possible site for the location of a low level nuclear waste dump, activists from both the United States and Mexico were quick to point out that the La Paz Agreement prohibited that kind of siting.

Representatives from the state of Texas never referenced the La Paz Agreement in their press releases regarding the proposed siting nor did officials from the Mexican government. According to a Texas state official, "There was an agreement struck between the two governments, one was that we would not mention what was going on in Salamatyca, Chihuahua, a nuclear waste dump that was clearly not meeting legal requirements and they would not mention the proposed site at Sierra Blanca."

The La Paz Agreement was about to become lost in the upcoming NAFTA debate. Although it remains viable and legal, it is seldom referred to by community members or activists, nor is it invoked by government officials as a mechanism for sound environmental management on the border.

Integrated Environmental Plan for the U.S.-Mexican Border Area (IBEP)

Sandwiched in the middle of La Paz Agreement and the NAFTA was the short-lived IBEP. In 1990 President George Bush and Carlos Salinas de Gortari met in Monterrey, Nuevo León, to discuss the potential economic benefits and environmental effects of trade liberalization between the two countries. The two respective federal environmental agencies were tasked to address the issue again since NAFTA was looming around the corner. The goal of the plan was to protect human health and natural ecosystems along the border. The plan had four specific objectives:

1. to strengthen the enforcement of environmental laws
2. to reduce pollution
3. to increase cooperative planning, training, and education
4. to improve the understanding of border environmental problems.

The introduction of the document in 1992 clearly describes environmental problems in a binational context. The problems of the northern Mexican border are clearly articulated: rapid industrialization had led to the creation of jobs in northern Mexico leading to the migration of people and the subsequent inability of local governments to meet the infrastructure needs of a growing industrial base and labor force. Later it was discovered that this binational plan was written by a firm in Massachusetts and was handed over to the Mexicans right before it was released. "This was the only way to get this done in a timely fashion. If we would have written it jointly and haggled over the details this would have never been done. There was a lot of political pressure to get this

done because of NAFTA. The Mexicans were given drafts to comment on" (USEPA official).²⁰

The negotiations and controversies surrounding NAFTA led to a growing awareness of the border region. All of a sudden the border was a place where national and international television crews were documenting border realities as if they were a new phenomena. Border residents were surprised and astonished that infrastructure deficiencies, health problems, inadequate living conditions in *colonias*, and other issues and concerns that they had lived with for years were now becoming the focus of the media and of the discourses of politicians. Of course this hyperbole was well received by border residents who perceived this attention to be a validation of their existence. In some instances, people's expectations were raised that politicians were now going to address border problems. Some touted NAFTA as the ultimate solution to the ills of the border region. Others felt that NAFTA would only compound the existing problems and put more pressure on natural resources. They also felt that expanded trade would cause more traffic congestion and that jobs would be lost thereby exacerbating poverty in the region.

At this point intense opposition to NAFTA was brewing especially in regards to the labor and environmental accords, and both governments became heavily involved in the stretching and widening of the institutional shroud vis-à-vis the environment at all levels of government including citizen advisory boards. IBEP was perceived as not going far enough in terms of environmental protection.

Good Neighbor Environmental Board (GNEB)

The GNEB was created in 1992 as a federal advisory committee to advise the president and Congress on how the U.S. federal government can effectively promote good neighbor practices in environmental infrastructure projects along the border with Mexico. Membership on the 24 member board is diverse and comes from the four bordering states of California, Arizona, New Mexico, and Texas. In addition to geographic representation, the nongovernmental sector, academic, private, tribal, and governmental stakeholders are represented. Representatives from eight federal government agencies also attend the meetings and provide an added dimension to the discussion on their agencies' border-region program. Over time, the GNEB has produced four annual reports that include recommendations to policymakers vis-à-vis the border environment. This bilingual report is widely disseminated in the United States and Mexico and is posted on the official website of the EPA. Several

board members have extensive binational linkages due to their civic engagement or professional obligations. Once a year the GNEB meets with its Mexican counterpart group Consejo Para el Desarrollo Sustentable Region I (Consejo) (Region I Council for Sustainable Development). The binational meetings have been more symbolic than substantive though a joint communiqué was issued after a meeting in Reynosa, Tamaulipas, in 1999. One of the concerns that border residents from both the Consejo and GNEB had was that Region I included the states of Baja California Norte, Sonora, Chihuahua, Coahuila, Nuevo León, Tamaulipas and non-border states Baja California Sur, Sinaloa and Durango. Some felt that the group was too large; over 100 members on the Mexican side precluded meaningful discussions on specific border issues. The Consejo advised the Secretaría de Medio Ambiente, Recursos Naturales y Pesca (SEMARNAP) (Ministry of the Environment, Natural Resources and Fisheries). When Vicente Fox was elected president, the name of this ministry was changed to the Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT) (Ministry of the Environment and Natural Resources). During Secretary Victor Lichtinger's visit to Ciudad Juárez, Chihuahua, in October 2001, he announced the creation of the Consejo Para el Desarrollo Sustentable para la Frontera Norte (Council for Sustainable Development for the Northern Border). The creation of a border-specific *consejo* was well received by border residents as well as by members of the GNEB who are very interested in pursuing a binational environmental agenda. It is expected that the binational work with the *consejo* will evolve into the elaboration of reports to each respective government as well as a joint report in the future.

The GNEB meet three times a year in different border cities. The binational meeting with the *consejo* is held in the United States on one year and in Mexico the next year. These meetings also serve as a forum for public participation since the meetings are open to everyone. Various organizations ranging from those in the private sector, to human rights and environmental groups have presented their work and concerns before the GNEB.

The GNEB is the only federal advisory committee whose sole purpose is to analyze conditions along the U.S. border with Mexico and recommend how the federal government can best apply its resources.²¹

While the GNEB only has advisory power, it has gained recognition over time. In recent meetings held in Brownsville and Laredo, Texas local media, newspaper, radio, and television stations provided coverage of the meeting. The annual report is the most important vehicle that GNEB has to disseminate its recommendations.

According to the members of the GNEB, the board has evolved over time and has become more vocal. The annual reports are increasingly more succinct in their recommendations (the first report had over 150 recommendations) and members have had briefings on Capitol Hill in order to elevate the visibility of the board's work with the hope that members of Congress will be better informed about border environmental issues.

