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**COOPERATION AND POLARIZATION BEYOND BORDERS: THE
TRANSNATIONALIZATION OF MEXICAN ENVIRONMENTAL ISSUES
DURING THE NAFTA NEGOTIATIONS**

Barbara Hogenboom
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Paper prepared for CERLAC workshop *Mexico in the Post-NAFTA Era: Democracy, Civil Society and Societal Change*, 22-24 September 1995, York University, Toronto.

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Abstract

The NAFTA negotiations were of great concern to environmental organizations in Mexico, the US and Canada. This paper deals with the transnational cooperation between these groups with respect to Mexico's environmental policy. Within three years many contacts were established, information was shared and ideas were developed. This transnational cooperation came into being despite national differences such as the size, resources, membership, experience and strategy of groups. However, in each of the countries a split occurred between a moderate and a critical position with distinct views on how to materialize environmental protection in NAFTA. The US government's adoption of some of the moderates' ideas played a major role in this division of the environmental community. Partly because of this success, transnational cooperation between moderate groups was limited. Critical groups, conversely, formed a genuine transnational alliance. Despite these new forms of cooperation, Mexican environmental organizations remain weak at the national level.

Introduction¹

Compared to more democratic systems Mexico's ruling elite has been less susceptible to demands from groups in civil society. Whereas corporatism has served to channel and curb the social demands of major sectors like labor and farmers, demands from other groups, such as non-governmental organizations (NGOs), have to a large extent been ignored or repressed. This is not to say that Mexico's semi-authoritarian regime can silence all dissent, but rather that it tends to apply strategies in order to weaken independent organizations that might otherwise be able to press for immediate policy changes. Consequently, the Mexican state has been in a position of relative autonomy vis-à-vis civil society.

In this restrictive political context environmental NGOs (ENGOS) have had little success in their efforts to improve environmental policy. In the early 1980s ENGOS started to be set up in Mexico by people concerned about local and national environmental problems. At first, the state reacted quite positively and aimed to use them as intermediaries between itself and civil society on environmental issues. After a few years however, several ENGOS came to the conclusion that in contrast to state rhetoric, environmental protection was still given a low priority. In reaction to the subsequent public protests, the Mexican state pre-empted further independent mobilization through both new legislation and attempts to coopt NGO initiatives. Although currently Mexico's environmental legislation is advancing, enforcement lags behind and lacks monitoring. Groups that openly criticize policy weaknesses are still basically ignored by the government. When their criticism becomes too embarrassing however, ENGOS may experience attempts at more or less subtle repression (Demmers & Hogenboom 1992: 65-72).

The news that Mexico, the United States (US) and Canada planned to negotiate a North American Free Trade Agreement (NAFTA) led to a new dynamic in the political struggles over Mexico's environmental policy. In the context of the weakness of this policy, Mexican ENGOS expected trade and investment liberalization to aggravate the environmental situation through its accompanying economic and legal changes.

US and Canadian environmental groups expressed similar concerns, partly out of solidarity and partly out of self-interest, as Mexico's lax environmental enforcement might compromise the more stringent policies in their own countries. Moreover, their criticism was adopted by other groups, especially labour unions in the US and Canada, fearing the consequences of industrial relocation to Mexico.

This paper deals with transnational political cooperation on the issue of environmental protection in Mexico that followed the plan to negotiate the NAFTA. It is worth noting that this cooperation was not so much a result of the historical process of Mexican integration into the US economy but rather a reaction to the political confirmation and consolidation of this process. The main aim here is to analyze the evolution and nature of transnational ENGO relations and their significance for environmental politics in Mexico. First, we will look at the groups that were actively involved. Next, we will analyze the reasons for establishing transnational relations among ENGOS, and the opportunities and obstacles for cooperation. Finally, we will consider how the emergence of transnational pressure may affect future environmental politics in Mexico.

Environmental organizations and NAFTA

In the following analysis a distinction will be made between two main positions of environmental organizations on the NAFTA; 'Moderate' and 'Critical'.² Obviously dissension was based on existing differences between ENGOS, but we will focus here on its significance for NAFTA politics. Ideologically, the basic difference between moderate and critical ENGOS in the trade debate can be traced back to their positions on dominant economic and political structures. Critical groups questioned and criticized not only the environmental effects of the agreement but also the kind of development that trade and investment liberalization would enhance. Hence they demanded broad and fundamental changes in the official proposals. Conversely, moderate groups accepted the NAFTA initiative (either as desirable or inevitable) and restricted their criticism to environmental issues. The adjustments they proposed could be more easily

integrated into the agreement since they were not as antagonistic as critical groups to the basic assumptions of economic liberalization, or the interests of its proponents. This ideological difference was closely linked to a distinction in political strategy. Moderates tended to be more willing to make political compromises and they had better relations with government and trade negotiators than critical groups. We will return to this point later.

Mexican organizations

In Mexico there were a number of ENGOs active on the NAFTA issue. Critical environmental organizations worked in a network with other non-governmental groups on broader issues related to free trade whereas the major moderate groups remained focussed on environmental issues. Mexican groups working on the issue were largely based in Mexico City and the border region with the US. Despite their activities, the possible effects of NAFTA on Mexico's environment never became a national issue .

Many of the Mexican ENGOs actively opposing official proposals for NAFTA were organized in the *Pacto de Grupos Ecologistas* (Pact of Ecologist Groups, PGE). In the NAFTA process, the *Pacto* acted mainly through Mexico's large NGO-network on trade, the *Red Mexicana de Acción frente al Libre Comercio* (Mexican Action Network on Free Trade, RMALC), created in 1991 by nearly a hundred NGOs. Besides environmental organizations, a wide variety of NGOs cooperated in the RMALC: workers and peasants unions, organizations for development and social justice, human rights organizations and women's groups. As such, RMALC had a diverse grassroots base. Although it aimed to integrate environmental concerns with the various interests of its other member organizations, it succeeded more on a theoretical than on a practical level (personal communication with Hilda Salazar Ramírez, RMALC, Comisión de Ecología, 23/V/94³).

