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Institution Building within the NAFTA Context: An Evaluation of Policy Initiations From the Transnational Grassroots

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Introduction

The politics of international economic policy formation in the United States, the world's largest trader and investor, has become increasingly divisive in the 1990's. Throughout the decade, U.S.-Mexico economic relations have become the primary metaphor for the discussion of the global costs and benefits of trade and investment growth, along with the increasingly pivotal role of three related issue areas that traditionally were not part of trade policy debates: environmental sustainability, labor rights and standards, and community economic adjustment and development. When top Mexican government officials came to Washington in January 1990 for a hastily arranged meeting to tell the Bush Administration that Mexico would take the U.S. up on an often rhetorically made offer to negotiate a North American Free Trade Agreement (NAFTA), the prospect that these three issues were at all important was completely absent.¹ By the time of the final vote on NAFTA by the U.S. House of Representatives in November 1993, an unusually effective strategic coalition of Latino and environmental groups had succeeded in forcing the establishment of new set of transnational institutions as a part of the "NAFTA Plus" legislative package, becoming the determining factor in the slim congressional majority for the agreement.² Four years later, however, the failure of Clinton Administration to have built a consensus on addressing the impacts of NAFTA, the efficacy of the NAFTA institutions, and the continuing role of environmental, labor and community economic adjustment issues in future trade agreements, resulted in the withdrawal of support by Latino and environmental groups from the fragile "NAFTA Plus" coalition, thus significantly wounding the prospects for President Clinton's request for "fast-track" negotiating authority. This lack of consensus within the U.S. and the North American context has thus stalemated the prospects for further global trade and investment liberalization agreements or progress on their incorporation of environmental, labor and community development issues.

At this impasse, the time is ripe for theoretical and strategic reflection: How was it that these non-traditional issues were able to rise to the top of an agenda that was historically controlled by a select few set of state and economic interests? How unique were the conditions that generated the ability of a new set of actors, particular non-governmental organizations

¹ See Hinojosa-Ojeda, (1991). As we shall explore below, traditional theoretical frameworks in the fields of economics and political science were equally unprepared to predict, explain or guide the new pattern of negotiations that would soon ensue.

² See Destler (1995); Audley (1997); Grayson (1995).

(NGOs) in the environmental and U.S. Latino communities, to play such a strategic role vis a vis the more traditional state, business and labor actors in the North American context? How important have the new NAFTA related institutions been, and could potentially be, as social and political avenues for addressing the inequalities that gave rise to the new set of environmental, labor and development issues in North America? What have we learned about the needed capacity for crafting, mobilizing and implementing new transnational alliances and institutions that can successfully advance alternative approaches to the issues of transnational uneven development?

I will argue four basic points in response to these questions:

(1) The NAFTA and side agreements experience represents a significant milestone in the emergence of new societal actors into the traditionally closed arena of international economic policy -making long dominated by a limited set of state agencies and economic interests, with potentially important global implications. The process of globalization over the past two decades has created a new politically contested arena where new major issues will remain unresolved for quite some time since neither governing states nor societal actors are prepared to propose new as yet politically sustainable transnational policy agendas. This new political space is both a unique opportunity for "clear field" running in proposing new progressive approaches as well as an opening for strong reactionary tendencies froth with national chauvinist and racist currents.

The successful development of an alternative grassroots approach in the North American context was ironically due to the highly uneven pattern of development and rapid integration led by primarily by societal actors (multinational capital and immigrant labor) combined with a substantially uneven access of political rights by poorer communities in the US, Mexico and Canada and limited avenues of political redress concerning the unequal consequences of the historical pattern of transnational integration. While the actual impact of North American integration is highly asymmetrical (much less significant for the US than for Mexico or Canada), a variety of U.S. societal actors were nevertheless able to take advantage of the process of negotiating a free trade agreement initiated by governing states primarily for geo-political purposes, and were able to highlight long neglected consequence of global integration and uneven development.