The North American Free Trade Agreement BECC/NADBANK

In a few moments, I will sign side agreements to NAFTA that will make it harder than it is today for business to relocate solely because of very low wages or lax environmental rules. These side agreements will make a difference. The environmental agreement will, for the first time ever, apply trade sanctions against any of the countries that fails to enforce its own environmental laws. I might say to those who say that's giving up of our sovereignty, for people who have been asking us to ask that of Mexico, how do we have the right to ask that of Mexico if we don't demand it of ourselves? It's nothing but fair.

—President Clinton, September 14, 1993²²

...banks will never make a loan to a community without the capacity to repay....

—former NADBANK official

During the NAFTA negotiations, the La Paz Agreement became obscure. Government officials were quick to note that NAFTA would address past environmental problems and avoid future ones. The environmental and labor accords were to address both sets of concerns. As the institutional shroud again was thickened by another agreement, the environmental concerns still remain an important fact of border life seven years since NAFTA was implemented. With the signing of NAFTA, everyone's (from the average resident, policy makers, and activist) expectations were raised. The question still remains: Is the border environment better off than it was in the past?

Ethnographic Moment 4.1: Pre and Post-NAFTA "Smell" on the Border

At a meeting in February 28–March 1, 2001 the Texas National Resource Conservation Commission (TNRCC) in Austin invited people from bordering states to discuss the role of the states in environmental policy making. I, Irasema, was invited to sit on a panel along with other representatives from the border states who would present their best practices vis-à-vis

environmental binational cooperation. An activist attorney, also on my panel, from the Arizona Center for Law in the Public Interest, Vera Kornylak, made a presentation of her efforts to sue the city of Nogales and the USEPA because the wastewater treatment plant of Ambos Nogales did not meet environmental standards. Vera went on to say that she was in the process of suing the city of Nogales, Arizona, and the USEPA for their non-compliance of the National Pollution Elimination Discharge System standards from the waste water treatment plant discharges that failed to meet minimum standards. According to Vera, community residents are complaining about the "smell" and they have demonstrated concern for the impact of this plant on their health. While I, Irasema, was heartened to see the passion, concern, and expertise in the environmental arena that Vera demonstrated, I could not help but laugh and cry at the same time. I was happy to see someone as knowledgeable and committed to people's environmental health as Vera taking on the culprits so to speak. Likewise, I was saddened and angry because as long as I can remember or as people in Spanish say, desde que tengo uso de razón, (since I have use of reason) the wastewater treatment plant in Nogales, Arizona, has always been a problem. Memories of my parents and siblings driving by and pinching our noses and holding our breaths so as to avoid the "smell" of the wastewater treatment plant warmed my heart. However, I thought to myself, this was well over forty years ago and today people are still smelling the same stench in Nogales, Arizona. Many questions raced through my mind: Has the border environmental infrastructure improved? Why is the wastewater treatment plant still a problem in Nogales, Arizona? Have the NAFTA-created institutions worked?

At the height of the NAFTA negotiations, environmental activists, policy makers, and academics at the border region were concerned with the impact of enhanced trade on the environment. More trade meant more trucks crossing the border and more air pollution. Expanded opportunities for commerce would also promote the creation of more *maquiladoras* that would create more jobs and lure more people to northern Mexico and in turn would put more pressure on water resources and wastewater infrastructure. As much opposition as there was against NAFTA from the environmental and labor communities both in the United States and Mexico, it nevertheless was signed into effect in 1994.

NAFTA also created false expectations in many border communities. Among certain sectors of the population, there was the expectation that the border region would become an important economic enclave and

would prosper from the passage and subsequent implementation of NAFTA. More trade would also allow for the development of a broader tax base and subsequently more revenue that would be used to provide the financial wherewithal for badly needed environmental infrastructure projects. Others expressed concern that border cities and towns would lose business because American companies and merchants would be allowed to go into Mexico. The long standing tradition that U.S. border communities are the favored destination of Mexican shoppers looking for American products would be lost because these businesses would be allowed to relocate into the interior of Mexico. The entire NAFTA debate provided a window of opportunity for border environmental issues to be put on the broader national political agenda. Environmental concerns have plagued border communities for years; however, with NAFTA, issues such as wastewater treatment plants, solid waste issues, air pollution, and the shipments of toxic chemicals, were being discussed openly in the U.S. Congress. President Bill Clinton exclaimed that NAFTA was the "greenest trade agreement" ever signed and the institutional shroud was again broadened with the creation of two new border-specific institutions.

The NAFTA produced two sister institutions, the Border Environmental Cooperation Commission (BECC), located in Ciudad Juárez, Chihuahua, and the North American Development Bank (NADBANK) located in San Antonio, Texas. BECC and NADBANK were officially created on December 27, 1993. The idea (in a nutshell) behind these two institutions is that the BECC would certify projects that would address water and wastewater problems and would have the support of the community. Once the project was certified, the NADBANK would provide the concomitant funding. BECC and NADBANK would fund projects 100 kilometers north and south of the political boundary. One of the main goals of the BECC is to certify projects that meet sustainability criteria. Additionally, the impact of the project on the border or the transboundary effects had to be analyzed and taken into account in the approval process. While these two institutions have evolved, they have nevertheless experienced growing pains and have come under public scrutiny. Larger communities that have the technical expertise on their staff to write proposals are at a greater advantage to get their projects certified and funded. Smaller communities that do not have grant writers and engineers are obviously at a disadvantage. Although technical assistance programs have been developed to address this situation, there have been limited resources provided to address the magnitude of the lack of environmental infrastructure on the border. Presently,

there is talk in the higher echelons of government about expanding the mandate of the NADBANK. Expanding the mandate could possibly mean two things: one, that the NADBANK would lend money for other projects that have a border impact; or else, that they would fund them outside of the 100 kilometer limit. Community groups have expressed concern that the funding would go to "subsidize private businesses" that would build nuclear or hazardous waste dumps, for example, or allow for *maquiladoras* to borrow money to build wastewater treatment plants. Poor and unorganized communities would therefore have to compete harder to obtain BECC certification and NADBANK funding.

