



**BEYOND
TRANSBOUNDARY
ENVIRONMENTAL
COOPERATION**

**Civil Society & Policy Outcomes on the
U.S.- Mexico Border during the 1990s**

by Basilio Verduzco

1999 Ford Foundation/Udall Center Fellow
in Environmental Conflict Resolution
on the U.S.-Mexico Border

*Beyond Transboundary Environmental Cooperation: Civil
Society and Policy Outcomes on the U.S.-Mexico Border
During the 1990's*
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BEYOND TRANSBOUNDARY ENVIRONMENTAL COOPERATION: CIVIL SOCIETY AND POLICY OUTCOMES ON THE U.S.-MEXICO BORDER DURING THE 1990s

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Introduction

In 1994, Mexico and the United States began implementing an agreement that institutionalizes public participation in environmental policymaking in the border region. Through a series of provisions, this agreement allows public representatives to sit on the advisory council and on the board of directors of the Border Environment Cooperation Commission (BECC), a binational organization¹ created in conjunction with the North American Free Trade Agreement (NAFTA). As a result of this agreement, BECC makes public participation a compulsory requirement for all projects seeking funding from its sister organization, the North American Development Bank (NADB). The extent to which the inclusion of public participation in this process will eventually lead to higher levels of environmental protection and further democratization of environmental policy is a source of debate.²

This paper provides a historical analysis of the relationship between the mobilization of civil society and the development and implementation of such a process of institutionalization during the early 1990s in the U.S.-Mexico borderlands. Drawing on the analysis of patterns of environmental activism and public participation observed in the region during the 1990s, I argue that some reforms are needed to expand the benefits

of transboundary cooperation as well as to nurture independent and permanent forms of activism. The paper is organized into three parts. I first analyze the link between civil society and the design of transboundary cooperation processes. In the second part I argue that the new plan for the U.S.-Mexico border region is more of an effort to transform citizen mobilization into public involvement in determining funding for specific projects than an effort to nurture the expansion of citizenship. Finally I explore a venue for international environmental policy that may expand the benefits of transboundary cooperation and enhance the role of civil society in environmental policymaking in the border region.

The results presented here come from a project on environmental conflicts in the U.S.-Mexico border region that analyzed the diffusion of activism across the international boundary as a key element in explaining social mobilization and its impacts on the public debate about environmental policies. Here I look at two forms of citizen participation. First I point to patterns of environmental mobilization observed on the Mexican side of the border during the period 1989-1994. Second I analyze public participation in the decisionmaking process during the first four years (1995-1998) of the BECC.³ The time period analyzed marks the transition toward a participatory approach in transboundary environmental policy. Considering the differences between Mexico and the United States, this transition provides an opportunity to learn how to incorporate the public's ideas while shaping the broader bilateral agenda.

¹ In this paper I use the words "agency" and "organization" to refer to BECC and other similar entities and not the more commonly used term "institution," which I use to refer to the notion of norms or rules on which bilateral relationships are based.

² For an extensive review of the debate on project certification consult the BECCnet archives at <<http://udallcenter.arizona.edu/listservs/beccnet.html>>, a service provided by the Udall Center for Studies in Public Policy, The University of Arizona.

³ At the theoretical level, both the patterns of environmental protests analyzed on the Mexican side and the public participation in BECC procedures are forms of citizen mobilization. The two concepts are used here to differentiate the latter as an institutionalized form of activism.

1. Civil Society and the Design of Transboundary Cooperation Processes

International cooperation and the participation of civil society in decisionmaking are regarded in the literature on environmental diplomacy as the best strategies both to prevent further deterioration of common goods and to enhance the quality of life at an international level (Caldwell, 1990; MacNeill, Winsemius and Yakushiji, 1991; Susskind and Ozawa, 1992). According to the theory of international regimes, national governments are intended to represent nation-states⁴ and seek equal levels of environmental protection for their constituents (Krasner, 1983; List and Rittberger, 1992; Liftin, 1993). But this state-centered approach has changed as civil society has increased its activism over time. Scholars argue that the participation of civil society in international negotiations has had several advantages, such as broadening the range of views, facilitating cooperative bargains, and adding legitimacy to treaties (Susskind, 1994). A dynamic civil society may be regarded as the only guarantee that nation-states will seek general benefits and equal protection for diverse publics. It may challenge authoritarian forms of decisionmaking, press for rights-to-know, and halt policies that have disproportional negative effects on specific social groups, including future generations.

Transboundary environmental cooperation initiatives are a combination of policy instruments – treaties, agreements, protocols, memoranda of understandings, bilateral agencies – each designed to fulfill its specific goals⁵ in preventing further environmental deterioration on both sides of the border.⁶ They are developed

⁴ The idea of regime as a social institution that permits coordination, assuming all the actors behave as they are expected to, applies to any source of controversy and not just to conflicts among nations. International relations theory has extensively used the concept of regime to analyze processes of regime formation and change regarding different issues. For a comprehensive revision of this approach, see Krasner (1983).

⁵ Here I am borrowing the idea of policy design as observable phenomena with empirical elements such as target populations, goals or problems to be solved, rules, rationales, and assumptions. This idea is explained in detail by Schneider and Ingram (1997) in their book *Policy Design for Democracy*.

⁶ The problem of transboundary cooperation exists whenever two jurisdictions meet, be they municipalities, states, or nations. Here it is discussed as an international problem. For a comprehensive treatment of the subject at other levels, see Knight and Landers (1998).

with the participation of national governments and other actors, such as corporations, local governments, or community groups that are relevant for the proper implementation of agreements and the achievement of sustainable development.⁷ Considering the complexity of international cooperation on environmental issues, the development of transboundary cooperation plans plays a special role in serving as a learning experience for other international negotiations.

The development of transboundary cooperation procedures is a source of conflict. Given the diversity of perceptions, interests, and goals of nation-states, local communities, nongovernmental organizations, and particular individuals affected by the decisions made during and after negotiations, such arrangements are simultaneously the outcome and the source of environmental conflicts. One controversial element is the role assigned to public participation in the diplomatic process. Since national governments may commit themselves to varying levels of openness to public demands, citizen participation is relevant both before and after the draft of a particular design has been written. During the negotiation process, this participation is helpful in drawing attention to problems and in exposing how different policies may have negative consequences. At this stage, those seeking to enhance citizen participation must consider the range of interests represented by a particular stakeholder or agreement. After an agreement has been reached, citizen participation also looks for the effective fulfillment of the agreement and calls for reforms when unanticipated problems arise.

Citizenship and Civil Society

The effectiveness of civil society in the development and implementation of new forms of international cooperation rests on the diversity of actions available to citizens in influencing the design of policy instruments (Massam, and Earl-Goulet, 1997). Environmental activists have begun to expand their repertoire of actions and areas of intervention in ways that challenge the preeminence of nation-states as the guarantors of social well-being (Lipschutz and Konka, eds. 1993). In-

⁷ It is not my intention to imply that the development of such schematics is enough to solve the contradictions between green policy values and democracy as described by Saward (1993) but rather to suggest that in a democracy, international environmental negotiations are another field subject to the pressures of interest groups. See also Ingram and Mann (1989).

terest in the role of civil society has increased in western nations as political transitions toward democracy have swept former socialist countries and the developing world.⁸ Seligman (1993) argues that contemporary studies give two main meanings to the concept of civil society: First they refer to it as an institutional or organizational level expression of a certain institutional order. This notion, he argues, is similar to the idea of democracy or citizenship developed by political scientists who portray democracy as a system that entails freedom to form and join organizations, freedom of expression, the right to vote, eligibility for public office, the right of political leaders to compete for support and votes, alternative sources of information (a free press), free and fair elections, and institutions ensuring that government policies depend on votes and other expressions of preference. The second use of civil society refers to a phenomenon in the realm of values, beliefs, or symbolic action. Here civil society implies a universal mode of orientation on the part of social actors and defines citizenship in terms of universal, highly generalized, moral bonds. Both notions presume the existence of citizens and the exercise of citizenship as an individual responsible action that permits the alignment of personal goals with community ones. Cohen and Arato (1992) posit that both notions are used by environmentalists and other social movements in their efforts to influence policies and build a civic identity.⁹

The two relevant questions in this debate are how citizenship comes to exist and how communities of interest are defined (Kenny, 1996). Scholars have analyzed these questions in terms of factors that shape possibilities for the emergence of citizenship as the basic element of a dynamic civil society (Turner, 1993; Christoff, 1996; Hawthorne and Alabaster, 1999). The emergence of the citizen is a process that occurs only if the appropriate cultural structures are in place. Historically, the development of a civic culture has been associated with the existence of a community of inter-

⁸ For a brief review of the origins of the concept of civil society and its current application in western literature, see Seligman (1993) and Bernhard (1993). For a long treatment of the concept of civil society and its dual dimension as the terrain and the target for citizen mobilization, see Cohen and Arato (1992).