The RMALC considered NAFTA as a project that would be profitable for only a small elite at the cost of the majority of Mexicans and Mexico's environment and natural resources. The network's criticism of NAFTA and its proposals for a social

charter were similar to those voiced by the leftist opposition party, *Partido de la Revolución Democrática* (Party of the Democratic Revolution, PRD). Even though the RMALC shared many of its members with the PRD (Poitras & Robinson 1994: 25) their relations remained informal. The network's relation with the Mexican government was ambiguous. There were a few occasions in which the RMALC was invited by the Mexican negotiators to present their proposals. But as the umbrella organization of Mexican groups critical of NAFTA, it also had to confront several political obstacles; such as very limited access to information and resources, and an attempt at infiltration by a state official in 1993 (personal communication, August 1993).

The Mexican environmental organizations in the border area with the US that were most active in the NAFTA debate⁴ also opposed the agreement as negotiated. They worked with US border organizations and the Mexican universities *El Colegio de Sonora* and *El Colegio de la Frontera Norte*⁵. In general, the communication between Mexican border groups and Mexico City-based ENGOs on NAFTA was feeble due to differences in interests and position (personal communication with Roberto Sánchez, El Colegio de la Frontera Norte, 15/IV/95).

Over 30 moderate ENGOs were organized in the *Unión de Grupos Ambientalistas* (Union of Environmental Groups, UGAM) in 1992. The Union adopted a moderately critical position toward NAFTA. UGAM's member organizations perceived NAFTA as a problematic yet inevitable stage in the development of Mexico. After initial opposition they started proposing measures to prevent NAFTA from inducing environmental damage (Barba Pérez 1993: 121-2).

The UGAM aimed for a constructive attitude and positive relations with the state in order to have a say in Mexico's official position on environmental safeguards in NAFTA. In the beginning, their petitions and questions on the environmental aspects of the agreement were not answered. According to Regina Barba Pérez (1993: 121), UGAM's president and a long-time environmental activist, this was because the Mexican state was neither used to, nor equipped for, political input from civil society, and strong environmental arrangements were also perceived as barriers to free trade. The organization persevered in

its strategy nevertheless and continued to propose that environmental safeguards and an environmental commission be integrated in NAFTA (Barba Pérez 1993: 123). With one of UGAM's advisors being a prominent environmental lawyer, these proposals were in the form of draft agreements, something which gave the Union a certain standing in Mexico and beyond (personal communication with Regina Barba Pérez, UGAM, August 1993 and May 1994; Lynn Fischer, NRDC, 12/IV/94; Alberto Székely, UGAM, 16/VIII/93).

Despite their somewhat better relations with the Mexican state, the UGAM and its member organizations also struggled with certain political obstacles. They had poor access to official information on the negotiations' proceedings. Most of what they received were documents in English obtained by their US and Canadian counterparts. In addition, many of its member organizations had to work with a minimal economic and physical infrastructure (Barba Pérez 1993: 131-2).

Two other well-known moderate NGOs that were active on NAFTA, independently from the UGAM, were the *Instituto Autónomo de Investigaciones Ecológicas* (Autonomous Institute for Ecological Research, INAINE) and the *Grupo de los Cien* (Group of Hundred). The INAINE does predominantly technical and scientific research for industry and governmental agencies. On some occasions, it cooperated with other moderate groups in Mexico and the US for the incorporation of environmental arrangements in NAFTA, and organized a few transnational meetings with officials and researchers on the issue. The Group of Hundred's membership is made up of famous artists, writers, intellectuals, and others, who never actually meet but rather allow their names to be used in order to facilitate access to the media. According to its formal leader, the writer and poet Homero Aridjis, around one third of the members was opposed to NAFTA, whereas two thirds supported it. This has been denied however, by a member of the Group of Hundred who claims that opposition to trade liberalization within the group was greater and that only a few members had been consulted by Aridjis (personal communication, 01/II/92). After a period of intensive cooperation with groups from the UGAM, Aridjis judged the UGAM to

be too compromising towards the Mexican state and decided to operate independently (personal communication with Homero Aridjis, Grupo de los Cien, 9/VIII/93).

In Mexico, the environmental impacts of NAFTA did not become the subject of nation-wide ENGO activism, let alone of a nation-wide public debate. One of the reasons why such a debate never took place was the fact that Mexican organizations working on NAFTA were concentrated in Mexico City and, to a lesser extent, in the border region, and their relations with groups in other areas were relatively weak. In fact, Mexican NGOs in general are issue-specific in focus, and relations with social movements and intellectuals are rather poor. As a result, the role of NGOs in Mexican politics and social change has been limited (Fox & Hernandez 1992: 180, 188-9). In addition, there was considerable dissension between environmental organizations⁶, which individually are rather weak, on the agreement (personal communication with Enrique Leff, UNEP-Regional Office for Latin America and the Caribbean, 11/VIII/93). During the NAFTA process, relations between critical and moderate groups were mainly on an informal and personal level. At times there were joint meetings and initiatives for statements and proposals, but Mexican environmental groups never organized as a whole.