The NADBANK's resources amount to approximately \$304 million dollars, of which only \$11 million dollars has been lent to border communities. Lending solely for water, sewer, and trash projects has proved difficult, bank officials say, because those services generate little income that poor communities can use to repay the loans.²³ Communities report problems with NADBANK loans, the main one being high interest rates at market rate, 12 percent, while mortgage rates are 6.5 percent. Poor communities cannot afford the high interest rates. Steep interest is coupled with the fact that some of the major infrastructure water and wastewater projects are very expensive and there are only a few users to divide the costs among themselves. For example, the cost of a wastewater treatment plant in a community of 100,000 people is more easily absorbed than a community of 10,000. A community in Texas can obtain a Texas Revolving Loan for wastewater treatment that is only at 2 percent interest rate. President Vicente Fox has proposed the idea that NADBANK funds be used for infrastructure projects in the interior of Mexico. The concern about the future of the NADBANK centers around the fact that the U.S. Congress may decide to defund it. After all, they have been in existence six years and have made very few loans all this time. The NADBANK is not in the business of giving away money. Poor communities are reluctant to borrow money and the bank is not interested in lending money that cannot be repaid. Lowering the interest rate on loans would be a welcomed option, though it is unclear whether this action is a policy decision or if it requires an act of Congress. Perhaps, by design, the NADBANK was created to fail.

During the public comment session in October 2001 in Laredo, Texas, regarding the NADBANK/BECC expansion, we learned that several people were extremely happy and pleased with both institutions. Obviously, communities that had received technical assistance and subsequent funding were more content with the institutions than those

that haven't. However, representatives from communities that had benefited from NADBANK/BECC were critical of the certification process. Critics commented that it was not specific enough, it was too slow, and procedures were complicated. It was interesting to note that the public comment session was well attended and that several representatives from communities in Mexico took advantage of the opportunity to express their concerns regarding the aforementioned institutions. In public, people said things like "We have to come here because they are not going to have hearings on our side."

Over 20 people from the states of Nuevo León, Tamaulipas, and Coahuila took the time and trouble (security measures enacted after September 11, 2001 seriously impacted the international bridges; some people reported waiting up to two hours to cross) to present their recommendations vis-à-vis the NADBANK/BECC to three U.S. government officials who attentively listened to the translation of people's comments.²⁴

Border XXI Program

The Border XXI Program was established in 1994 and builds on the efforts of the IBEP and other previous environmental agreements (La Paz) and expands the scope of previous environmental agreements to include environmental health, natural resources, and environmental information. The Border XXI program, a joint effort by the United States and Mexico, can be seen as another layer of the institutional shroud that is constantly thickening and unfolding on the border. The mission of Border XXI is: "To achieve a clean environment, protect public health and natural resources and encourage sustainable development along the U.S.-Mexico border." The major goal of Border XXI is to promote sustainable development in the region. Three major strategies were set forth to bring this to fruition:

1. Ensure public involvement
2. Build capacity and decentralize environmental management
3. Ensure interagency cooperation

This program can be described as yet another referendum of both countries' commitments to collaborate in the environmental arena.²⁵ Border XXI has been described as an excellent vehicle to promote state-to-state, federal government-to-federal government cooperation.

Three new working groups were created to augment the six original work groups that were created by the La Paz Agreement. The new groups are: natural resources, environmental health, and information

resources. Border XXI was seen as a deepening of the environmental agreements to date because for the first time the commitment to develop binational environmental indicators to determine the quality of the environment were put into place. Subsequently, these environmental indicators would be used to measure whether or not the environment had improved over time.

In the summer of 1999 Carol Browner, administrator of the USEPA; Julia Carabias, secretary of the Secretaría de Medio Ambiente, Recursos Naturales y Pesca; Albert C. Zapanta, president of the United States-Mexico Chamber of Commerce; and Javier Cabrera, general manager of the BECC, signed the "US/Mexico Business and Trade Community: The Seven Principles of Environmental Stewardship for the 21st Century." The seven principles that comprise this agreement were developed through a public/private partnership to promote sustainable development in the U.S./Mexico border area in furtherance of the goals of the Border XXI Environmental Framework. The seven principles included a commitment to sustainable development and improved environmental performance through policies that emphasize pollution prevention, energy efficiency, adherence to appropriate international standards, environmental leadership, and public communications among other things.

While this example is yet another fold in the environmental institutional shroud, these principles did not have any teeth to them nor was there an accountability factor included. This is a fine example of symbolic politics at its best that just made both governments and businesses look good.

United States Environmental Protection Agency (USEPA)

While the USEPA is the lead agency in the nation regarding environmental policy, it has nevertheless fallen short when it comes to addressing environmental problems on the U.S.-Mexico border. The United States Environmental Protection Agency (USEPA) is divided into regions; Region 6, headquartered in Dallas, is responsible for the states of Texas and New Mexico. Arizona and New Mexico fall under Region 9, headquartered in San Francisco. It would probably make more sense if one region were responsible for the border area. In many instances, USEPA employees from both regions work on similar problems in different geographic areas.

Border residents are well aware that binational environmental problems require binational solutions; and clearly, USEPA does not have jurisdiction in Mexico. In spite of the formal agreements, treaties,

minutes, and NAFTA, the environmental issues of the border are difficult and costly to address. For example, in 1998 BECC certified and the NADBANK approved funding for wastewater treatment facilities in Ciudad Juárez, Chihuahua, to the tune of 31.1 million dollars. These plants would benefit 1.2 million people and have been touted as a great success story. It is important to keep in mind that the population growth rate of Ciudad Juárez is 3.7 percent annually.²⁶ It is estimated that 10 percent of the city does not have sewer infrastructure and therefore the problem of untreated raw sewage still persists in the community in spite of the wastewater treatment plants. Politicians, however, capitalize on the development of infrastructure and fail to recognize that in spite of these limited successes, there are people whose basic needs are not met on both sides of the border. Conservatively speaking, 5 percent of the population of Ciudad Juárez do not have running water and 10 percent do not have access to sewer.²⁷ Lack of wastewater infrastructure is not exclusively a problem in Mexico. On the U.S. side the numbers vary from 1,500 to 5,000 people in El Paso County living without basic water and wastewater services. On both sides of the border many people use septic tanks, cesspools, and private water suppliers in order to meet their basic needs.

Ethnographic Moment 4.2: An Important Binational Meeting

Christine Todd Whitman and Victor Lichtinger sat at the head table with two of their assistants next to them. In the middle sat the governor of the state of Chihuahua, Patricio Martínez. Governor (as she is still referred to as according to staffers) Whitman's visit to the region included a visit to a colonia in El Paso County, a visit to an elementary school, and to a wastewater treatment plant in Ciudad Juárez. The top ranking environmental officials met in Ciudad Juárez and scheduled meetings with various stakeholders, tribal leaders, representatives of the states, and the like. This part of the meeting in a popular hotel was scheduled for public participation. Mostly non-governmental organizations were invited and then were asked to sign up to speak.