⁹ Cohen and Arato (1992) argue that social movements are the dynamic element of civil society, but the two main schools of social movement theory have fallen short of depicting a proper picture of their contribution. The problem is that while one group subscribes to the so-called resource mobilization school and emphasizes the politics of influence, the other, formed by mostly European social scientists, emphasizes the function of identity formation.

est and organizations where individuals can learn and exercise civic responsibilities (Rosenbaum, 1994; Hindess, 1993). Cohen and Arato (1992) argue that the notion of civil society is a social construct that refers to citizen participation in public debates and the defense of private interest against the penetration of the state and the market. Thus social movements occur when civil society provides the terrain for citizen mobilization.

Among theories of civil society, the cultural tradition has argued that the orientation of an individual citizen's actions is a key factor in their understanding of the exercise of citizenship. In the words of Kelberg (1993), this orientation includes a variety of notions referring first to political knowledge and skills, and second to feelings and value orientations toward the political system as a whole, the self as participant, political parties and elections, bureaucracy, attitudes toward one's fellow citizens, expectations regarding government outputs and performance, knowledge of the political process, attitudes towards cooperation and individuality, and orientation to problem solving.

Thomashow (1995) suggests that the appearance of "environmental citizenship" is prerequisite for the adoption of democratic environmental policies. In this perspective an "environmental citizen" is someone who is not only committed to democratic participation within the framework provided by the nation-state but someone who believes he or she has an important role in protecting the world's environment and is willing to act upon such a belief by helping to achieve goals of environmental protection that transcend national boundaries.

Increased public participation in international environmental policy is also associated with the emergence of a global community of interest. This international form of civil society seeks to protect the well-being of humanity as a whole and is concerned with the defense of global interests such as human rights or environmental protection (Oliveira and Tandon, 1994; Keck and Sikkink, 1998). In this perspective the capacity of civil society to intervene in the process of international negotiation rests on its capacity to develop a dual orientation of actions: domestic and international. In the domestic orientation, civil society maintains its dynamism along with the existence of a democratic system, that is, a context where citizens may act to defend their interests and form independent organizations, including

political parties that demand environmental solutions. In the international orientation such dynamism is linked to the expansion of possibilities for civic communication, the exchange of experiences, and international migration (Bomberg, 1998; Fernandes, 1994; Serrano, 1994; Bauböck, 1994). In other words, it depends on the existence of a context that allows people from different nation-states to act collectively and to identify with certain environmental demands even if such demands can only be taken care of by changing the con-

ing this trend that civil society in the U.S.-Mexico border region is expanding its role in creating new institutions, organizational structures, and decisionmaking procedures that properly address the issues of international ecological interdependence and the need for cooperation. I posit here that in the bilateral relations between Mexico and the United States, there is an evolution from a *geopolitical paradigm* centered on the actions of national governments that claim to protect national interests (Figure 1) toward a *network paradigm*, which recognizes the

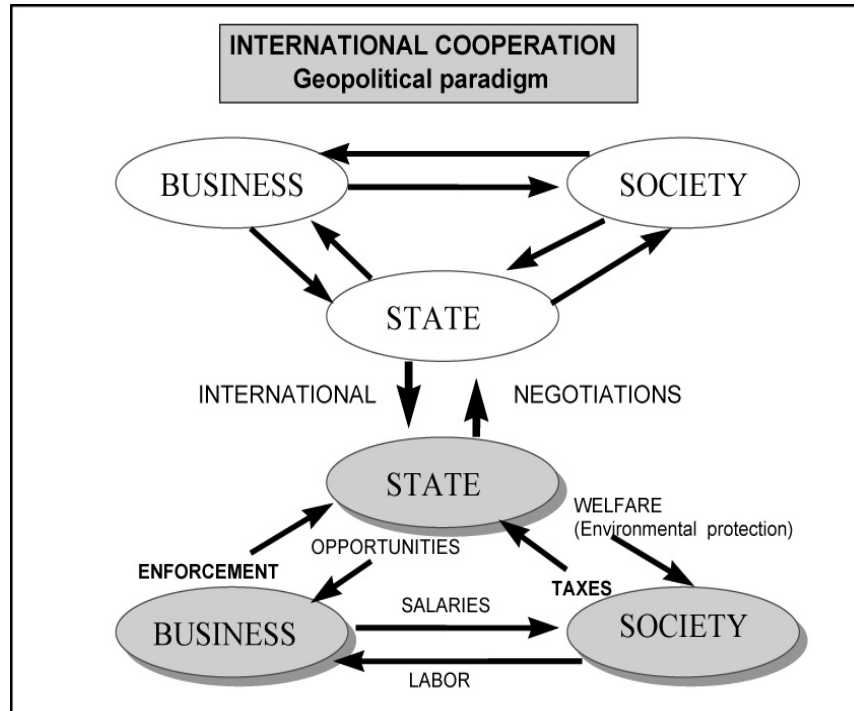


Figure 1. Geopolitical paradigm of international cooperation centered on the actions of national governments that claim to protect national interests.

ventions of international relations. Thus, the interests of civil society cannot be expected to align exclusively with national interests. At the same time, environmentalists do retain national loyalties even if they increasingly identify with larger communities in the pursuit of environmental goals.

The Changing Paradigms of International Cooperation

The globalization of the idea of civil society is part of a process through which the world is advancing toward the constitution of a network society where space and time have effectively been compressed, thus allowing the development of transnational identities. It is follow-

ing the relevance of the direct participation of nonstate actors in international negotiations (Figure 2). As suggested in Figures 1 and 2, the two paradigms are based on different assumptions regarding the relationship between state and society. In the emerging network paradigm, nation-states should attend not only to the demands and concerns of the actors within their polity but should also respond to the influences posed by other players and the ways they interact within their own sphere. This model assumes that societies do not operate as separate entities but rather as intertwined networks of interactions.

The transition toward a network paradigm has come apace, particularly during the 1990s. It is during this decade that most linkages among nonstate interests con-

cerned about environmental issues have been established. But there are several barriers that have so far prevented such a paradigm from dominating the bilateral relation.

First, the transition requires the adoption of new conventions and institutions to allow decentralized forms of decisionmaking and the formation of horizontal alliances¹⁰ and, in the long run, the emergence of new identities and collective demands posed by an international civil society. Second, there are still strong political attitudes about

countries have in environmental and other issues such as international trade.¹¹ Fourth, international cooperation between the two countries becomes even more difficult as more players participate in the negotiation process. This has led to simplified forms of representation that leave local governments and nongovernmental actors far from seeing their interests represented in international bargains.¹²

Despite this resistance, the border region has wit-

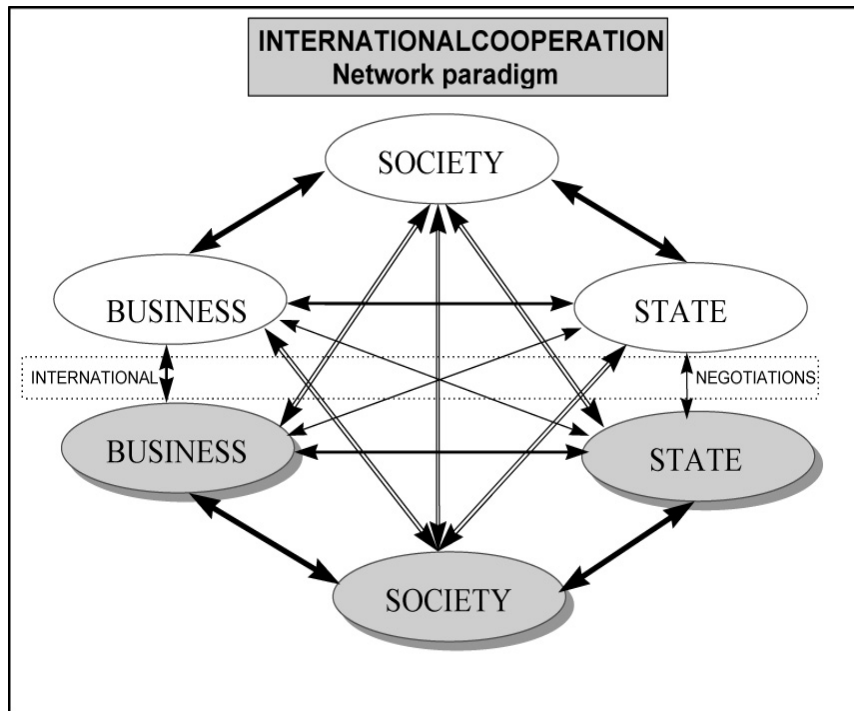


Figure 2. Network paradigm of international cooperation that recognizes the relevance of the direct participation of nonstate actors in international negotiations.