Alongside the weakness of Mexico's environmental movement, the general weakness of Mexican opposition to the trade agreement was another reason for the lack of public debate on NAFTA in Mexico. Despite criticism of the PRD, well-known academics, and grassroots organizations, opposition never really gained momentum. The Mexican state's and other NAFTA proponents' rhetoric saw NAFTA as favorable to all Mexicans⁷. At the same time critical groups were weakened by the state through the various traditional strategies of silencing dissent (Poitras & Robinson 1994: 21-6). As non-governmental organizations in Mexico were generally not able to force the state to open up to their concerns about the agreement, both Moderates and critical groups estimated that their ability to change the national official position was small. This dilemma at the level of national politics was an important reason for Mexican ENGOs align with foreign groups which

had more political clout.

US organizations

The main moderate ENGOs on NAFTA were the National Audubon Society, Natural Resources Defense Council (NRDC), National Wildlife Federation (NWF), World Wildlife Fund (WWF), The Nature Conservancy, Defenders of Wildlife, and Environmental Defense Fund (EDF)⁸. They worked on NAFTA by way of lobbying from within the state, and coming up with legally based environmental proposals that fitted into the NAFTA model. They took a pragmatic view and were willing to compromise. This attitude was to help them maintain their reputation for having political weight in Congress. Being experienced players in US lobby politics, the power of these ENGOs lay in their public and political relations, and in their ability to influence public opinion (Barkin & Mumme 1992: 21-2). The fact that some of these organizations (predominantly the NWF) became strong advocates of NAFTA in the end illustrates their negotiating power. Moderate ENGOs only cooperated with each other loosely.

The major critical ENGOs in the US NAFTA debate were Friends of the Earth (FoE), Sierra Club and Greenpeace. They found an important ally in the consumer organization Public Citizen which is also active in environmental issues. Through the Citizens Trade Campaign (CTC) and the Alliance for Responsible Trade (ART), FoE, Greenpeace and Public Citizen cooperated with smaller ENGOs, small and medium-sized unions, and NGOs for development, human rights, women, immigrants, Christians and minorities. In the CTC the large national unions of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) were also represented. The groups cooperating in the CTC and ART shared a fear that NAFTA would further enlarge the power of the corporate sector. In political terms, the support of labor for environmental demands would significantly add to the leverage and political clout of ENGOs in the US, but is also strengthened the US focus on industry-related environmental problems at the cost of other ecological issues.

Border groups were a small but important

faction in the group of critical US ENGOs involved in the NAFTA debate. They were among the first to warn about the environmentally detrimental effects of free trade between the US and Mexico.⁹ The border groups' experience with the environmental effects of economic integration and their relations with Mexican border organizations "lent them a credibility not enjoyed by many national environmental groups" (Land 1993: 104). In contrast with the rather poor relations between Mexican border groups and Mexico City-based organizations, border ENGOs in the US serviced Washington-based organizations with information on border problems, and they kept in close contact. These border organizations helped shape the agenda of US NGOs on NAFTA and were an intermediary between US and Mexican groups (Land 1993: 103-4).

Canadian organizations

NAFTA and its possible environmental impact was less of a political issue in Canada than in Mexico and the US. Very much against the will of critical Canadian NGOs, free trade with the US had already been established and extending free trade to Mexico was not expected to considerably affect Canada any further. Many Canadians viewed the issue of NAFTA's environmental impact as a Mexico-US affair.

The Action Canada Network (ACN), however, was actively involved in the debate. This network includes critical groups¹⁰ among which the Canadian Environmental Law Association (CELA) which has a leadership position. NAFTA was often the subject at ACN meetings and publications. As well as looking at national impacts, the ACN cooperated with the RMALC, CTC, and ART on a transnational agenda. The network opposed the negotiators' plans for NAFTA and strived for the abolishment of the Canada-US Free Trade Agreement (CUFTA). For critical Canadian groups, in contrast with US organizations, NAFTA was not just about Mexico. The agreement was perceived as one step more down the road of free trade and involved many issues.

Canada's moderate ENGO Pollution Probe, particularly its president Janine Ferretti¹¹, also worked on NAFTA. Like its counterparts in Mexico and the

US, this organization was willing to work with governmental agencies. Pollution Probe at times cooperated with moderate US organizations, especially the NWF. Links with Mexican groups were rather weak, however.

Transnational relations

Prior to the NAFTA debate, transnational relations between environmental groups in the North American region were limited and ENGOs in North America were rather inexperienced with respect to the link between trade and environment. The CUFTA negotiations had worried Canadian environmental groups, but as US organizations had been less concerned it had not given rise to any cross-boundary cooperation of importance. US-Canada NGO activities were restricted to dealing with a few trans-border problems (e.g. the pollution of the Great Lakes, and Acid Rain) and some other cases for solidarity. Equally, the relations between Mexican organizations and US and Canadian groups had been limited. With the exception of early cooperation in the border region, a case of joint monitoring of World Bank projects¹², and some conservation programs, US ENGOs had hardly dealt with Mexico, whereas a few Canadian groups had started working with Mexican NGOs only shortly before the NAFTA plans became public. In general, US environmental organizations had little knowledge of Mexico and few contacts with Mexican ENGOs (Barkin & Mumme 1992: 16-23). Despite geographical proximity, Mexican environmental groups were only partly focussed on their counterparts in the region; European organizations were about as equally important for their funding and information as were US sources, whereas Canadian partners were scarce (Kürzinger et al. 1990: 120).

NAFTA preparations were to give a strong impulse for transnational cooperation between ENGOs in the three countries. The announcement in June 1990 that President Salinas and President Bush were planning to negotiate a free trade agreement gave way to new dynamic discussions and joint activities between Mexican and US environmental groups, and to a lesser extent Canadian. Within three years (1991-93) many contacts were to be established, information

shared and experience gained in working with each other.