Representatives from NGOs throughout the border region on the U.S. side attended. People came from California, Arizona, New Mexico, and Texas to present their concerns to both Christine Todd Whitman and Victor Lichtinger. Various issues were raised in a rather succinct and timely manner since participants were given only a few minutes to speak in any language with simultaneous translation provided.

A representative of an Austin, Texas, NGO raised the water debt issue. She lamented that she was concerned about the rhetoric surrounding this problem in South Texas where farmers were complaining about the debt. An activist from Ciudad Juárez stated emphatically that his community was becoming a dump for the United States, "tires, old cars, everything is sent here and then it becomes our problem." He also mentioned the problem with the hazardous and toxic waste used in the maquiladoras as well as the risk associated with the transboundary movement of these substances. A tribal member from California reiterated that he and other tribal members were happy to participate in a meeting with such high-ranking officials and stated that there were five tribes in the same watershed who were concerned with air quality issues and that they were being engulfed by urbanization.

The Colorado River in the California-Arizona-Mexico border region was mentioned as an area of concern due to the quality and quantity of water that Mexico was receiving. Over time, several themes emerged. Some of the prime concerns involve the need for cross-border cooperation in order to address environmental problems, the lack of regional environmental education on both sides of the border, and the importance of public participation in environmental policy decision-making. Several comments were directed at the NADBANK and BECC reform: more grant money should be given rather than loans, merge the institutions, leave them as they are, make the BECC more efficient. One participant offered results from a research project where people who were actively engaged and interested in BECC and NADBANK issues were surveyed.

At the end of the meeting, governor Patricio Martínez made a long speech regarding the history of the region, from indigenous history to the present day. The governor mentioned that he had been on the telephone with Texas Governor Rick Perry about the water debt. "We agree that we owe water to our neighbor based on the 1944 Treaty. Chihuahua does not have water. International Law states that no one is obligated to do what is not possible. We live in a desert and all the farmers should be aware of that and change to crops that use less water or 'que se dediquen a otra cosa' (dedicate themselves to do something else) stated governor Martínez.

He also mentioned that there was a lack of "cultura" (cultural awareness) regarding environmental problems and that many people littered the highways with soiled diapers unaware of the long-term consequences. The meeting closed and the officials were then taken to another room to meet with representatives of state governments to discuss the future of the Border XXI Program.

Afterward, during the unofficial debriefing outside the meeting room, participants complained of being limited to two minutes to provide their

comments while the governor, as one participant put it, "*hablo hasta que se canso*" (spoke until he was tired). Activists stated that they were invited at the last minute and wished that they would have had more time to prepare. Others questioned aloud "*porque invitaron a tan pocos?*" (why were so few people invited?). One woman in the group felt that it was "*maleducado*" (rude) to serve the "*funcionarios*" (government officials) cappuccino during the one-hour meeting while the audience was left "*con la boca abierta*" (with one's mouth open). Last, a man and woman commented that the EPA administrator was writing notes and snickering to her assistant during the governor's speech.

In spite of the criticism, this was one of the few opportunities that border environmental activists had to share their concerns with such high-level government officials on the U.S.-Mexico border.

Notwithstanding the formal institutions and treaties that exist, the USEPA has been one of the most important agencies in the environmental arena that has worked with its counterpart institution in Mexico. It is interesting to note that former Secretary of the Interior Bruce Babbitt had a close working relationship with Julia Carabias, former head of the SEMARNAP. Officials from both institutions report that they would on occasion go camping together to discuss these issues. Additionally, they report that former EPA administrator Carol Browner did not have as close a working relationship with her counterpart, Julia Carabias.

In October 1994 the USEPA established border liaison offices in El Paso, Texas, and San Diego, California. The role of the USEPA border offices is to respond to community needs and concerns, provide program updates, technical information and grant announcements, conduct open houses as well as public meetings to discuss local environmental issues, and to work with the nine Border XXI workgroups to coordinate effective communication with the community and other government agencies.²⁸ Policy decisions are not made at the border offices but they serve as a vehicle for outreach and participation on the border.

Community activists were very complimentary about the outreach efforts undertaken by the El Paso Border Liaison Office. The border offices have worked well and have provided several services to the community—the most important of which is having a physical presence in San Diego, California, and in El Paso, Texas. The USEPA border office in El Paso organizes a monthly Border Forum where guest speakers from various organizations in the community make presentations on environmental

issues. For example, in November 2001 the principal engineer with the IBWC, Debra Little, discussed "Binational Coordination and Water Resources Planning: The USIBWC Experience." Other speakers have included members of nongovernmental organizations, professors from the University of Texas at El Paso and representatives of local, state, and federal agencies. This forum is well attended usually by 20 or 30 people who are interested in the topics discussed.

In October 2001 EPA administrator Christine Todd Whitman and SEMARNAT director Victor Lichtinger met in Ciudad Juárez, Chihuahua, a monumental step forward in promoting binational and bilateral cooperation in the environmental arena. This, of course, had an element of symbolic politics to it but at the same time this meeting provided an opportunity for border residents to express their concerns.

The EPA has a pretty tall order to fill in regards to its mandate and responsibilities. Certainly, environmental issues have been addressed although some people criticize the EPA for only regulating the polluters and not stopping the production of pollution, which of course is a natural by-product of our industrialized and capitalistic way of life. Could EPA do more in terms of addressing environmental issues on the border?

Other Levels of Government

Local, county, *municipio*, special districts, state and federal governments all have a plethora of institutions and organizations that address environmental issues on both sides of the border. However, little is known of their interagency cooperation agreements and of their legal ability or willingness to work with each other. On the Mexican side, the State of Texas interacts with four different states: Chihuahua, Coahuila, Nuevo León and Tamaulipas and every Mexican state has a set of actors addressing environmental issues. Clearly, this presents some interesting challenges to policymakers from Texas who interact with officials from different states, political parties, and economic realities.