sovereignty. Nation-states are still the locus of the politics of identity. And, as the case of the European Union shows, this is a structural change that happens only gradually and implies the abandonment of nationalism as a guiding principle for policymaking. Third, the gap between Mexico and the United States in terms of development and democratization leads to different priorities, which are reflected in the varying interest the two

nessed drastic changes in the way nonstate interests are involved in international negotiations. There are multiple reasons for this change. First, more than other regions in the two countries, the borderlands show the contradic-

¹⁰ Meidinger (1998:99) argues that even if existing institutions are dominated by hierarchical and liberal structures, the challenges of cross-boundary stewardship require the adoption of a network order (paradigm) that emphasizes flexibility and the demise of traditional institutions that “stress hierarchy, control, fixed jurisdiction, division between private and public functions, and reliance on formal rules.”

¹¹ The United States has not given any evidence that it is willing to recognize that it has the wealth and the scientific and institutional capacity to facilitate the structural reforms needed to cope with the environmental problems in the border region. Mexico, on the other hand, is finding it very difficult to get rid of informal conventions that constitute a hurdle for enforcing environmental laws.

¹² For additional insights on the role of state and local government influence in U.S.-Mexico relationships, see Mumme (1987).

tions in separating the notion of ecology from human made landscapes.¹³ Second, while the border where two nations meet is a place of contact, exchange, and communication, it is at the same time a barrier that increases the friction of space for trade (Clement, 1997). Third, the borderlands are places of diversity in cultures, values, and representations of the relationship between human kind and nature. According to Martinez (1997), the borderlands have evolved from their former function as a buffer zone to become areas of cultural encounter and

and potential effect of a problem are determined with methods and information that are inevitably inaccurate or imperfect, agreements or negotiations are carried out on a political basis where popular perceptions are equally as important, and sometimes more important than, scientific facts. Furthermore, perceptions are also shaped by the mass media, which tends to focus on immediate and geographically specific concerns rather than on the more complex developments of the problem (Medler and Medler, 1989; Dunlap, 1992).

Figure 3. Map of the U.S.-Mexico border region showing the 100-kilometer border zone defined by the bilateral La Paz agreement in 1983.

exchange. Fourth, environmental groups are framing issues and building causal stories to influence policy and increase environmental awareness.¹⁴ This leads to the creation of competing discourses about what the future of the region should be and how common areas should be used and managed. Fifth, since the scope, nature,

Thus, from the standpoint of the design of transboundary cooperation schemes, the most important contributions made by civil society are, on the one hand, attracting attention to problems in the region and, on the other, defining the scale of problems as local, regional, national, or international. For example, while some may argue that waste disposal is a local problem, others may use scientific evidence to show that it damages important resources such as biodiversity and therefore has international relevance. In the end, whether an issue is significant and deserves binational attention is decided through a mix of scientific, technical, economic, cultural, and social assessments that may vary significantly in each country but contain some elements in common.

¹³ Caldwell (1990) argues that the most basic problem for environmental international relations is that humanity lives in two realities, one of earth as a planet and the other of the world as an inhabited environment.

¹⁴ The principle that different groups develop different causal stories is widely recognized in the literature of social movements and political science. For example, see Stone (1989), Snow and Benford (1992), and Tarrow (1994).

Such elusive grounds form the basis used by the United States and Mexico in their search for transboundary cooperation. Participating in this task, civil society's goal is to shape the elements used by the two countries in their definition of "the border region," their selection of particular problems to be addressed, and the establishment of particular procedures for citizen participation. In the following section I argue that given the existence of certain patterns of citizen participation, the governments of the two countries have responded with innovations in their bilateral relations that aim to channel public participation within a process designed to solve only some of the problems faced by the inhabitants of the borderlands, and only once they have reached levels that are seen as intolerable by the public in its international dimension.

2. Channeling Participation into a New Cooperation Process

The mobilization of civil society to demand environmental protection has compelled the governments of Mexico and the United States to make adjustments in their bilateral relations that take into consideration citizen participation. This began in the early 1980s. In 1983, the two countries signed the La Paz Agreement, which established a corridor stretching 100 kilometers north and south of the border as a buffer zone where cooperation would be focused. This agreement scarcely mentioned the possibility of inviting representatives of nongovernmental organizations to the binational meetings.¹⁵ The role of civil society had a higher profile in the 1990s. In the early 1990s, the number and variety of demands posed by environmental activists increased as a result of new pressures created by economic and population growth in the area, and a growing environmental awareness among its residents. This mobilization of civil society in the border region was particularly strong during the negotiation of NAFTA, which was finally signed in 1993 and put into effect in 1994.¹⁶

Responding to the criticism of the NAFTA proposal, the United States, Mexico, and Canada signed the North American Agreement on Environmental Co-

¹⁵ Chapter 9 of the agreement opens this possibility but nowhere does the agreement say how this will take place.

¹⁶ There is a large body of literature on the role played by environmental activists in the negotiations of the North America Free Trade Agreement. For example, see Barba (1993), Barry and Sims (1994), and Johnson and Beaulieu (1996).

operation (NAAEC), and in 1993, Mexico and the United States signed another agreement on their own on Border Environmental Cooperation (BEC).¹⁷ These two agreements came into effect on January 1, 1994, and form the backbone of the current transboundary environmental cooperation process. The two agreements give public participation an important role. The NAAEC created the Commission for Environmental Cooperation (CEC), a transactional agency based in Montreal, Canada, where the public may present complaints if a party fails to enforce its environmental legislation. It also opened the possibility of convening national advisory committees formed by members of nongovernmental organizations to advise on the implementation of the agreement.¹⁸ The BEC established two new organizations to deal with the region's problems: the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADB). Part of the mission of BECC is to encourage the inclusion of public participation in decisionmaking on infrastructure projects, which it accomplishes by establishing project certification criteria that all projects must fulfill.

Arguably, the new institutional arrangement took into consideration the conditions observed in the region and the need to democratize public policy. Here I suggest that while the new arrangement opens bilateral relationships on environmental policy to public debate, it also attempts to reduce civil society to the role of a stakeholder in specific projects. It does so rather than provide the ground for multiple forms of citizen activism in defense of private interests. In support of this argument, it is necessary to distinguish between actions leading to the *creation of a public* and those changes that may foster the *expansion of citizenship*.

A public may be *created* by avoiding, encouraging, *drawing on*, or using the work of groups of citizens and individuals who might be concerned about a particular issue. Decisionmakers have different instruments to do

¹⁷ This is officially known as the "Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank." An official transcript of the agreement can be accessed on the BECC's Web page: <http://www.cocef.org/antecedentes/ing42.htm>.

¹⁸ For a full explanation of how citizen participation came to be included, see the publication prepared by the Commission for Environmental Cooperation (CEC) entitled *North American Environmental Law and Policy*, Quebec, 1998. Les Editions Yvon Blais Inc.

this: They may use policies that target specific populations, they may open or hinder new avenues for public participation, they may channel and handle complaints and protests in specific ways.¹⁹ The media also play an important role in the tasks of creating publics by providing assessments about whether a policy is failing or succeeding in achieving its goals and commenting on the benefits expected by “the public” (Harrison, Burgess, and Filius, 1996). The *expansion of citizenship*, on the other hand, is a more complex process that includes both political democratization and the adoption of cultural values regarding the relationship between the individual and all other aspects of the social and political realms. This *expansion* requires new institutions to coordinate action and organizations to serve as learning spaces for citizenship. There is thus an important distinction to be made between the two concepts in analyzing the short-term and long-term impacts of the changes observed in the action of transboundary cooperation.