Reasons and obstacles for cooperation

For the Mexican environmental organizations there were several reasons to intensify relations with US and Canadian groups when plans for regional trade liberalization became known. Their main concern was that free trade with the US would speed up industrial expansion, agricultural modernization and the exploitation of natural resources at considerable environmental cost. As Canada had entered free trade with the US in 1989, Mexican groups wanted to learn more about the experiences of Canadian organizations. For access to information on the negotiations, Mexican organizations also needed their counterparts since little trickled down from the Mexican negotiators and rhetoric tended to dominate in official declarations.

Politically, transnational cooperation was to help Mexican organizations in two ways. First, it enabled them to either directly, or via their US counterparts, participate in the political debate in Washington, where the major decisions on NAFTA were taken, thereby hopefully influencing the future of Mexico's environmental policy. As is illustrated by the fact that next to numerous representatives of US organizations also a few Mexicans testified in hearings in the US Congress, this debate was far more open to NGOs than in Mexico. Second, the attention ENGOs attracted in the US helped them in gaining some access to Mexican officials (Cook 1994: 28), even though their situation remained far from satisfactory.

For US ENGOs, one of the purposes of cooperation with Mexicans and Canadians was to make sure that NAFTA would not run counter to their earlier successes. They feared that free trade with Mexico (with its notorious lack of environmental enforcement) would strengthen US corporate demands for less environmental regulation and create more opportunities to evade such regulations. With NAFTA the CUFTA roles seemed reversed as US concern for its environmental effects was greater than Canadian concern. US groups aimed to form a strong opposition and in this respect transnational relations were useful. Especially the link with Mexican groups, which

implied access to first-hand information on Mexican problems, gave them a role as intermediaries between Mexican social actors and US politicians, and secured their credibility. As a result, US groups were taken more seriously and this supported their position in US fora (Barkin & Mumme 1992: 20-1).¹³ However, solidarity and a concern for environmental degradation in Mexico (as in other countries) were also reasons for US cooperation with Mexican groups. In this respect, the NAFTA plans seemed to function as an eye-opener and produced interest in Mexico. Numerous transnational meetings, studies and declarations dealt with Mexico's environmental problems. In particular critical groups in the three countries worked on structural forms of cooperation through the RMALC, CTC, ART, and ACN. In the final stages of the NAFTA negotiations, these organizations developed a joint proposal for an alternative agreement.

Canadian groups were at somewhat more of a distance from NAFTA politics and the trade - environment debate. It was expected that the agreement would affect Canada's environment and environmental policy less than that of Mexico and the US, but solidarity with Mexicans was an important Canadian motive for action. In addition, unlike US ENGOs, critical groups in Canada did not have the sense that they would really be able to change or obstruct the neoliberal proposal, both as a result of their own limited influence in national politics and the weakness of their government towards the US. Canadian NGOs shared this pessimistic perception of their own role in the NAFTA process with many Mexican groups.

Critical organizations in Canada focussed more on analyzing the NAFTA process and looking for alternatives coming from the major players, whereas US groups were busy developing their own proposals. This difference partly stems from US ENGOs being more single-issue organizations, whereas in Mexico and Canada organizations look at political issues from a broader perspective. For critical Mexican and Canadian organizations, the debate on NAFTA and its environmental implications was always closely linked to the discussion on the neoliberal economic development model behind NAFTA, and to the environmental implications of this model. Critical as well as moderate Mexican and Canadian groups were

also very concerned about the US economic and political dominance in the region. Obviously, their distinct views and strategies produced some confusion and dissatisfaction. In the eyes of some Mexican and Canadian organizations, US groups were too occupied with their own proposals to be aware of developments in the negotiations. Yet the attitude of Mexicans and Canadians could easily be misunderstood by US NGOs as being passive (personal communication with John Cavanagh, Institute for Policy Studies, 7/IX/93; Cameron Duncan, Greenpeace U.S.A., 10/IX/93; Ken Trainer, CELA, 3/III/95).

Fundamental differences in the membership and resources of Mexican ENGOs versus US and Canadian organizations also produced some distrust. Several groups in the US and Canada have a large number of members, such as 2.3 or even 5.5 million (Greenpeace U.S.A. and the NWF respectively). On the contrary, most ENGOs in Mexico have few official members. Instead of the type of membership whereby people pay contribution and receive the organization's magazine, members of Mexican environmental organizations generally are, or have been, personally active in the organization. This difference in type and number of members sometimes led to some reservations among US ENGOs about their Mexican colleagues, because the latter did not seem to (officially) represent a wide group of citizens in the way the former were seen to do. Financially, the incomes of US and Canadian organizations also exceed by far those of organizations in Mexico¹⁴. On the other hand, the fact that various moderate US organizations receive considerable funding from the corporate sector gave occasion for some distrust among Mexican organizations, which were not always sure how much the former cared about the inclusion of environmental provisions in NAFTA, and to what extent those providers of funds influenced the position of the US ENGOs (personal communication with Cameron Duncan, Greenpeace U.S.A., 10/IX/93; Rodrigo Prudencio, NWF, 30/VIII/93).

As can be expected from the diversity of concerns, positions, structures and strategies of North American ENGOs in regard to NAFTA, their motivations for transnational cooperation did not have a common denominator either. Sikkink (1993: 440) distinguishes between transnational relations

motivated by *instrumental goals* (e.g. profit or economic gain), motivated by *shared causal ideas* (epistemic communities), and motivated by *shared values or principled ideas* (so-called issue networks). Next, she argues that a characteristic set of actors is linked to each category of transnational relations: international interest groups (as well as transnational banks and companies) are linked to instrumentally motivated relations; epistemic communities consist of groups of scientists and experts; and activist NGOs are linked to issue networks.