(2) Within this new context, the Latino community played a uniquely crucial role in providing a transnational perspective and vision of a third way specific to North America that

recognized the inevitability and potential benefits of integration, while focusing attention on addressing the costs of integration which lower wage Mexicans on both sides of the border had been experiencing long before NAFTA became a hot political issue. This transnational Latino perspective and emerging identity as a political actor was rooted in a long and harsh lived experience with the process of economic integration, particularly during most of the post war era when most groups in the US were not interested in Mexico. This alternative perspective was adopted in light of, and despite evidence that, the Latino community would be by far more disproportionately impacted by NAFTA than any other US constituency.³

The emerging difference and complementarity of strategies among the variety of Latino, environmental and other activists forced the national states to reopen the NAFTA agenda and eventually enter into globally unprecedented agreements which created equally unprecedented publicly oriented transnational institutions for addressing labor, environmental, and community development issues. Other more staunchly anti-NAFTA environmental and labor groups were effectively able to use NAFTA as a metaphor for discussing the negative impacts of globalization. While falling short of developing concrete popularly based legislative proposals, they were nevertheless crucial in establishing a strategic counterweight which allowed the NAFTA-Plus coalition to provide a politically credible alternative.⁴

(3) The uneven construction and performance of the NAFTA related institutions can be traced back to the differences in strategic interactions between different societal actors and national states, particularly the underdeveloped capacity of groups to have already constituted a transnational network with well thought out and coordinated visions of short and medium terms steps necessary for North America strategic cooperation. It is argued that the fragileness of the original coalition which forced the new agenda items on the states, led to the emboldening of conservative opponents of the "NAFTA Plus" consensus and to the withdrawal of the tentative support by North American states to aggressively follow through on these consensus approaches and the institutions that they represented. It was this failure of the state actors to carry through on forceful implementation of the side agreements and their expansion under "fast track" which led

³ See Hinojosa, et al., (1992), (1997).

⁴ Audley (1997) credits this dual "good cop/bad cop" approach as providing the source of political "pre-emptive leverage" to "modify the political agenda for trade policy negotiations to include environmental issues." (p. 3-4). Audley also points out how for environmental groups "the Mexico-US border served as the metaphor for the potential problems with unregulated economic integration" (p. 50).

Latino and environmental groups who supported the "NAFTA Plus" consensus to withdraw crucial support which has contributed to the current stalemate.

(4) The new political arena of international economic policy formation is still very fluid and is being reshaped by on-going strategic interactions between national societal actors, governing states, international institutions, and transnational activist networks in ways that are setting new norms, principles, and terms of the coming debate on future trade agreements.

The coming future debate on "fast-track" and US international economic policy, which will undoubtedly be highly focused once again on the US-Mexico issues, will be another opportunity to go beyond a simple rejectionist stance and to propose politically viable transnational policy alternatives. The future evolution of the North American pattern of integration and development, as well as the scope and efficacy of agreements and institutions, will depend on the evolution of transnational societal networking and coordinated action, including strategic choices that will influence the agenda of states and traditional economic actors.

Within this context, the key issue will be the capacity of groups to carry forth activities in at least the following four areas:

- A broad popular vision of socially just and environmentally sustainable patterns of economic development with on-going integration through trade, investments, and migration.
- A coordinated strategy to move governments and legislatures to build on and expand on the elements of a "NAFTA-Plus" approach for next round of fast-track authorization and future trade agreements.
- Immediate campaigns to move the NAFTA institutions to test their limits of activity through continuous exemplary uses and exhaustion of the potential of these institutions to leverage on-going labor, environmental, and community development organizing efforts.
- Coordinated programs of transnational network building capacity among a wide range of groups with potentially complementary strategic objectives in North America, the Western Hemisphere, as well as other areas of the globe.

This paper will proceed by next critically developing a framework of analysis of North American economic integration that has given rise to the new political arena for actors and agendas that set the stage for the NAFTA and side agreement negotiations. In section three, the paper traces the strategic interactions between the new societal actors and governing states, which led to the formation of new agreements and institutions. An evaluation of the side agreements and institutions is used to discuss the recent failure of fast track. Finally, the paper offers some conclusions and strategic recommendations for further research, social mobilization,

and policy actions that could lead to strategic movement towards a more sustainable and democratic pattern of North American integration and development.