Citizen Participation and the Internationalization of Conflicts

In terms of its connection with citizen participation, the new institutional configuration of transboundary cooperation has four distinctive characteristics that serve to channel public demands in ways that may in some instances run counter to the expansion and dynamism of civil society: a) It maintains the definition of the border region as restricted to within 100 kilometers from the political boundary designated in the La Paz Agreement, simply reproducing the line rather than removing the notion of an artificial boundary imposed on the natural landscape; b) It narrows the participation of the BECC in solving environmental problems by focusing its work on infrastructure projects, particularly on water and waste management, leaving other concerns unaddressed; c) It allows only one public representative from each country to be part of the BECC’s board of directors and three other members from each country on

the advisory council;²⁰ d) Finally, it grants the board of directors the capacity to design and change the rules of procedure for project certification, including those referring to public participation. The two countries agreed to consider from time to time whether or not to expand the geographic scope of the BECC and to change its functions.²¹ Section 2 of the agreement opens the possibility for BECC to carry out its functions beyond the border region, provided the project in question would remedy a transboundary environmental or health problem, but that possibility has not been explored.²² There are no provisions to establish when such amendments would be needed. In its current form this agreement is a highly selective response to public concerns and patterns of activism observed in the region. As is shown below, such patterns depict a larger trend of environmental mobilization than is assumed in the agreement as well as a diverse way of framing problems that can hardly be addressed with an emphasis on infrastructure projects.

In the empirical study of environmental conflicts on the border, I analyzed variations in citizen participation in environmental controversies in relation to problems located in Mexican territory. For the purpose of this study, the border region within Mexico is defined as being formed of the six Mexican border states (Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas). As such, the region was divided into three corridors stretching from coast to coast along the international boundary. The “border corridor” is formed by municipalities located just south of the border. The “buffer zone” is formed by the additional municipalities located within 100 kilometers to the south of the border

¹⁹ This problem has been studied using the concept of “political opportunity structures.” According to Rootes (1997), a key proposition here is that, depending on the openness or closedness of political opportunity structures, they serve as filters between a social movement and its capacity to change the social environment.

²⁰ It is true that NAAEC provides a broader framework that the public could use, but the procedures are far more complex for a small community group to present a submission.

²¹ In the current schematic, concerns that do not fit into BECC’s scope of attention can be taken to the Commission for Environmental Cooperation, the trilateral entity created by the North American Agreement on Environmental Cooperation, and some environmental organizations have already tried this path (Commission for Environmental Cooperation, 1998), but the structure, procedures, and distance of a trilateral commission from the problems created by an intense bilateral coexistence make this Commission even harder to reach for environmental activists.

²² Interview with Javier Torres, conducted on April 19, 1999, at the BECC offices in Ciudad Juarez.

Variable	Region	Border Corridor	Buffer Zone	Southern Corridor
Municipalities	273	38	53	182
Population in 1970	7,843,473	2,201,033	584,794	5,057,646
Population in 1990	13,232,163	3,828,877	876,625	8,526,661
Population in 2000	16,642,676	-----	-----	-----
Immigrants 1990 (1)	753,738	395,046	51,369	307,323
Manufacturing plants, 1970 (2)	14,933	-----	-----	-----
Manufacturing plants, 1990	20,399	3,139	1,105	14,155
Percentage of Small Businesses	27.2	19.8	19.7	30.9
Percentage of Urban Population 1990 (3)	77.1	-----	-----	-----
Percentage Urban Population 2000 (3)	87.9	-----	-----	-----
Average Education 1990 (4)	5.7	6.4	5.9	5.6
Average Education 2000 (4)	8.3	-----	-----	-----
Percentage of green votes (5)	0.6	0.7	0.2	0.6
Source: Municipal database created with economic and population census (Instituto Nacional de Estadística, Geografía, e Informática, INEGI). (1) Number of immigrants who were living out of state in 1985; (2) data for manufacturing in 1970 are hardly comparable to those in 1990 since several categories changed, and this makes it difficult to disaggregate at the municipal level; (3) this denotes the percentage of population living in cities with more than 15,000 thousand inhabitants; (4) this figure is measured in school years; and (5) these data refer to local elections which took place in the early 1990s.				

as projected by the 1983 agreement.²³ Finally, the “southern corridor” is formed by the remaining municipalities located beyond this 100-kilometer line. To the extent that the variations in citizen participation in these three corridors demonstrate the weaknesses and

strengths of civil society, and that policy outcomes for the region have mostly been shaped by a small number of well-organized nongovernmental organizations (NGOs), they offer some clues to how citizen mobilization was able to influence the orientation finally adopted in the process of institutionalizing transboundary environmental cooperation.

²³ Municipalities with only part of their territory within the 100-km corridor are also included.

Impact	Border Corridor	Buffer Zone	Southern Corridor
Water	13.4	19.4	8.8
Soil	17.3	16.7	17.3
Noise	14.9	0.0	3.6
Forest	3.5	22.2	6.8
Wildlife	1.9	16.7	5.1
Marine Wildlife	0.0	0.0	0.1
Other	13.8	13.9	7.8

Source: PROFEPA: Reports on environmental complaints prepared by regional offices.

Type of Activist	Border Corridor	Buffer Zone	Southern Corridor
Individual	88.0	80.0	84.7
Group	12.0	20.0	15.2
Media	0.0	0.0	0.1

Source: PROFEPA: Reports on environmental complaints prepared by regional offices.

Two databases were developed in order to analyze variations in environmental mobilization at the municipal level. The first database (the “protest database,” or PDB) was formed by compiling environmental complaints presented by concerned citizens to the regional offices of the federal Attorney General for Environmental Protection-Procuraduría Federal de Protección al Ambiente (PROFEPA). The second database (the “conflict database,” or CDB) compiled newspaper content to trace the origins and development of environ-

mental conflicts that included some form of citizen mobilization against the location choice or operations of particular facilities. In each of the six Mexican border states, at least one major newspaper was reviewed to construct this database. Findings were then confirmed through interviews with government officials and environmental activists based in the region.

The basic population and industrial composition of the three corridors is presented in Table 1. The border

zone tends to be more urban than the southern corridor. Inhabitants of the border municipalities tend to be more educated and, based upon the number of votes received by the Green Party in local elections, they also seem to be more interested in environmental issues.²⁴

The number and types of controversies documented in different parts of the study region reveal that environmental awareness and citizen mobilization, despite

people from a small number of municipalities presented complaints, but the diffusion of activism quickly reached a larger number of municipalities. Furthermore, activists developed an expanded repertoire of actions that included petitions, public demonstrations, and participation in international debates.

The number of protests from the three corridors

**Table 4:
Percentage of Complaints Presented to PROFEPA by Type and Origin of Investment, and Border Corridor 1992-1995**

Type of Activist	Border Corridor	Buffer Zone	Southern Corridor
Public	15.8	28.6	26.5
Private	84.2	71.4	73.5
Domestic	86.1	100.0	93.5
Foreign	13.9	0.0	6.5

Source: PROFEPA: Reports on environmental complaints prepared by regional offices.

some variations, are generalized conditions, observable in a region that extends well beyond the 100-kilometer buffer zone recognized by the BECC and the La Paz Agreement. During this time period a process of diffusion occurred as less mobilized sectors of society joined the most active ones in presenting protests to government agencies. In 1992 PROFEPA opened offices in the six state capitals (Mexicali, Baja California; Hermosillo, Sonora; Chihuahua, Chihuahua; Saltillo, Coahuila; Monterrey, Nuevo León; and Cd. Victoria, Tamaulipas) and they began receiving complaints from individuals and groups. In the beginning only a few

also shows that, while there were some differences, in each of the three environmental concerns expressed by civil society were concentrated not only on water, but also on air and soil pollution. Table 2 shows that in each of the three corridors, the proportion of cases involving one of these three problems was a significant percent of their total complaints: 65 percent in the border corridor, 47 percent in the buffer zone, and 77 percent in the southern corridor. Air pollution, typically an urban problem, was considered by the public to be the most important problem in both the border and southern corridors.