It is worth noting that the transnational relations on the basis of environmental concern for NAFTA embraced all three of Sikkink's categories of motivation and types of actors. The motivation of shared values existed not only among ENGOs of all three countries, but also among organizations for social justice and human rights that perceived cooperation with environmental groups to be useful. Many of the NGOs involved were predominantly political activist groups. Simultaneously, shared causal ideas, in the sense of knowledge of environmental problems and the possible impact of NAFTA, played a significant role for environmental organizations. Several organizations aimed to improve the understanding of problems and supported or performed research, while relations with academics, either inside or outside their organizations, were abundant (although this was probably less so in Mexico than in the other two countries).¹⁵ Finally, for some groups instrumental goals were also a strong incentive for activism on NAFTA. A number of border organizations worked primarily for a direct improvement in the health situation and living conditions of the communities in which they are based. Instrumental motivation also played a considerable role for other sorts of NGOs to support environmental claims, such as US unions and Mexican grassroots organizations. In sum, from an environmental perspective the NAFTA plan was perceived as negative by a variety of actors from civil society in each of the three North American countries, and as many of them sought cross-border contacts, transnational cooperation reflected this diversity.

Issues raised

The year between the announcement that Mexico and the US planned to negotiate a free trade agreement (June 1990) and Bush's environmental commitments for the Congressional Fast Track approval (May 1991) was a period of exploration of the trade - environment issue by North American ENGOs. The majority of the organizations had to study up on the issue and as a result the atmosphere was open and unstructured. An agenda had not been set yet and on many occasions critical and moderate groups operated jointly. Through this rather unstructured interaction, ENGOs started to explore what could be the environmental impact of regional free trade, and what kind of provisions would be able to limit the damage. Equally, they started to observe each other, nationally and transnationally, and examine not only each other's ideas on NAFTA but also the possibilities for political support and alliances with non-environmental political actors.¹⁶

The declarations and papers produced in the first year of the NAFTA debate raised a host of environmental concerns regarding the agreement.¹⁷ As long as there were no clear ideas on implementation ENGOs agreed that their concerns should be "included"¹⁸ in trade negotiations. The procedural issues raised by ENGOs came down to three points. First, environmental groups disapproved of the closed and secret manner in which NAFTA, like all trade agreements, would be negotiated and suggested a transparent process with public participation and access to information. Secondly, they proposed that each country perform an environmental assessment of the agreement. Thirdly, some ENGOs also stated that participating governments should come up with an environmental action plan to deal with existing and future regional problems.

With respect to legal arrangements, ENGOs agreed that a number of environmental issues should become an integral part of the trade agreement (e.g. in a charter) in order to prevent negative environmental effects of economic liberalization. Many of their suggestions addressed differences between the environmental policy of Mexico, Canada and the US. Free trade and investment in a situation of distinctive standards for environmental protection and unequal

levels and forms of implementation of these standards was of special concern to US and Mexican ENGOs. US groups, together with Mexican and Canadian organizations, wanted to prevent harmonized standards limiting more stringent regulation (common standards as a ceiling) and tougher environmental standards being considered as trade obstructions. Instead, ENGOs proposed common minimal protection standards (common standards as a floor) which would leave federal/national as well as state/provincial and local authorities the (sovereign) right to apply stricter rules.

In particular Mexican and US ENGOs worried over the effect of NAFTA on industrial production and location given their environmental policy differences. Further liberalization of foreign investment in Mexico was meant to encourage companies starting production there. The lack of infrastructure and control in Mexico would neither help, nor push, companies with respect to establishing clean production processes. The US-Mexico border was an area of special concern in this respect. The disastrous state of the border environment after nearly 30 years of this free trade zone served as a clear warning of what weak enforcement can lead to. Stringent arrangements in the trade agreement were seen to prevent this from happening in the future. Simultaneously, environmental groups recognized that the problems of Mexico's environmental policy were partly the result of its lower level of development and inferior infrastructure. Therefore, they proposed that NAFTA should include arrangements to provide Mexico with financial resources for its environmental agencies.

The issue of natural resource control was raised by Mexican and Canadian organizations opposing free trade and investment with respect to natural resources. They expected that US companies and US consumption levels would rapidly lead to a deterioration in their resource base. In their view, natural resources should first serve the national population, in the present and in the future. In general, US organizations supported this idea and maintained that the opening-up of Mexico's resource base would be counterproductive for sustainable development in North America as a whole.

The environmental and other NGOs that

expressed the aforementioned concerns formed a loose transnational coalition that wanted NAFTA to be negotiated carefully and with maximum public input. As members of the US Congress were responding positively to the issues raised by NGOs, the Bush administration had little choice but to recognize these issues (Thorup 1991: 19-23). The fact that President Bush presented a set of environmental commitments to Congress¹⁹ on May 1, 1991 indicates that the concerns raised by ENGOs had had an impact. The commitments maintained that apart from a few environmental aspects to be included in the NAFTA negotiations²⁰, US-Mexico environmental issues were to be principally dealt with independently from NAFTA. The Bush administration preferred this so-called parallel track to making environmental protection an integral part of the free trade agreement. Although the commitments were a recognition of the issues raised by ENGOs they contributed to a lasting split within the environmental community over NAFTA (Barkin & Mumme 1992: 21-2).