(2) Theorizing the Arena for Strategic Action

The emergence of a powerful group of societal actors in trade negotiations in the North American context was a phenomenon that was not predicted by state and economic interests traditionally in control of forming international economic policy, nor was it predicted or easily explained by traditional theories in the fields of economics and political science.

Most policy makers and economic and political theorists have held that the problematic of international economic policy involved interactions between state actors (the so-called realist framework of analysis), with some also allowing for the important role of dominating economic actors and institutions within, and sometimes across, national societies (the so-called liberal or institutionalist framework).⁵ More recently, the theoretical approach of "two-level games" has attempted to go beyond purely realist or liberal interpretations cast in terms of either domestic causes and international effects ("second image"⁶) or of international causes and domestic effects ("second-image-reversed"⁷) and "aim instead for 'general equilibrium' theories which account simultaneously for the interactions of domestic and international factors."⁸ The conceptualization of this approach can be summarized in Figure 1, displaying the rather mechanistic and limited operation of the original metaphorical formulation. Finally, a new wave of so-called "constructivist" theorizing has emphasized how ideas and identities are created, and "the capacity of new discourses to shape how political actors define themselves and their interest and thus modify their behavior".⁹ Within this current, international networks of activists are beginning to

⁵ A guide to some recent development in international political economy thought is Michael Doyle and G. John Ikenberry (eds) (1997) *New Thinking in International Relations Theory* (Boulder, Co: Westview), David Baldwin (ed.) (1993). *Neo-realism and Neo-liberalism: The Contemporary Debate*. (New York: Columbia University Press). and Stephen M. Walt (1998). "International Relations: One World, Many Theories" *Foreign Policy*, No. 110, (Spring): 29-46.

⁶ Kenneth N. Waltz (1959). *Man, the State, and War: A Theoretical Analysis*. (New York: Columbia University Press).

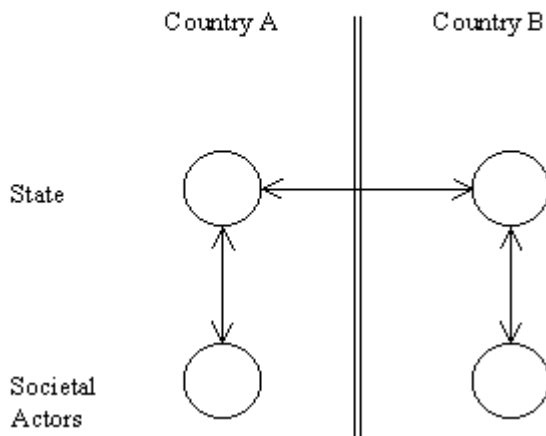
⁷ Peter Gourevitch (1978). "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization*, 32 (Autumn): 881-911.

⁸ This is Robert Putnam's now famous formulation in his "Diplomacy and Domestic Politics: The Logic of Two-Level Games", reprinted in Peter B. Evans, Harold K. Jacobson and Robert D. Putnam (1993) *Double Edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley, University of California Press), p433-434.

⁹ 9. Walt (1998), p.41. For constructivist approaches see Alexander Wendt, (1992). "Anarchy is What States Make of It: The Social Construction of Power Politics", *International Organization*, (Spring): . and Yosef Lapid and Friedrich Kratochwil (Eds.)(1996). *The Return of Culture and Identity in IR Theory* (Critical Perspectives on World Politics.

be recognized by some as increasingly important mechanisms for the development new policy ideas and the effectiveness of international institutions.¹⁰

Figure 1: Original Two Level Game Formulation



Different theorists have tried to interpret the NAFTA negotiations within these various frameworks, each resulting in at best a partial view of the entire dynamics. One interpretation places itself "in accord with realists like Stephan Krasner (1983) and Geoffrey Garnet (1992)" and "argues that trade-environmental agenda is driven by wealthy states with relatively stringent environmental regulations."¹¹ The adoption of environmental provision in of the NAFTA is attributed to a "spillover"¹² tendency whereby "as integration deepens through liberalization among members of a trade organization, the richer, greener countries interest in the development of environment-friendly rules also increases." Thus the incorporation of an environmental trade agenda in NAFTA is seen as more advanced than in the WTO, but less so compared to the EU due to the relative weight of "powerful green states that demand an increasingly environmental-friendly web of trade-environment rules."¹³

While this approach has the virtue of focusing attention on the strategic motivation of state actors, the problem with this analysis in the case of NAFTA is that the agreement was

Lynne Rienner. On the role of ideas, see Judith Goldstein and Keohane, eds. (1993). *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*. (Ithaca, NY: Cornell University Press.).