Another trend observed is that the presence of organized groups working on environmental issues as intermediaries between basic public demands and policymakers is less generalized than is commonly ex-

²⁴ It has to be mentioned that the Green Party (Partido Verde Ecologista de Mexico) has not presented candidates for every political position disputed in local elections, so it can be assumed that it has done so only in those places where some previous mobilization has taken place.

pected when one looks at their participation in shaping the debates around NAFTA. An indirect measure of such presence may be obtained by looking at the number of complaints presented by organized environmental groups relative to a larger public.²⁵ Within the region most complaints are still presented by individuals. Furthermore, the presence of organized groups in rendering complaints is even less relevant in the more urbanized areas of the border and southern corridors. While in the buffer zone, the most rural of the three corridors, organized groups presented 20 percent of the complaints, in the border corridor the number was 12 percent. The fact that the relative complaint activity of environmental groups decreases in the most dynamic corridors raises questions about their ability to expand their agenda and connect to a larger audience.

In contrast, environmental groups have more influence on the development of binational policies for the border. To accomplish this they rely on their capacity to form alliances across the boundary and to organize campaigns against particular problems or policies. Furthermore, groups formed by actual border residents have an advantage over other activist groups when establishing bridges across the border to communicate with other actors who share their interest in specific issues. These resident activists may play a crucial role in identifying the sources of specific problems, such as toxic waste and environmental risks associated with the use of particular products or production processes. Groups may track corporate environmental histories and initiate opposition to particular facilities or policies.²⁶ As shown in Table 4, there is a larger interest in the border corridor than in the rest of the region surrounding private and foreign-owned investment, which may be associated with the rapid expansion of manufacturing observed in this area and the introduction of new technologies and production processes in the region by large multinational corporations.

²⁵ The extent to which protests presented to PROFEPA constitute an expression of the presence of environmental groups cannot be fully assessed with these data since only aggregate information was available.

²⁶ Good examples of this are the links established by the Environmental Health Coalition in San Diego, California, small groups in Tijuana such as Amas de Casa de Playas de Tijuana and the Comité Cívico Pro Restauración del Cañon del Padre, and the long-lasting relationship maintained by Enlace Ecológico, a group from Agua Prieta, Sonora, and groups in Southern Arizona such as Border Ecology Project and Arizona Toxics Information.

Additional evidence of this tendency is gained by analyzing the internationalization of environmental conflicts. This is a process in which environmental activists frame an environmental problem located on one side of the border as a relevant issue for people living on both sides. The internationalization of a conflict represents the diffusion of activism and is largely determined by the existence of organized groups on both sides of the border that are able to share resources and develop common agendas. This was confirmed in a study of 147 cases of public opposition to specific facilities located in the region that were reported in the press between 1989 and 1994. This study also shows that organized groups play an important role in making the border region the target of transboundary activist cooperation and in determining how wide the buffer zone should be.

However, of the 147 cases included on the conflict database, only 20 had significant participation from environmental activists based in the United States. Cases with the highest potential for internationalization are those located in large border cities such as Tijuana, Mexicali, and Ciudad Juárez. These cases involved severe industrial hazards, such as toxic waste and air pollution. A list of recent conflicts that have prompted international debate includes: a project to install a PCB incinerator in Playas de Tijuana; the operation of Química Organiza, a chemical plant in Mexicali that had several accidents before it was closed down; and two cases of toxic waste dumping, at Alco Pacífico, a battery recycling plant in Tijuana, and MEXACO, a toxic waste management company in Mexicali. On the other hand, a domestic case reported in Mexico typically involves a problem located relatively far from the border at small facilities such as solid waste-dumping sites, hospitals, and conventional manufacturing plants.

In terms of the work conducted by environmental organizations, a noteworthy trend is that the level of experience and type of agenda of environmental groups are the most relevant factors in determining whether a problem generates international attention. This is the case for problems located on either side of the border. For example, in the United States, activists recently expressed concern about the impacts of a toxic dump site proposed in Sierra Blanca, Texas, a small community located about 80 miles southeast of El Paso. In this case they were able to attract the attention of Mexican

activists and mount an international campaign that successfully challenged the project. After years of debate, a state government commission in Texas finally canceled the project. A key player in this debate was the Sierra Blanca Legal Defense Fund (SBLDF), an organization formed in 1994 to fight against the proposal.²⁷ SBLDF created and maintained a Web page and established links with NGOs in Mexico and in other parts of the United States.

On the other hand, not all groups have international experience, and even those that do have rather limited scope in terms of regions and areas of interest. Having limited resources, groups must choose between a broad agenda or strategically selected issues located close to their geographic base. Even the NAFTA debate, which fostered the emergence of new groups and coalitions, did not result in wide regional alliances. Furthermore a study conducted by Zabin found that NGOs working on environmental issues related to NAFTA were not connected to grassroots needs (Zabin, 1997). Even now, six years after NAFTA was first implemented, the work conducted by some of the groups is threatened when there is a shortage of external funds.²⁸

In the context of these patterns of citizen mobilization, the governments of Mexico and the United States developed a new cooperative plan, the BEC agreement that differentiates and prioritizes among areas as more or less deserving of the benefits provided by new environmental protection programs. The plan provides new avenues for participation in international environmental policymaking but at the same time draws specific boundaries regarding who is able to participate and how. The impacts on the expansion of civil society and environmental protection are beginning to appear since BECC began its work.

²⁷ By 1998, this organization reported a membership of over 1,000 people from Texas, other parts of the United States, and Mexico, and part of its protest was a blockade of the International Bridge between Ciudad Juarez and El Paso, on April 4, 1998, when an estimated number of 3,000 schoolchildren from Ciudad Juarez protested against a decision to locate such a dump site in the area.

²⁸ This is the tone of some of the comments made by observers and participants of the process. For example, Mary Kelly, formerly with the Texas Center for Policy Studies and now with Environmental Defense in Austin, Texas, has mentioned the need for providing support to communities on both sides of the border but especially on the Mexican side. This issue was also an important theme on the panels during the II Encuentro de Medio Ambiente Fronterizo in Tijuana, April 22-24, 1999.

Influencing Decisions in a post-NAFTA Environment

This section analyzes citizen participation in controversies over the performance of BECC on project certification. The innovations introduced by BECC in this area include its commitment to ensure public access to all documents pertaining to project certification and assistance, opportunities for the public to comment on its procedures, compulsory inclusion of public participation in individual project certification, the use of procedures to encourage public debate, and the use of electronic communication. Previous assessments of the BECC's performance and rules of procedure suggest that despite some initial problems, it has made important contributions in the area of public participation by making public documents available in both English and Spanish, and giving expeditious response to public input (Varady, et al. 1996; Spalding and Audley, 1997). In what follows, I look at the impacts of the BECC's plan on the long-term goal of democratization of civil society and policymaking.

Using terminology introduced at the beginning of this paper, one may say that the BECC has been particularly successful in helping other government agencies create and develop a public involved in decisionmaking. From its inception, the BECC aimed to address public perception of environmental problems. The new plan was itself a recognition of the role of public opinion and, more specifically, the work of nongovernmental interests in identifying issues and shaping policy outcomes. The organizational structure and agenda of this agency opened possibilities for public participation and allowed NGOs to provide input about what the procedures should be.²⁹ As a result of this input, there are now rules guiding the expression of public concerns. These rules are aimed at undermining more traditional

²⁹ Some of the individuals and organizations that were actively involved in this task include Arizona Toxics Information, Border Ecology Project, Border Progress Foundation, Environment Committee of the San Diego-Tijuana Region, Environmental Health Coalition, Mark Spalding, Natural Resources Defense Council, Sierra Club San Diego and Lone Star Chapters, Sierra Club Trade Campaign, and UCLA-NAID Center. In 1995, they sent a letter to NADB expressing their concern that it had not established an open dialogue with the public as BECC did and about its narrow interest on financial matters. A version of the letter was posted by BECC on the BECCnet on December 19, 1995.

authoritarian styles of decisionmaking. Once in place, these rules apply to all the players. Thus a new “public” is created along with the impacts (positive or negative) that a specific project may have. As of September 2002, the BECC had certified 66 projects – 40 in the United States and 26 in Mexico. Only eight of the projects deal with solid waste, seven in Mexico and one in the United States. Project certifications have more or less complied with the public participation requirement. But when the larger goal of democratization is considered, the process is not exempt from flaws and unintended negative consequences.