Polarization

The May 1 commitments shifted the NAFTA environment debate from the raising of issues to the designing of policy and also contributed to a polarization in the environmental movement. Moderate US organizations supported the commitments and by doing so proved willing to compromise with the Bush administration in exchange for a constructive role in the NAFTA negotiations. Through their informal relations with the office of the US Trade Representative (USTR) and the Environmental Protection Agency (EPA), they already had considerable access to government (personal communication with Lynn Fischer, NRDC, 12/IV/94). Moreover, a few months after Bush presented his commitments, some moderate ENGOs were formally invited to participate in the NAFTA preparations via USTR commissions²¹. On the other hand, critical US groups opposed President Bush's parallel track approach and argued that his commitments were insufficient to enhance sustainable development. They preferred to hold on to their demands and to continue to work through grassroots mobilization. This discord

among US environmental groups confirmed and consolidated similar differences within the Mexican and Canadian environmental movements, and was to remain for the rest of the NAFTA debate.

The division between moderate and critical ENGOs was on-going, although not always visible, during the rest of the NAFTA debate. Various concerns of moderate and critical groups, as well as their proposals, remained similar. There was general agreement, for instance, that a set of harmonized environmental standards should function as a floor instead of a ceiling of legislation. The difference lay in their views on how these and other proposals should materialize. Moderate organizations believed that the integration of a set of environmental safeguards in NAFTA would prevent environmental damage. Critical organizations maintained that negotiations should be slowed down in order to carefully draft a social and environmental charter and convert NAFTA into a regional development agreement.

The distinction between these positions became clearer towards the end of the trade negotiations when ENGOs expressed their stand on the final NAFTA texts and the environmental Supplemental Agreement. Moderate groups accepted the NAFTA proponents' claims about the necessity for economic liberalization and growth - or at least perceived it as inevitable, and declared that economic expansion should be accompanied by environmental safeguards. Critical organizations maintained that sustainable development requires not only environmental arrangements, but also democracy and social and economic redistribution. In the Moderates' view, the economic growth stemming from free trade, when carefully regulated, could bring new resources to counter ecological destruction. But according to critical organizations, economic liberalization predominantly implies more corporate power and less possibilities for the correction of the adverse effects of economic growth on both humans and the environment. They demanded stringent arrangements to prevent such damage. Thus the differences in views between critical and moderate ENGOs on NAFTA were closely linked to their different attitudes towards the existing political and economic order.

A split between the groups accepting prevailing power structures and those attempting to

overcome them is a general feature in both national and international civil society. Following Macdonald (1994) in her useful analysis of theories on transnational politics, the above findings support current ideas in critical theory on civil society and transnational alliances. This holds that power is an important ingredient in NGO relations and that NGOs can have strong links to the state and /or the corporate sector. Moderate groups are more easily invited into policy-making processes, as their demands are not so far removed from state goals as those of critical groups. Moreover, Moderates' links to the state or the corporate sector may make them more willing to compromise in return for political and economic gain. Conversely, critical organizations need to really force the state to listen and make changes since their demands exceed its goals. Their ultimate success depends on their ability to build a political counter-power (Macdonald 1994: 272-7, 283-5).

In the political struggle over NAFTA's environmental arrangements, this distinction in the political position and strategy of critical and moderate groups was clearly visible. Moderate organizations opted for a constructive role (that is close to the decision-makers) in the preparation process and were more willing to accept minimal concessions with regard to their environmental demands, in return for political influence. Critical organizations, with their position differing fundamentally from the thinking of Free Trade proponents, remained more as outsiders to the official process²². The schism between moderate and critical ENGOs on NAFTA was also linked to their organizational structures and financial situation. Most critical organizations have a grassroots base and limited access to decision-makers and funding. Because of this, and because of their perception of the problems and solutions, they cooperate with other, both new (e.g. human rights and women groups) and old (e.g. unions), social movements. Moderate groups are more focussed on the environmental issue as separate from other issues. Politically, cooperation with other types of NGOs was not necessary, and in the US especially a substantial share of the Moderates' attention was drawn to their relations with the government. Moreover, US ENGOs such as the NWF and WWF that counted on the support of companies which stood to benefit from NAFTA, limited their task

to finding environmental arrangements to accompany the trade agreement so as not to harm their benefactors' interests.

The political strategy of moderate and critical ENGOs evidently affected their transnational relations. Moderate environmental groups extended their relations abroad but cooperation remained weak and unstructured, and was mainly restricted to ENGOs. Apart from discussing ideas with groups across the border and co-signing letters to the governments and negotiators, they hardly worked on a transnational position. Critical ENGOs had far less access to the governments so that expanding participation through wide circles of inclusion became their strategy (Thorup 1991: 22). Ideas like small-scale production, strong communities, equality and equity were matched with ecological care, and many critical environmental organizations became part of the RMALC, CTC, ART and ACN which developed structural forms of transnational cooperation. Various documents were written jointly and at the later stages of the NAFTA debate critical groups developed a common transnational alternative for NAFTA (see Alliance for Responsible Trade *et al.* 1993) and a common lobby against the agreement as negotiated. Therefore, it seems appropriate to conclude that in the NAFTA process moderate ENGOs participated in a transnational coalition whereas critical ENGOs formed part of a transnational alliance. While transnational relations of moderate groups were limited and predominantly tied to the political moment of NAFTA preparations, the transnational relations of critical environmental organizations have been more profound and lasting.

It should be noted that the input of moderate ENGOs in the NAFTA negotiations was not only the result of their pragmatic attitude but can also be equally attributed to the strength of this Critical Alliance. The success of the moderate US organizations' constructive role proved to depend on the continued threat of critical US groups and their ideas, which had produced a lack of a secure majority in US Congress for NAFTA. It was this threat that enabled Moderates to gain government concessions. No less were they able to dominate the US ENGO input by not supporting critical initiatives and convincing critical groups, which needed the legitimacy

Moderates offered, to endorse their proposals (Audley 1995: 21-2). At the transnational level, the need for moderate organizations to cooperate transnationally was relatively limited since the US was evidently the most powerful partner in the negotiations and moderate groups had both access to government and quite a lot of support in Congress. As a result of this constellation of power relations, most of the arrangements in the environmental Supplemental Agreement reflected the demands of moderate US ENGOs whereas other proposals were largely ignored (Hogenboom 1994: 42-6).