¹⁰ See Keohane, Robert O. (1998). "International Institutions: Can Interdependence Work?" *Foreign Policy*, No. 110, (Spring): 82-96, and Keck and Sikkink (1998).

¹¹ Steinberg (1997), p. 232.

¹² On the idea of "spillovers" from initial, previous or ongoing efforts at integration see Haas, Ernst B. (1980). "Why Collaborate? Issue Linkage and International Regimes," *World Politics* 32:357.

¹³ Steinberg (1997), p. 233.

negotiated in 1992 with essentially the same provisions as what became the WTO,¹⁴ despite the US and Canada's much stronger position with respect to Mexico during that time. It was only after the unexpected emergence of new political forces in opposition to the original NAFTA text signed in September of 1992, that the governments were forced to launch new negotiations on additional side agreements. It is precisely this emergence and formation of a new political dynamic arena, that set the basis for a much greener NAFTA, which needs to be explained rather than merely attributed to a secular or functionalist tendency for spillovers from continuous integration.

More traditional realist interpretations are nevertheless useful in explaining the origins of the US-Mexico negotiations. North American state actors did have clear interests in initiating negotiations and the motivations appear to have originally focused on specific geo-political and Mexican political regime stability concerns, with only much vaguer economic ideas and goals serving as secondary and complicating motivations.¹⁵ While the advanced states did pursue a stronger environmental and labor agenda, they did so in a janus-faced manner, pushing an inter-state agenda only as far as necessary to deal efficaciously with domestic pressures of their own countries, and in the case of the Mexican government, societal actors of the other countries as well.

Most theories of US trade politics have historically been developed within a liberal framework, stressing the importance of the domestic constraints on state actors. The classic analysis of the US problematic published in 1935 focused on the now famous Smoot-Hawley bill and stressed that individual sectoral or regional interest would always have a tendency to overwhelm the collective or general interests.¹⁶ Trade politics would be dominated by the conflict between many special interest with localized power to protect their particular sector that could potentially overwhelm an overall interest which is diffuse. Since the depression of the 1930's, theorizing and political practice have focused on how to limit the aggregated influences

¹⁴ For example, the NAFTA provisions on sanitary and phytosanitary measures are very similar to the so-called "Dunkel-text" that became the basis of the final Uruguay Round text.

¹⁵ Hinojosa (1991) interviewed White House staff that indicated the original motivation came from the National Security Council's concerns about the Mexican left's electoral prospects in the absence of a substantial Mexican debt reduction agreement. Grayson (1995) and Destler (1995) also confirm that the USTR was actually initially against a US-Mexico negotiation because it would detract attention from larger global concerns such as the Uruguay Round.

¹⁶ Schattschneider, E.E. (1935). *Politics, Pressures and the Tariff: A Study of Free Enterprise in Pressure Politics, as Shown in the 1929-1930 Revision of the Tariff.* (New York: Prentice-Hall).

of special interests in favor of more autonomous ability of the state to negotiate in the "national interest."

Destler (1995) and Grayson (1995) both see the NAFTA side agreements as representing a dual failure by a "less protected Congress facing unprecedented trade-political pressures generated mainly by unprecedented trade deficits"¹⁷ and by an Executive under "Clinton [who] ceded the field to the NAFTA critics."¹⁸ Destler shows, however, that traditional Congressional tight control over the trade agenda in places like the House Ways and Means Committee began to erode in the mid 1980s, even before the FTA with Canada and the GATT round were launched. Yet as many analysts have pointed out, it was only with NAFTA and especially the side agreements that "the relationship between trade liberalization and consumer and environmental protection became visible for the first time in the United States."¹⁹ This liberal formulation is thus also not sufficient to explain why it took the US-Mexico context and NAFTA to produce a large-scale emergence of new issues and actors, despite the relatively smaller impact on the US economy compared to Canada and GATT.