The BECC has developed a public participation guide that is sent to the agency or organization submitting a proposal. The idea is to include public participation in the early stages of the project. However, once this is accomplished, no further public input can be imposed on the agency submitting the proposal.³⁰ The aim of this process is to attract public attention to the solutions being proposed by government agencies and private companies. However, communities are informed that a project is underway only after a decision regarding what kind of project the community needs has been made. Such decisions are concluded without public participation and do not stem from public debate regarding the origins and consequences of the problem. The public is asked to discuss what can be done to solve a specific problem given limited resources and, more importantly, whether the public is willing to pay for the project over a certain period of time. Discussing preventive interventions is not given priority.³¹

Agencies promoting a project are able to select the steering committee, which in turn designs the program for public participation. Project sponsors differ regarding the creation of steering committees and the inclusion of the public in the decisionmaking process. BECC officials are aware that there are three types of steering committees. One type appears highly controlled by the organization submitting the project for certification; in this case public meetings tend to be by invitation only. A second case is categorized as being relatively open or with balanced participation, in which steering commit-

³⁰ Interview with Javier Torres (*op. cit.*)

³¹ A central issue in these debates is the willingness of the public to pay additional fees for the services provided or enhanced by the projects. This is something that must be discussed because the project certification is meant to determine when an entity will be able to repay the loan requested.

tees have greater autonomy. The third case refers to autonomous committees, which act in coordination with those responsible for the project but manage to make decisions regarding public participation more autonomously.³² For example, in one extreme case of an autonomous process, the State Commission for Public Services in Tijuana (CESPT) proposed the formation of a steering committee for its parallel conveyance system of discharge and treated effluent project. For this committee, CESPT proposed 27 members, including members of professional associations, environmental NGOs, and community representatives, among others. At the other extreme, Grupo Arguelles, a private holding proposing a treatment plant for FINSA, an industrial park in Matamoros, had to be forced to include public participation, doing so only after much criticism from environmental groups.

The public debate regarding the performance and work program of the BECC tends to be dominated by a rather small number of activists and organizations. This is not only because the institutional design allows a limited representation of NGOs but also because most of the nongovernmental interests are not formally organized, nor do they have sufficient resources to participate fully though the channels proposed by the new institutions. As a result, projects based in small communities tend to not attract the attention of NGOs.³³ Furthermore a general overview of who is using BECCnet, a listserv for online discussions about the Border Environment Cooperation Commission, which is by far the easiest and most open forum regarding the work conducted by BECC, is indicative of this problem. Table 5 shows that three organizations dominate the debate conducted on BECCnet; these are Bisbee, Arizona-based Arizona Toxics Information and Border Ecology Project, and the Texas Center for Policy Studies, a nonprofit organization headquartered in Austin, Texas.

Given that BECC has institutionalized specific rules for public participation, NGOs that want to work through the system are forced to use their own resources to comply with these rules. This has a crowding-out effect that may prevent some NGOs from expanding their capacity in other areas of community work, including education and awareness. Some groups have tried to position themselves as providers of reliable information about specific problems, but this can only be

³² Interview with Javier Torres (*op. cit.*).

³³ Interview with Javier Torres (*op. cit.*).

**Table 5:
Number of Messages Posted on the BECCnet By
Environmental Activists 1995-1998**

ACTIVISTS	1995-6*	1996-7	1997-8	1998-9	TOTAL
Arizona Toxics Information (aztoxic)**	39	44	24	7	114
Border Ecology Project (bep)	19	30	14	2	65
Border Information and Solution Networks (bisen)	26	12	7	14	59
Environmental Health Coalition (ehcoalition)	2	2	1	-----	5
La Red Fronteriza de Salud y Ambiente (lared)	-----	3	8	1	12
Proesteros (proester)	-----	2	-----	-----	2
Rio Grande/Rio Bravo Basin Coalition (bmetcalf)	-----	2	1	5	8
Texas Center for Policy Studies (tcps, cyrus, kelly)	45	22	8	18	93
TOTAL	131	115	63	47	356

Source: Estimate based on a survey of messages on the BECC-Net Archives. * The year runs February-January. ** Address used to track messages posted. Other messages sent by the same group from an address not containing this code are not included here. Some of the groups may have used their email to send messages from other groups that have no access to this technology.

accomplished if resources are available. Even with such resources, groups still face the problem of disseminating their findings to the community. The Border Ecology Project and Enlace Ecológico provide an example of such difficulties. These two groups conducted studies aimed at monitoring underground water pollution in the Agua Prieta region. Their studies emphasized the scientific reliability of the data generated, but these groups have still not found a way to effectively communicate their findings to the affected communities.³⁴

Finally, an important effect of civil society's influence in environmental governance in the border region

is that parallel agreements provide an institutionalized approach to the internationalization of environmental controversies. Binationality, however, is defined rather narrowly by the BECC, considering only direct and immediate impacts in the project evaluation. As a result, not all of the projects certified by the BECC are considered to have a truly binational impact. This happens, for example, when the problem has literally crossed the border, as with the example of the binational plant built in San Diego to treat water coming from Tijuana.

In sum, the need for social mobilization to enable a participatory process of environmental diplomacy in the U.S.-Mexico border region has resulted in the creation of an agency that institutionalizes some forms of public participation and leaves other concerns unattended. Its

³⁴ Response of Richard Kamp (*op. cit.*) of the Border Ecology Project based in Bisbee, Arizona, to a question in this direction after presenting his organization's findings in the II Encuentro del Medio Ambiente Fronterizo in Tijuana.

target is to resolve these problems located closest to the border, in a region defined by boundaries drawn from geopolitical criteria rather than ecological ones. Furthermore the new process deals with a narrow set of problems and provides “end-of-the-pipe” solutions. What, then, are the prospects for the expansion of citizenship and the democratization of international environmental policies under such a system? One option is to maintain or increase the pressure for further consideration of public input—a path that advisory council member Maria Josefina Guerrero calls the democratization of BECC.³⁵ Another option is to expand the notion of transboundary environmental cooperation to include the broader goals of both environmental protection and further democratization of the institutions of civil society.

3. Beyond Transboundary Environmental Cooperation

To go beyond transboundary environmental cooperation, the BECC (and any new binational environmental organization) should include planning considerations and efforts leading toward the construction of “environmental citizenship” in their projects to expand the benefits of binational environmental policies and avoid factional forms of public participation.³⁶

Environmental Diplomacy as a Regional Planning Tool

Diplomacy is a powerful planning instrument used by national governments to promote, stop, or direct patterns of economic and population growth. To do this, international agreements implicitly or explicitly divide national territories into regions that deserve more or less attention. The current model of transboundary environmental cooperation developed by Mexico and the United States has defined an area of binational interest based on a geopolitical definition of the environmental interdependence of the borderlands. As a result, only interdependency within a limited distance from the boundary is recognized. Problems are isolated from

³⁵ Interview with Maria Josefina Guerrero in Tucson, March 26, 1999.

³⁶ The formation of factions that drive policies is considered one of the greatest risks to a liberal democracy. Cohen and Rogers (1992) offer a compelling defense of associations as the carriers of democratic values.

larger issues of economic and urban growth.³⁷ The possibility that communities of interest might form on a basis other than that of distance to the border is ignored. Thus, communities with similar problems within and outside the defined region or those interested in places that, in practice, become alternative locations for ecologically undesirable projects are not given the chance to develop a common agenda.

Several strategies would improve environmental diplomacy as a tool for regional planning and help planners to effectively address environmental conflicts in the region. Although some of these are not new ideas, they still need to be updated to adapt to new trends in the mobilization of civil society.

i. Use a bioregional approach. The current model of transboundary environmental cooperation emphasizes ecological interdependence across the international boundary, yet it ignores the interdependence of communities located along or close to the border and those in the interior part of each country. An alternative model of resource management suggested in the literature is known as the “critical loads approach,” which emphasizes the carrying capacity of ecosystems (Cutting 1998).³⁸ Many places in the U.S.-Mexico border region might benefit from such an approach if both the biological and the political factors were taken into consideration.³⁹ Among the better-known regions with some background in bioregional planning are the Colorado River and Rio Grande watersheds.⁴⁰ But lesser-known interdependencies do exist, like the watershed of the Rio Sonora and the wildlife corridors in the Sierra Madre, the Pacific Ocean, and the Gulf of Mexico. The environmental community would welcome policies

³⁷ As reported by BECCnews, state government officials are demanding consideration of other planning items as part of BECC’s future work, including hazardous waste, developing diagnostics of the border states to support comprehensive planning efforts, and establishing contact processes between border officials and Border XXI bilateral framework (BECCnews, Spring, 1999, p.7).

³⁸ For a comprehensive review of the use of bioregional approaches for public policy, see Johnson, Swanson, Herring, and Greene, eds. (1999).