Despite the concessions made to the demands of environmental organizations dissension remained. Organizations that had been dissatisfied with the May 1 commitments and the trade agreement did not support the Supplemental Agreement either. The fact that the Supplemental Agreement was issued at all can be seen as a great success for those groups which had opposed the trade agreement and demanded more environmental provisions than originally provided for. Most of them, however, were disappointed with the environmental provisions incorporated in the Supplemental Agreement and decided to remain part of the opposition to NAFTA. Moreover, both critical and moderate Mexican groups were not pleased with the arrangement that a country's non-enforcement of its own environmental legislation can be punished with a fine or even a trade restriction. In their view, the arrangement implied an opportunity for US interference in Mexican affairs seeing it more likely to be used by the US against Mexico for economic purposes rather than the advancement of environmental protection. For that reason the moderate UGAM in the end did not support NAFTA (personal communication with Regina Barba Pérez, UGAM, 17/V/94).

The future of environmental politics in Mexico

The plans for a free trade agreement in North America resulted in a transnationalization of the political struggle over Mexico's environmental policy. Before the NAFTA preparations, this policy had hardly been the subject of national political debate,

partly due to the political system as well as the strategies of the state-party coalition towards environmental organizations. Because of the NAFTA plans, Mexico's environmental policy became an issue of interest and importance outside Mexico. Within a short time US and Canadian environmental and other NGOs became involved in this debate, and numerous transnational relations were established. Two outstanding elements of this transnational political interaction were one, its diversity, and two, the development of a joint alternative proposal by the critical networks of Mexico, the US and Canada.

The immediate effect of ENGOs raising the issue of NAFTA's environmental impact varied; the nation-wide debate that took place in the US was not matched in Mexico and Canada. US NGOs succeeded in having the issue discussed both at the grassroots level and within Congress so that their concerns could not be ignored by the government. For Moderates in the US, with their access to government, transnational cooperation was less crucial to improving their position in national politics than it was for critical organizations. At the same time, as Mexican environmental organizations were politically weak they extended their transnational relations in order to get access to information and to strengthen their efforts to change official proposals for NAFTA. In Canada, NAFTA as a whole did not become a major political issue and only a limited number of ENGOs joined transnational activities.

The transnational political pressure on the Mexican state to implement its environmental legislation outweighed the earlier activities of national ENGOs and gave way to a rapid political reaction. The risk of losing NAFTA, or having to accept strong US conditions, gave Mexico enough motivation to make an effort. Between 1991 and 1994 several initiatives were taken to change Mexico's bad enforcement record. Helped by other major NAFTA proponents such as the US state and the World Bank, environmental budgets were greatly increased, more personnel were recruited, better trained and equipped, and legislation was further defined. In addition, Mexico started an expensive lobby to improve its image in the US, which was supported by US governmental agencies and organizations representing large companies in Mexico and the US. In short, the

transnationally cooperating ENGOs were faced with transnationally cooperating NAFTA proponents that tried to defuse their criticism. The willingness of moderate organizations to work with these proponents (and the unwillingness of critical groups) resulted in a polarization within the environmental movement. In the end, an environmental Supplemental Agreement was to be added to NAFTA.

The lasting effect of NAFTA's environmental provisions and transnational ENGO relations on Mexico's environmental politics is hard to estimate. Transnational pressure during the NAFTA negotiations supported at some points demands by Mexican groups for environmental protection. On the other hand, there was a striking preponderance of trade-related issues and external concerns as a result of which several Mexican concerns were neglected. As the Supplemental Agreement institutionalized the monitoring of the legislation enforcement through the North American Commission for Environmental Cooperation (NACEC), the Mexican government will remain sensitive to criticism. However, this criticism is weakening, partly because transnational interaction on environmental problems has declined since ratification of NAFTA. Other issues have taken over in the US and Canada so that issues raised by Mexican ENGOs are less easily adopted by their counterparts and translated into major political issues. Simultaneously, in and outside Mexico, concern for environmental issues has been weakened due to the still very troublesome Mexican economic situation that has followed the peso crisis.

More determining than the few opportunities created by transnational pressure on the NAFTA negotiations for the influence of Mexican ENGOs, however, is their position in national politics and the relation between state and civil society in Mexico in general. Cooperation with, and support from, US and Canadian organizations have hardly improved the position of Mexican groups vis-à-vis the state. The institutional reforms and appointments of personnel in the environmental field by President Ernesto Zedillo Ponce de León do seem to promise an increasing openness toward NGOs. On the other hand, these changes will only have an impact if they are matched at the level of funding and authorization. It is unlikely that environmental protection will be of priority for the

Mexican state-party coalition as long as it is struggling to survive a severe economic and political crisis. Moreover, the lack of direct access for civil society to the Mexican state, al lack which cannot be compensated for by indirect transnational politics, continues to dominate the political situation in Mexico.