Access to information is a key element to helping solve and address environmental problems. If institutions are not forthcoming with air quality data, or rates of diseases, or if the financial support does not exist to collect the data in the first place, border environmental problems cannot be readily solved. It is easy to say that the Rio Grande/Río Bravo is polluted; however, decision-makers need to know exactly how many parts per billion of fecal choliform is in the water. The old adage "if you can't quantify and measure the problem, then you don't have one" is very

true in the border region. Institutions in the United States do not share information with each other as readily as they should and likewise in Mexico. In both cases, the cost of data gathering is costly.

Binational Cooperation: Obstacles, Challenges and Successes

The basic structure and function of government and political systems condition people to work in a specific manner. In theory, democratic nations with transparent and open institutions tend to promote public participation, and inclusion in their decision-making process. An empowered and engaged citizenry is beneficial to both sides of the border and helps to move political agendas forward in a positive manner.

In regards to obstacles of participation, the political culture of each country plays an important role. In the United States employees of agencies like the TNRCC and EPA are civil service, career employees, although there are people who have political appointments in government institutions. Changes in administrations at the state and federal level obviously lead institutions into new directions; however, the basic structure remains the same and personnel remain on staff that have a historical memory and hands-on experience in dealing with binational environmental issues. In Mexico the situation is different and it is common to replace personnel in key decision-making positions in institutions every three or six years based on electoral terms of office depending on the level of government. Although there are career employees in Mexican institutions, they tend to be at the lower end of the hierarchy. New political appointments are made when elections take place, leaving power vacuums as well as voids in the continuity of certain binational efforts in all areas. Within the context of the U.S.-Mexico border, the differences in political systems affect how representatives of formally recognized institutions interact with one another.

On the U.S. side, a representative of the TNRCC noted:

the *Mexicanos* do not understand that we have certain limitations as a state agency, they also do not understand the role that the water districts have in some of these water issues. They are used to high-level authorities making decisions and then everyone going along with them. This is not how it works here. For example, the governor can say that he/she will work with Mexico on water issues but in reality it is not really his/her call; there are other institutions that deal with water issues: the IBWC, the water districts, etc. They (*Mexicanos*) do not understand that we have a system of checks and balances and different levels of government.

Mexicanos who are used to an authoritarian and personalistic political system of government have a difficult time understanding that the U.S.

local, county, and state governments and special districts have in many instances more legal authority to address an issue than the federal government or the state governor. A Mexican affiliated with the BECC shared the following observations regarding the Mexican political culture: "Vicente Fox took the PRI out of Los Pinos but it is more difficult to take out the *"pequeño priista que llevamos dentro porque es parte de nuestro perfil"* (the little priista that we all have inside of us).²⁹ He added that all Mexicans alive today know only one form of government.

We are used to corruption, *prepotencia* (arrogance) it is part of our culture. If we approach a government agency, we are not used to following policies and procedures because we are used to or conditioned to pay bribes to *agilizar el proceso* (facilitate the process). If an institution is now more transparent you do not know how to work within the system. In the past you did not make demands of bureaucrats because they only slowed down the process. We create our own obstacles and need to learn to work with transparent institutions.

This of course requires capacity building within communities and the NGO sector. It is difficult to negotiate any bureaucracy, and groups need to learn how to effectively channel their energy and resources.

An academic from Mexico stated:

There are people in Mexico who like the old way of doing things; it was easier because you could very easily pay a bribe to get things done. Now you have to do things the right way, simple things like registering a car, you now have to have things in order and have the necessary paperwork. Before, you just paid your money to someone *de confianza* (of trust) and they would deliver the necessary paperwork the next day.

An EPA official stated that she had been working on organizing a binational meeting and that the public notice had gone out on the federal register as required by law and with as many details about the location of the meeting as possible—who, what, when, where, why, agenda items. Details about public transportation, access for handicapped people, all have to be listed in the register.

One day they call (officials at SEMARNAT) and ask that we change the meeting because one of the high-ranking Mexican officials could not come on the date and time that had been agreed upon. They wanted me to change the day and I explained to them that it was not possible because of the requirement that the meeting be posted in the federal register. They made me feel like I was not accommodating to them, they

could not understand why we just could not change the day. This is a requirement that we have to comply with at all times, for any public meeting (U.S. government official).

This example crystallizes how people on both sides of the border have different rules and ways of working that can prevent or hinder cross-border cooperation and lead to misunderstandings. As we mentioned in chapter two, personalism can constrain growth, dissemination, and sustained challenge to historical patterns of asymmetry and dominance. The U.S. government official frustratingly stated that "on a personal level it is no big deal to change a meeting day, but I could not, because that was not my call. Even if they called the higher ups we still could not change it because of the regulations that we must follow." Once this situation was explained to the Mexican government officials they understood that this was not a decision that any one person could make. "After I explained to them they understood and it helped to clarify that for future meetings" the government official stated. Clarifying the situation was useful in future binational planning until personnel changes took place in both agencies.

Mexico has recently attempted to decentralize its governmental authority and this poses challenges to policy makers at the local level who are used to acting at the behest of people higher up in government. Moreover, one of the complaints that Mexican officials have expressed at the local and state level is that while the Mexican government has decentralized and devolution is taking place, the concomitant funding is lacking thereby stymieing their efforts at the local level.³⁰

Binational Cooperation in a Binational Organization

There are various ways of working together and promoting binational cooperation: the best approach would be collaborative, and integrative, and holistic. Even conflictual or confrontive methods can work especially if environmental problems can then move up on the bilateral agenda of both countries. In the environmental arena, unilateral action is not conducive to solving problems. For example, when addressing air quality problems in the El Paso/Ciudad Juárez region, it is possible that unilateral action could probably ameliorate one aspect of the problem, but that working together can better address the problem.

Representatives of two institutions that are mandated with binational cooperation in the environmental arena shared their insight with us regarding their experiences within these two organizations. We were interested

in how binational these institutions really are and how both Mexicans and Americans worked together to bring cooperation to fruition. We asked the representatives of these organizations to share with us the obstacles, challenges, and successful examples of cross-border cooperation that they experienced or observed in their daily work.

One respondent spoke candidly of his first moments as an employee of the BECC.

I thought that I knew Mexicans, but I was totally wrong. It is almost an art working with the Mexicans, because they are so sensitive. One word, or the way that you say the one word can offend them. The Mexicans are very formal, in a way stuck-up; they do not appreciate your talking like the people. I do want to say that it is an arrogance or superiority—it is an elitism.