³⁹ For a comprehensive overview of how political context may be considered in bioregional assessments, see Cortner, Wallace, and Moote (1999).

⁴⁰ For a review of the work conducted in water management on the border, see Mumme (1986), Milich and Varady (1998).

aimed at recognizing these interdependencies. Some environmental groups are already using this approach to reduce the region's ecological deterioration.⁴¹

ii. Consider regional economies and economic networks. Many of the environmental pressures observed in the border region are the result of a shift in economic activity away from traditional manufacturing centers in both the United States and Mexico. The new locational patterns are the product of a global economic restructuring process, in progress since the 1970s but intensifying during the 1980s and 1990s. In the post-NAFTA era of transboundary cooperation, economic networks have neither been identified as entities responsible for environmental problems nor as potential contributors to cleaning up the region's environment.⁴² Yet in most conflicts regarding specific facilities, territorial solutions play a central role, and activists often argue that locational decisions are therefore biased against poor and powerless communities.⁴³ This is difficult to prove, but it is widely known that corporations locate plants in the border region as part of their international strategy to strengthen their links within larger networks of supply and demand.

iii. Introduce structural adjustment funds. The need to seek assistance for community adjustment was one of the basic considerations in the drafting of the Border Environmental Cooperation agreement. Establishing a financing institution such as the NADB partially solves the problem of funding targeted environmental remediation, but the impact of such a strategy is rather limited if funds are not provided for communities and regions to cope with the processes of broader structural adjustment under a free trade agreement. The possibility that investing environmental remediation funds in the region may leave the needs of other parts of the country unattended to, particularly on the Mexi-

⁴¹ Examples of groups that are looking at bioregional interdependency are the Rio Grande/Rio Bravo Basin Coalition, Proesteros, and Bioconservacion A.C.

⁴² The agreement that created BECC recognizes that "to the extent practicable, environmental infrastructure projects should be financed by the private sector" but falls short of establishing guidelines for increasing the responsibility of private investors in dealing with environmental problems.

⁴³ This is the tone of the demands of the environmental justice movement.

can side, has been raised by activists (Durazo, Kamp, and Land, 1993), but a careful analysis of such a scenario has not yet been conducted.

iv. Target corporate strategies. Corporations are important players in any effort to solve environmental problems in the region and to diminish the potential emergence of environmental conflicts, particularly international conflicts. Their strategies should be taken into account in the design of organizational structures aimed at increasing transboundary environmental cooperation. For big corporations, operations in the border region are only part of a larger holding with interests in other locations, leaving them free to reshuffle their investments in accordance with the financial benefits and costs allegedly produced for them by international agreements.

Mobilizations of civil society are rightly addressing this issue by placing more attention on the environmental histories of corporations. This approach, to the extent that it is focused on environmental practices, has benefits that potentially reach far beyond a specific territory.

An example of how a private corporation can change its practices as the economic and regulatory context changes is provided by FINSA (Grupo Arguelles), whose operations include industrial parks in three border cities (Matamoros, Reynosa, and Nuevo Laredo) and 12 other places as diverse as Mexico City, Puebla, Monterrey, Silao, and Los Mochis.⁴⁴ Its decision to install a border-region water-treatment plant and to undergo the BECC's project-certification criteria may be criticized because it is a private rather than public facility, but it shows that attention is being paid to the new policy environment.

v. Link international cooperation to binational urban planning. Another area in which the BECC could eventually expand its mission is binational urban planning. Binational impacts are currently considered in the project certification procedure, but there is no demand for twin cities to develop a binational development plan together. This encourages cities to seek cooperation only on a project-by-project basis. Only

⁴⁴ Presentation made by Grupo Arguelles in the application to BECC for certification of its water treatment plant in Matamoros.

when a project has significant binational impacts is the sponsor required to consider communities across the border. Projects in which a binational impact is less evident may ignore this dimension.

Encourage Long-term Citizen Participation

Only a few nongovernmental actors have sufficient experience and access to the resources required to promote a long-term agenda of increasing citizen participation in environmental decisionmaking. Promoting and enacting the ideals of environmental citizenship could be beyond the scope and resources available to ordinary citizens, who may instead want to use their scarce resources to fight a specific decision.

In the current model, public participation is expected to play an influential role in decisionmaking. This is seen as something that can be achieved without drastically changing the values and principles on which participation is based. Not surprisingly, the debate has, for the most part, focused on the extent to which the new organizations are open to public influence and assumes that this leads to demands for further democratization of the new organizations. The ways in which citizens are organized, in terms of the representation of community interests and capacity building, are less central to the debate.⁴⁵ The existence of citizens is taken for granted, and it is assumed that preferences are shaped solely by material conditions rather than embedded in a cultural and political context. Thus participation becomes a question of personal choice, which can be voiced through a group leader or sought after by agencies submitting a project for certification.

It is indeed difficult to determine how to encourage long-term public participation that goes beyond its current project-based orientation. Here I present general observations based on social theory and the empirical findings presented in this paper. The theoretical assumption behind these observations is that the permanence of an egalitarian democratic society rests upon the exist-

⁴⁵ During the II Encuentro del Medio Ambiente Fronterizo, experienced activists such as Martha Rocha, from the Amas de Casa de Playas de Tijuana, and Maurilio Sanchez, from the Comité Ciudadano Pro-Restauración del Cañon del Padre, also in Tijuana, were surprisingly open in their comments regarding the issue of how some groups (no names were given) use the work of other groups for particular benefits. I had observed this concern in private interviews with other activists but had never seen it arise in a public forum.

ence of a self-reflexive identity that allows citizens to act collectively and in fact, makes participation an end in itself rather than a means for influencing policies.

i. Enhance individual knowledge. Enhancing the availability and accessibility of knowledge regarding the developments occurring in the region, particularly in local communities, can be performed by new or existing entities. In this area, the most useful efforts are those oriented toward maintaining a steady flow of information that improves citizen independence, facilitates the enforcement of agreements, and both explains and identifies the objects and goals of state policy.⁴⁶ In other words, communities along the border need information rather than propaganda. They need a process of citizen education that encourages social learning according to egalitarian and democratic principles. Information about environmental indicators and educational campaigns may be produced and distributed with or without the support of the new transboundary organizations, but institutions such as the BECC and NADB can facilitate transnational cooperation and encourage the relevant entities in each country to do so by providing assistance and requiring them to have an educational agenda to which each project may contribute.⁴⁷

ii. Promote universal values. The modern concept of citizenship is attached to the development of universalistic social values, which are opposed to any form of particularism as the basis for social membership (Turner, 1993). Incorporating representatives of nongovernmental interests in the BECC advisory council and requiring public participation for each project may contribute to this aspect of citizenship, provided

⁴⁶ A strategy oriented to achieve this goal needs to include the creation and publication of environmental indicators such as the existence of technological risks, the impact of additional growth, and the level of deterioration of natural resources.

⁴⁷ How to do this is not something on which analysts may easily agree. For example, Mark Spalding, a lawyer from San Diego, considered it wrong that BECC provided money to CESPT for public education surveys or outreach, as the money could be considered improper by the U.S. Congress because of a conflict of interest (letter of Mark Spalding to Jose Galicot, Chair of the Steering Committee for the CESPT Parallel Conveyance System, on February 6, 1996). On the other hand, at about the same time Laura Durazo, representative of the group Proyecto Fronterizo de Educación Ambiental, based in Tijuana, was promoting a project called Sustainable Development and Social Participation, which focused on enhancing the quality of citizen participation in the border region, and was asking for \$5,000 for related expenditures (e-mail sent by Laura Durazo on May 20, 1996, to Gonzalo Bravo, public participation coordinator in BECC).

that the openness toward such participation is effectively protected from the use of particular values as exclusionary instruments. NGOs and the new international organizations may cooperate to guarantee the establishment of legal boundaries that protect the space for independent, universal forms of participation and to promote citizen mobilization based on universal worldviews that exclude notions of group supremacy or exclusive forms of membership such as nationality, class, gender, and political affiliation.