List of Abbreviations

ACN	Action Canada Network
ART	Alliance for Responsible Trade
BEP	Border Environment Project
CELA	Canadian Environmental Law Association
CTC	Citizens Trade Campaign
CUFTA	Canada-US Free Trade Agreement
EDF	Environmental Defense Fund
ENGO	Environmental non-governmental organization
INAIN	<i>Instituto Autónomo de Investigaciones Ecológicas</i> , Autonomous Institute for Ecological Research
MEM	<i>Movimiento Ecologista Mexicano</i> , Mexican Ecologist Movement
NRDC	Natural Resources Defense Council
NWF	National Wildlife Federation
PEMEX	<i>Petróleos Mexicanos</i> , Mexican Oil
PGE	<i>Pacto de Grupos Ecologistas</i> , Pact of Ecologist Groups
PRD	<i>Partido de la Revolución Democrática</i> , Party of the Democratic Revolution
PRI	<i>Partido Revolucionario Institucional</i> , Institutional Revolutionary Party
RMALC	<i>Red Mexicana de Acción frente al Libre Comercio</i> , Mexican Action Network on Free Trade
UGAM	<i>Unión de Grupos Ambientalistas</i> , Union of Environmental Groups
UNAM	Universidad Nacional Autónoma de México, National Autonomous University of Mexico
USTR	US Trade Representative

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Notes

1. This paper presents some results from two years of dissertation research. During this period, over fifty representatives of environmental organizations, governmental agencies, business organizations, and international institutions have been interviewed, and extensive documentation has been gathered in Mexico, US and Canada.
2. Other scholars have described them as 'moderate' and 'opposing' groups (Gallardo 1993) or as 'accommodating' (or 'cooperating') and 'radical' groups (Audley 1995). However, these designations are somewhat problematic. Critical groups did not completely oppose a free trade agreement - they did not agree with the governmental proposals. Their ideas were more radical, but their political behavior could not be deemed as such. As for calling moderate groups accommodating, this seems to give them too little credit as independent political actors. Naming them cooperating is also somewhat mystifying - cooperating with whom for instance?.
3. In this text, dates are in the order day/month/year.
4. Predominantly *Bioconservación*, *Comité Cívico de Divulgación Ecológica*, *Enlace Ecológico*, *Proyecto Fronterizo de Educación Ambiental*.
5. These ENGOs and universities were all members of the binational *Red Fronteriza de Salud y Ambiente*.
6. The history of the Mexican environmental movement is characterized by internal conflicts and distrust in the context of a threat of negative state interference (Demmers & Hogenboom 1992).
7. On the coalition of NAFTA proponents and their position on environmental arrangements see Hogenboom 1995.
8. Critical organizations sometimes referred to them as the 'corporate seven'. Defenders of Wildlife left the group in the Summer of 1992. The NRDC was the most critical of the moderate organizations.
9. Cf. Texas Center for Policy Studies 1990; Kelly & Kamp 1991.
10. Similar to RMALC, ART and CTC, its membership consists of unions, development organizations and other NGOs.
11. Ferretti is now the Canadian director of NAFTA's North American Commission for Environmental Cooperation.
12. This was initiated by the Texas Center for Policy Studies.
13. The fact that few US ENGOs have established structural programs for cooperation with Mexican groups, supports the idea that US cooperation with NGOs in Mexico stemmed mainly from NAFTA threats and was largely politically motivated (Kelly 1993: 5).
14. Next to the contributions of members, private funding forms a source of income for US ENGOs. Some moderate organizations in the US are also supported by the private sector. In Canada, governmental subsidies are common for both moderate and critical groups. ENGOs in Mexico cannot count on structural resources

and mainly depend on incidental support and the goodwill of active members who do not claim expenses.

15. The INAINE, Texas Center for Policy Studies (TCPS) and the Institute for Policy Studies (IPS) are some of the organizations combining research and political activities that were active on NAFTA's environmental effects. Many meetings and conferences on NAFTA and the environment were attended by both academics and representatives of NGOs. There was a continuous exchange of information and ideas, and scholars and NGOs often referred to and quoted each other.

16. The main transnational events at this early stage were the 'Canada-Mexico Encuentro' in October 1990 in Mexico and the trilateral public forum in January 1991 on Capitol Hill. At these meetings representatives of a variety of groups met and environmental protection was one of the issues of debate.

17. ENGO publications used for this analysis are: Arídjis 1993; Kelly & Kamp 1991; Michael McClosky, chairman of Sierra Club, testimony to the Senate Committee on Foreign Relations, March 22, 1991, on the Mexican Free Trade Negotiations; *Environmental concerns related to a United States-Mexico-Canada Free Trade Agreement*, 6/II/91, endorsed by ten US NGOs and one Canadian environmental organization. In addition, the overview is based on the following studies: Barkin & Mumme 1992: 16-23; Gallardo C. 1993; Gallardo C. 1994; Gilbreath & Tonra 1994: 80-6; Gregory 1992; Heredia Zubieta 1991.

18. It turned out that this can mean many things.

19. Bush transmitted the *Response of the Administration to Issues Raised in Connection with the Negotiation of a North American Free Trade Agreement* to Congress in an attempt to obtain enough support for an extension of the Fast Track authority. This authority provides the government with greater freedom vis-à-vis Congress in trade negotiations since Congress gives up its right to amend the outcome of the negotiations and can only accept or refuse it. Earlier on Congress had approved Fast Track authority for GATT negotiations, but as the authority was to expire Bush needed an extension for both the GATT and NAFTA negotiations.

20. The document announced that USTR was to coordinate an interagency review of US-Mexico environmental issues, and that the US would negotiate NAFTA with the principle of maintaining its environmental laws, regulations and standards. In addition, during negotiations the US would stand for the inclusion of trade limits set under certain international environmental treaties, the right to prohibit the entry of goods which do not meet US environmental regulations, and cooperation with Mexico to enhance and enforce environmental standards.

21. Representatives of the National Audubon Society, NRDC, NWF, WWF and the Nature Conservancy were invited by USTR. These were the same large organizations that, together with EDF, had started to support the trade initiative within days of the presentation of Bush's commitments.

22. This was perceived by some moderate groups as staying at the margin.