When the respondent was asked to describe the obstacles to cross-border cooperation, he said that he saw hurdles instead and that one of the major impediments was language.

We are all supposed to be bilingual. Some people do not speak English or Spanish well. Mexicans tend to elaborate; Americans are more to the point. I stepped on a lot of toes. I was too blunt for them and even hurt them. Language can be an impediment because every word has a meaning. Simple statements can be pretty loaded for Mexicans. Sometimes what you don't say means a lot more than what you do say.

—former BECC employee

The high context vs. low context communication issues clearly manifest themselves in binational efforts. Verbal and non-verbal communications subtleties and nuances obviously become important challenges to working in a binational setting.

"Esperando la línea oficial" (Waiting for the Official Party Line)

Authoritarian regimes tend to dictate policies from the top down and have minimal regard for public participation. Within the BECC, the hiring processes and modus operandi of the two countries affect human interaction at the ground level. "On the Mexican side, BECC personnel were appointed based on their political connections. Many times the higher ups would not make a decision because they were *"esperando la línea oficial."* "You see in Mexico these are very well paying jobs so everyone wanted to make sure that they did what was expected of them by the higher ups in the government" stated a former BECC employee.

Public participation in a binational context also poses some challenges. BECC/NADBANK public sessions allow the public a forum to present their concerns regarding the environment. One of the major divisions reported by staffers at the BECC was the *Mexicanos'* response to public participation. People involved in planning binational meetings expressed that the Mexicanos were uncomfortable with public participation sessions at their meetings. A BECC employee stated:

There was an elitist attitude (on the part of the *Mexicanos*) about the NGO activist participation. Mexican officials who sit on the BECC board of directors were uncomfortable with the level and intensity of public participation at their meetings. They just didn't like it. You could tell that they were not used to this and did not really like it. At times the (Mexican) higher ups would look at the NGOs and wonder aloud who invited the *chusma* (riff raf) to come here. They were inattentive at times and would be glad when they left. Some of the NGOs were really happy to be able to participate in the meetings and felt somewhat protected by the US groups that were present as well as by the US staff.

This of course led to differences between the Mexican and U.S. staffs and members of the board of directors at the BECC.

In the United States public participation is welcomed and even solicited by local, state, and federal agencies in some instances because it is genuinely desired or because it is required by law. Usually, there is a requirement that the agency or institution announce ahead of time the time and place where the public can provide their input. Different attitudes vis-à-vis public participation, coupled with legislative requirements on one side of the border and an elitist attitude on the other side, can lead to misunderstandings and tensions.

In the BECC certification process, public participation is required for any project to move forward. Therefore, in many ways this requirement has helped to open up democratic spaces for citizens. A Mexican affiliated with the BECC remarked that "the Americans think that they are democratic but they are not. It is hard to work with them because just one person so easily lures them. They had their own agendas that they promoted and it is clear because so many U.S. projects were funded."

A true test of binational cooperation would be to determine how many truly binational projects have been presented before the BECC. For example, have the City of El Paso and Ciudad Juárez jointly submitted a proposal that would address water or air quality issues? The projects that have been presented are usually presented by respective border cities, not joint ventures. Perhaps the BECC and NADBANK can encourage the elaboration of joint projects by border communities.

Successful Cases of Cross-Border Organizing Efforts

While we are aware that there are many cross-border organizing efforts, it is difficult to highlight all of them. Just because they are not mentioned here does not mean that they do not exist. Many organizations promote cross-border collaboration, among them, the Texas Center for Policy Studies (TCPS), in Austin, Texas; the Southwest Center for Environmental Research Policy (SCERP) in San Diego, California; the Interhemispheric Resource Center in Albuquerque, New Mexico (publishers of *Borderlines*); the Coalition for Justice in the Maquiladoras in San Antonio, Texas; the Southwest Environmental Center in Las Cruces, New Mexico; and the Center for Environmental Resources Management (CERM) at the University of Texas at El Paso. However, we want to focus on cooperation at the most local level in the El Paso-Ciudad Juárez region. We do mention numerous organizations throughout the chapters that epitomize cross-border cooperation in diverse regions only because we want to crystallize a point. We contend that cross-border organizing at the local level poses some serious challenges that need to be fully examined if we are to successfully address the binational problems facing the border region.

Joint Advisory Committee for the Improvement of Air Quality in the Paso del Norte Air Basin (JAC)

The Joint Advisory Committee for the Improvement of Air Quality in the Paso del Norte Air Basin (JAC) was formed in response to local grassroots efforts of the Paso del Norte Air Quality Task Force. The task force started meeting in the early 1990s with the support of then governors Ann Richards of Texas and Francisco Barrio of Chihuahua. This binational political support led to the evolution of the task force. Subsequently, people with serious "credentials" were appointed to the board: academics, a medical doctor, a representative from FEMAP, and government officials working on environmental issues on both sides of the border. From Mexico, people who worked with or had experience with environmental agencies at the federal, state, and local levels were appointed. Since its inception, the task force looked at air quality issues holistically to include Doña Ana County, the greater El Paso and Ciudad Juárez communities. The TNRCC was very supportive of this effort and established an office in El Paso at that time. The JAC was established in May 1996. The JAC is a binational, 20-member, diverse, multi-stakeholder advisory group that makes recommendations to the Border XXI Air Workgroup. The advisory group members are appointed for three years and can be reappointed no more than five times. There are

two co-presidents, one for each side of the border. The EPA El Paso Border Office provides on-going support to the JAC; hence they have official support from a government entity and therefore have a solid support infrastructure in place. The JAC also receives support from the U.S. State Department and the Secretaría de Relaciones Exteriores (Ministry of Foreign Affairs) in Mexico. On May 6, 1996 at a binational cabinet meeting, an agreement was signed that created the JAC with the acknowledgement that the air shed, (a region that is affected by the same air quality) was broader than the limit that the La Paz Agreement designated as the 100 kilometer limit.

The JAC meets every three months, alternating on both sides of the border. Meetings are open to the public. The JAC is not a 501c3, (non profit organization); rather it is a voluntary community organization. Their strategic plan includes promoting public transportation, facilitating the crossing of vehicles, and inspecting automobiles' exhaust systems, among others. The JAC is successful because it has government support coupled with highly qualified people whose organizations promote their participation in the organization. In the fall of 2001, the JAC received the Governance Institution Border Environmental Merit Award at the 29th meeting of the U.S.-Mexico Border Environmental Cooperation Commission in Mexico City.