iii. Promote a culture of collective action. A culture of collective action refers to the task of forming associations as an end in itself rather than an action that is instrumental in influencing a particular decision. Transboundary environmental cooperation efforts may contribute to the construction of citizenship by fostering permanent processes of public participation. Environmental NGOs may also help by shaping how individuals orient their actions when acting collectively. Activists and organized groups can either emphasize the achievement of instrumental interests—economic benefits, political recognition—or try to orient individual action towards the defense of civil rights and the defense of collective action as a valid way of enhancing the quality of life. Trying to influence a particular decision is a necessary strategy in the short term and one that may provide a learning experience regarding the benefits of collective action; but in the long run, democratic forms of decisionmaking can only result from a dynamic civil society and individuals who regard participation as an end in itself. This may prevent single factions from dominating the process of public participation and the shape of public debate (Cohen and Rogers, 1992; Achterberg, 1996).

iv. Encourage moral obligation. It is important to make the origin of personal commitment to the community a moral obligation rather than an effort to achieve personal or group recognition. It has also been argued that the expansion of moral obligation requires considering nonhuman rights, or the acquisition of an environmental ethic that allows one to value both systems and individuals, and seeks value in nature rather than in instrumental human interests (Mills, 1996). In the context of a transition towards more democratic forms of environmental policy in the borderlands, this means that effective cooperative efforts establish bridges among environmental groups and independent activists, via

moral obligation, regardless of their origin or particular agenda, and those who facilitate universal access to resources and information regarding environmental problems.

v. Develop trust. Considering the differences in political culture observed among individuals and groups along the border, mistrust is perhaps the most difficult barrier to expanding public participation in decisionmaking and the democratization of society. Mistrust is based on informal conventions that define how individuals regard themselves in relation to other members of the community and in relation to other social groups, including political and environmental organizations. One important barrier to developing trust among different actors is the prevailing convention of power relations that include corruption and the abuse of power.⁴⁸ The urgent need to deal with the environmental problems observed in the region is leading public participants to construct strategic alliances that influence a decision or access some resources. These alliances tend to be brief. Additionally, there are problems related to language barriers, cultural differences and stereotypes that prevent different segments of the public from giving similar meanings to the orientation of actions (Schmidt, 1997). Access to external financing and to political resources becomes a source of mistrust as activists compete among themselves.⁴⁹ An open debate regarding representation and accountability is badly needed to solve this problem.

vi. Decentralize participation. Long-term commitment to participation requires that concerned citi-

⁴⁸ In separate interviews activists agree that lack of trust among activists is a pervasive problem that needs to be dealt with to build stronger networks. Cyrus Reed, from the Texas Center for Policy Development, tells the story of how one of the issues discussed by some activists before public representatives were elected for the advisory council of BECC was who could be defined as a “legitimate” NGO and who could not. Apparently the debate went no further, but the fact that it was mentioned reveals the urgent need to openly discuss this issue (conversation with Cyrus Reed, Tucson, Arizona, March 26, 1999).

⁴⁹ Several activists along the border agree on this topic. For small organizations the world seems to be split between good and bad partners, and between good and bad political influences. Maurilio Sanchez, an activist from Tijuana puts it this way: “A distinguished work record is had by the Environmental Coalition -sic- -Environmental Health Coalition- ... others just stop by, they get information from us, they present it to foundations when they ask for funding... but we have not even received training to make a project and present it...” (Maurilio Sanchez, comments on the II Encuentro del Medio Ambiente Fronterizo, Tijuana, B.C., April, 22-24, 1999).

zens share equal responsibility when fighting against problems. To close the gap between leadership and its constituents observed on the border (Zabin, 1997), organized groups and grassroots activists need to enhance their communication strategies. This cannot happen if most of the efforts of leading activists are focused on influencing particular policies, for which a venue for participation has already been provided. A procedure that tries to go beyond the creation of a public must deal simultaneously with issues of representation and the decentralized character of environmental activism. An option that has been tried in the past but should be consolidated in the future is the construction of a well-organized network of NGOs and community groups that share similar universal principles, values, and norms while at the same time respecting one another's interests in specific issues and locations.

vii. Encourage individual responsibility. The long-term democratization of society and environmental policymaking relies on the possibility of resolving the dilemma between individual and community orientation. Individual actions with a community orientation form the cornerstone of such a process. These are the basis for long-term participation in public debate about environmental policies and decisions that may affect an individual's rights and the rights of others, especially if, as is often the case with policies targeted to a border area, these others live in another country.⁵⁰ Harrison, Burgess, and Filius (1996) review the literature on the rationalization of environmental responsibilities and found that some of the factors that strengthen personal commitment to environmental goals include: contexts that reduce confusion and uncertainty regarding the best course of action, elimination of feelings of impotence, individual understanding of the problems, sense of privilege in terms of capacity to act, sense of control over the outcomes, and empirical evidence of the worth of personal actions. Through a comparison of cases, they conclude that citizen empowerment is culturally specific and has to do with the nature of relations between citizens and the state. While the contexts are different, these are findings that shed some light on the barriers that NGOs still have to overcome in the U.S.-Mexico border region.

⁵⁰ See the exchange of e-mails dated October 19, 1995, on the BECCnet between Mark Spalding and Daniel H. Loya, from CISESE in Ensenada, regarding the value of individual action.

4. Conclusion

In this paper I have explored several avenues for the expansion of transboundary environmental cooperation, which is currently focused on providing end-of-the-line solutions to environmental problems in a region whose boundaries have been defined for political and administrative purposes. Analyzing both patterns of participation observed in the region and evidence of controversies about specific facilities and projects that have impacts on the region's environment, I propose that a distinction should be made between creating a public to participate in decisionmaking processes – a distinctive feature of the current efforts towards transboundary environmental cooperation – and expanding the notion of environmental citizenship.

The analysis presented here does not intend to suggest that the organizational structure created by Mexico and the United States represents a setback for the long-term dynamism of civil society or for the achievement of environmental goals. Quite to the contrary, requiring public participation in the current process does create an opportunity for the mobilization of civil society at domestic and international levels. To the extent that projects with an international impact are assessed by the public, this process opens the possibility for further cooperation among concerned citizens on both sides of the border.

Assuming that a dramatic change in transboundary cooperation is unlikely to occur in the short-term, I have proposed several reforms that might encourage the dynamism of civil society and assist the goals of environmental protection. I propose that new reforms should be specifically oriented toward using foreign policy as a planning tool that might contribute to preventing environmental conflict. The concept of interdependence should be given a wider scope in order to address multiple environmental problems at different regional scales. At the macro-regional level, border cities could work together with those who share similar interests, regardless of their location in North America. For example, alliances could be organized around the problems of mining towns, large metropolitan areas, agricultural valleys, and coastal zones. These might include communities based in a border location as well as more distant communities that are affected by border processes or by policies targeted at the border. In this latter scenario, the bor-

der experience informs activism in the interior of the country, particularly on the Mexican side.

Yet another type of reform would aim to enhance the quality of public debate. Controversies about new infrastructure or development projects submitted for BECC certification provide an opportunity for the expansion of public participation. However, nongovernmental actors need assistance to be able to participate in the debate, both about the projects themselves and the extent to which they will contribute to achieving sustainable development goals. To encourage participation and to prevent factions from guiding the decisionmaking procedure, this assistance should target independent citizens willing to learn more about environmental issues and the certification of projects and neutral, independent institutions not attached to a particular state on either side of the border, such as an international consortium of universities or a network of nongovernmental interests. To account for the differ-

ences observed in the levels of citizen participation in the United States and Mexico, and to enhance the contributions made by environmental activists in developing broader forms of participatory democracy in the region, assistance should be directed at encouraging the emergence of environmental citizenship as the basis for participation.

The literature on this subject shows that higher levels of citizen participation can only be achieved if there are changes to the cultural roots of citizenship and if political and environmental identities are successfully merged (Kelberg, 1993; Thomashow, 1995). Expanding citizen participation has been identified by the BECC's general manager as one of the biggest challenges in the future of the organization (BECCnews, Spring 1999). Transboundary environmental cooperation should be able to address the patterns of citizen mobilization and the barriers that prevent further democratization of the institutions of civil society.

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Acronyms

BEC: Border Environmental Cooperation

BECC: Border Environment Cooperation Commission

CDB: Conflict database

CEC: Commission for Environmental Cooperation

CESPT: Comisión Estatal de Servicios Públicos de Tijuana (State Commission for Public Services in Tijuana)

NADB: North American Development Bank

NAFTA: North American Free Trade Agreement

NGO: Nongovernmental organization

PDB: Protest database

PROFEPA: Procuraduría Federal de Protección al Ambiente (Federal Attorneys Office for Environmental Protection)

SBLDF: Sierra Blanca Legal Defense Fund

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