Environmental Defense

Environmental Defense (ED) is a leading public interest group. A staff person with ED describes his job in the following way: "I work on projects having to do with the atmosphere with a strategy that entails community participation, the scientific community, social institutions, local foundations, governmental offices and through the years they have been able to make both governments realize the need for international participation." According to this staff person this past year he has been able to form a coalition of local institutions that work on air, water, health issues and also in getting organizations to collaborate on strategies that will bring economic growth to the area. He describes how his work in this arena evolved in the following way:

In the beginning when I tried to get cooperation from governmental and non governmental organizations, I had to convince them that this was an urban metropolitan area. Of course there is a borderline and a political geographical line exists between the two cities on a map, but for this office after 10 years of existence, this is an urban metropolitan area that is affected by what is done on both sides of the border in regards to global

warming. Infrastructure projects also need to be developed to make water more cost-effective for both sides. When these projects take place and are completed, then both cities will be impacted positively. At that moment, the Paso Del Norte region's health will benefit from it.

ED works with other organizations in the community on natural resource issues. A staff member from ED has been invited to other regions and academic institutions to share with them how to replicate what has been done in this region regarding binational environmental protection. When asked to explain why ED as an organization has been successful in the binational arena, the staff member listed a variety of variables including:

1. the ability to distinguish between both governments, both sets of laws, and both sovereignties;
2. an academic stance (he has a Ph.D) that helps people take him as a staffer seriously;
3. long-term focused projects (an air quality agreement took over three years to develop and sign);
4. works from the bottom-up in reference to finding cooperation from other organizations;

Personally, the staff member feels that he has no academic, social, governmental, or professional level impediments because he works for an established internationally recognized environmental organization. He went on to state that:

There are more proactive leaders, participants, advocates in border communities and those that by birth can identify themselves with the local community are those that will make the effort to better the natural resources that are needed in his or her community and will realize that resource problems do not have borders and that involvement is necessary for the region. They must tell themselves that the involvement has to be shared between both cities because if Ciudad Juárez has air quality problems, then we will and vice versa.

One of the distinct characteristics that Environmental Defense utilizes is a bottom-up approach to projects and planning; projects must start at the local level. According to our source:

The most serious problem that the border faces is global warming. Water and air contamination are very serious. The U.S. Congress and the state governments see the southern border as a low income and low economic

growth area, high unemployment, little infrastructure, and low educational statistics. The politician's point of view is what damages our border because they do not see the potential for our city; they don't know what's out here. We don't have to go to the top for all of our projects; we should start locally. There are many organizations that are making changes happen. There is not one solution to our problem. The most cost-efficient solution is for the community to come together but both governments and diplomats must allow binational cooperation.

The obstacles that both governments impose on binational cooperation at the local level represent a challenge to nongovernmental organizations on the border who are committed to working together on environmental issues. Unilateral action on one side of the border, although it may help ameliorate air or water quality problems, cannot have the profound and lasting effects of joint action. One of the challenges faced by border residents is lack of information. According to an ED staffer:

It is very important for citizens and institutions to have access to information along with an educational program or outreach program that will teach citizens to become active in the community in regards to air, water, global warming which will better the quality of life. If we have governmental offices that will give us the tools to do this, we can have more cooperation.

The work of ED has received recognition in Mexico. One of their staff members received the first ever Individual Border Environmental Cooperation Commission Award at the 29th meeting of the U.S.–Mexico Border Environmental Cooperation Commission (BECC). ED was lauded for its collaboration with other organizations and institutions on both sides of the border.

*The Rio Grande/Río Bravo Basin Coalition or the
Coalición de la Cuenca Rio Grande/Río Bravo*

The importance of coalition building in the region is of utmost importance to the environmental well being of the region. This aforementioned coalition is described by one of its members in the following manner: "We are a community organization; we don't work in one community, but work in different communities." The Rio Grande/Río Bravo Basin Coalition or the Coalición de la Cuenca Rio Grande/Río Bravo is another fine example of binational cooperation in the environmental arena. One of their major projects is the Día Del Río (Day of the River), which is celebrated throughout the entire river basin during the

month of October. Día del Río is celebrated from the headwaters in the state of Colorado to Brownsville/Matamoros, where the river flows into the Gulf of Mexico. Over 25 local communities on both sides of the border organize different events that promote an appreciation for the river and promote conservation. Activities vary from picking up trash along the river, planting trees, sponsoring lectures about the river, to river festivals, to watching movies about the river, art and music contests and other festivities—all to raise awareness and demonstrate solidarity with the river and its inhabitants both upstream and downstream.

This partner-based coalition is funded through private foundations mostly and its leaders say it doesn't receive a significant amount of funding from the state. At the moment the coalition has approximately 50 partners who pay dues. The coalition is focused on raising awareness about the state of the river. One of their staffers explains their modus operandi:

We are not very radical, or confrontational, or we don't take things to litigation. We try to find solutions, and different ways of doing things with all stakeholders. We do very little lobbying, only as the opportunity arises. It is a very little fraction of the work that we do.

Promoting the river through binational local community involvement has yielded positive results for this organization though they do acknowledge that this collaboration is challenging and rewarding. One of their staff members observed that organizing in Mexico was different than in the United States.

Non-profit work is different and is not easy to come by in Mexico. I found that people can't really dedicate themselves to this type of work; I'm not saying that there aren't any professional non-profits, because there are certainly a great number of them. I feel that the need is greater over there, so it is more fulfilling for me to work down there. The non-profits get their funding from grants, and U.S. foundations give them their funding. There are many foundations that are based in Mexico as well. It's just harder to get the 501c3 status in Mexico. I was working with a lot of people that had full-time jobs that do not involve activism or organizing communities. There isn't time to write grants or to visit people for donations. It's common knowledge that there isn't a gift giving culture in Mexico. It's a different atmosphere. Here it's pretty common for people to give \$100 to their favorite organization once or twice a year; it's not as common over there. You also have a lot of organizations like ours that help our brothers and sisters across the border.

—Staffer, Rio Grande/Río Bravo Basin Coalition

Solidarity among people in the border region is strong among certain environmental groups and the aforementioned examples indicate that a true bond exists between people when they are united for one cause. Financial support is secondary to the promotion of cross-border solidarity and gravitating around an issue, in this case the river, that both unites and divides this border region.

A unique characteristic of this organization is that it has offices on both sides of the river in El Paso/Ciudad Juárez and a satellite office in Laredo. One of the staff members describes her experience working out of the Laredo office in the following manner:

I was the only person down there, and was one of the only bilinguals, so I did a lot of work trying to recruit people on appreciating the river. When I first started working here, they gave me a list of communities and told me it was my job to try to recruit them, so I worked for the U.S. section and some of the communities they gave me were in Mexico. I like working across the border more because there's more potential and people are different in Mexico.

—Staffer, Rio Grande/Río Bravo Basin Coalition

In her opinion, language can be an issue that precludes cross-border cooperation. She suggests that people who are involved in binational work should: "Certainly speak the language, you will be crippled if you don't speak it. You can't expect others to accommodate you." However, it is interesting to note that she is able and willing to accommodate others. This staff person indicated that she admired how hard Mexicans worked who were involved with the coalition. She added that:

I'm a big person for taking things in context. I think that I have never had to work with someone from Mexico and feel as if they are not pulling their weight. I'm rarely in that position, if I can accommodate them it's not a problem for me.

When asked to describe the challenges and barriers of cross-border cooperation, she stated the following:

There are a lot of barriers. One that comes to mind is different ways of working. For example, in the U.S. we have a listserv where we post things and my name is on there because I post a lot of things and my name is read hundreds of times. Well people in the U.S. feel that they know me, that there's a connection there because of that. When I finally meet the person they say, oh I know you; you're the girl that sends me that stuff, or good job. I could work with them over the phone because they feel there's a connection. I don't have to meet and in Mexico there needs to

be more of a connection than that. And it gets really hard. When you meet them, then the works gets easier because they've met you and had coffee with you or something. They can relate more to you when you meet them and you can work with them better. There needs to be a more solid connection.

—Staffer, Rio Grande/Río Bravo Basin Coalition

According to this staff member there are many other obstacles to cross-border cooperation.

I think that a pace needs to be set at a federal level to improve the quality of life and to a certain extent I am not satisfied with what has been done by both presidents. Right now both presidents have this camaraderie going on and they talk about certain issues, but they talk about repaying a water debt. But as an environmentalist you want them to talk about conservation and structures of the river that are completely ignored and abused and you would like for them to talk about water management and what could be done, but you can't always have what you want. I would like for it to be set in terms of what's good for the river and the water, but our president doesn't do that in the boundaries of our own country so that's going to be hard. We are not in an environmentally progressive state; we are in a ranching, conservative state; we need to work at a local level. We are a community organization; we work and respect all levels. Issues that El Paso and Las Cruces have are not issues that other cities along the basin have. Certainly you would like that federal, local and state levels were in sync. You see little bits of it at every level, but you wish it would move faster. I can't see that we are completely ignored at the federal level, or that the local community is not doing anything because it's not true. I'm not saying that everything would be ok if President Fox and President Bush were talking about the river.

—Staffer, Rio Grande/Río Bravo Basin Coalition

Sovereignty is another issue that impedes cross-border cooperation according to this staff person.

In the U.S., there is the question of sovereignty. I see U.S. agencies that need to work with Mexico on certain things, but don't because they don't want to step on Mexico's toes. You can just go in and not respect the border, but people don't want to bother with them. When I worked in Laredo, there was an organization that was giving away their computers and equipment to an organization in Mexico. It was very frustrating to see that their authorities would not allow them to cross the gifts without paying for them (import tax) and having the necessary documentation. Their bureaucratic process and having a border between the two countries is terrible. The act of giving to a Mexican organization is compounded by having to do it across the border.

—Staffer, Rio Grande/Río Bravo Basin Coalition

Hence, there are impediments on both sides of the border mandated by federal laws that impede good will and cooperation at the grassroots level. Obviously, government dynamics are very different than social dynamics. The organizing skills of the Rio Grande/Río Bravo Basin Coalition are a fine example of cross-border cooperation among people who have a common interest and need to protect the Rio Grande/Río Bravo.

Conclusions

If the political boundary did not exist, environmental issues would be dealt with at the local level, community to community. Because of the political boundary, environmental issues become foreign policy issues and escalate to the higher level of government, one that is less connected to local communities. If El Paso and Ciudad Juárez were two major urban centers in the interior of the United States or Mexico, environmental problems would be solved differently and locally, much like greater Phoenix or the Dallas-Fort Worth urban areas—international boundaries do not run through these areas and they address their environmental problems collectively. While all of the aforementioned efforts to promote binational cooperation in the environmental arena have provided useful and fruitful results, there is much room for improvement. JAC's success can be attributed to the formal and institutional support that it receives from agencies in both countries. ED is successful because of the credentials and vision of its staff. The Coalition has had a broad reaching impact on the entire River Grande/Río Bravo basin. People have rallied around the issue of the "river" and the Día del Río is now an event that has helped to bring people together from border cities in a meaningful way. Día del Río is celebrated by school children in Piedras Negras, Coahuila, environmental groups in Las Cruces, New Mexico, and community college students in Laredo, Texas. What is important about the impact of this organization is its geographical integration of border people around the issue of the river. This kind of integration is a way of promoting solidarity among people in the region; perhaps this can spread into other areas such as labor and human rights. We laud all efforts that promote the well being of the region on both sides of the border.

The environmental institutional shroud continues to wax and wane in the border region. While some tangible results are evident such as the waste-water treatment plants in Ciudad Juárez, it is necessary to address part of the problem but is not sufficient to meet the needs of all citizens. Long-term neglect, the growing population coupled with poverty, the harsh economic and social realities afflict the quality of life of border

residents negatively. It requires an inordinate amount of time, resources, energy and knowledge to access these environmental institutions and make them accountable to the region. NGOs need to make their presence felt by setting time limits as well as accountability mechanisms on the environmental institutional shroud.

Despite the critique of the institutional shroud, it seems to facilitate cross-border collaboration to some extent. The fact that upper-level government environmental officials are meeting on the border and working together to address these issues is a huge step forward in the bilateral agenda. Border citizens crossing the international line to attend meetings on both sides of the border to present testimony and collaborate with other NGOs are positive signs that there is a will to work together. Unfortunately, the aforementioned barriers, linguistic, cultural, economic, are now coupled with heightened national security concerns and that too has had a major impact on cross-border activity.