The new reality of anti-trade politics is also now more complex, especially with respect to Latino and environmentalists organizations whose role in the negotiations cannot be merely attributed to, or labeled as, protectionism as in the traditional liberal formulation. They did not oppose trade in sectorally specific areas or even trade in general, but rather they sought to make the trade regime adapt to the more general and collective concerns of an adequate adjustment process, enforcement of labor rights, and sustainable development.

Understanding the role of the Clinton Administration in the NAFTA side agreements also requires going beyond traditional liberal formulations of state-society interactions in the making of trade policy and beyond what might appear to be a two level game formulation of inter-state negotiations with national domestic actors. Rather than an analysis of Clinton "ceding the field to the critics," the actions of the administration have to be seen in an obviously more complex bargaining with a series of international and global players, as well as with a series of domestic constituencies which were now developing transnational linkages and alliances with their own alternative transnational policy agendas.

¹⁷ Destler (1995), p. 66.

¹⁸ Destler (1995): p. 222.

¹⁹ Vogel (1998).

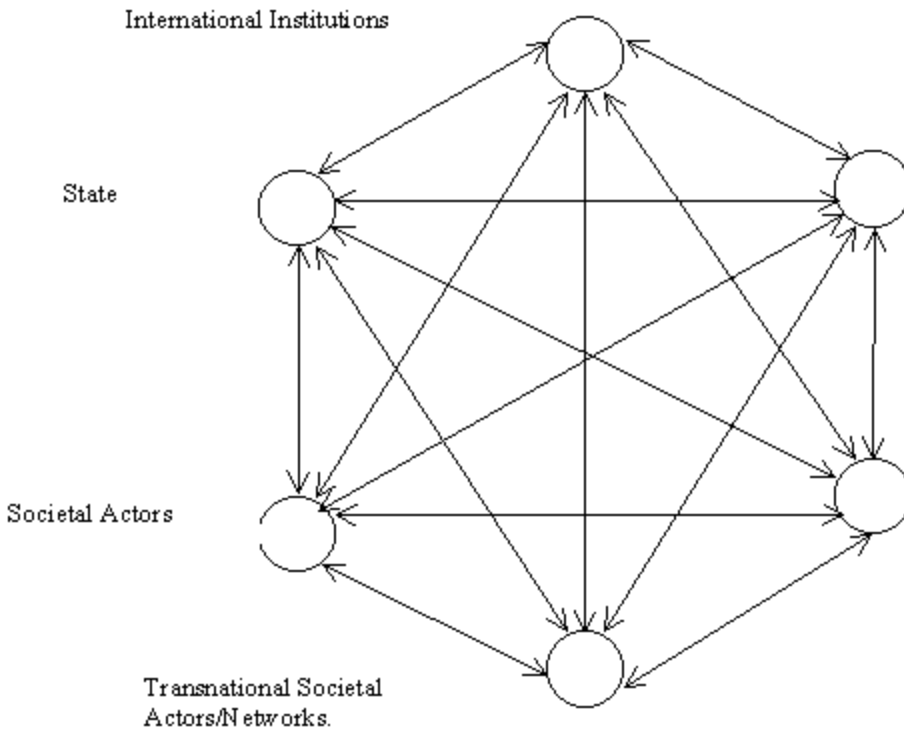
Furthermore, not only have domestic societal actors begun to develop linked strategies across national boundaries with other societal actors, national states have also attempted to develop strategies and even linkages with societal actors in other countries. Finally, the experience of the Clinton Administration and the NAFTA side agreements must also include the co-lateral and resulting emergence of both transnational societal networks and organizations, as well as new transnational multi-state institutions, both of which open up new arenas for transnational political contestation as well as new types of transnational strategic actors.

Thus the traditional two level game framework must be reformulated to include not only a more complex "multi-level" structure of strategic interactions, but also an understanding of the dynamic process of the shaping of this new "multi-level" transnational political arena. Diagram (2) represents this more complex structure of "multi-level" interactions, including interactions (1) between states; (2) states and national societal actors; (3) national to national societal actors; (4) international institutions to states, national societal actors, and transnational societal actors; and (5) transnational societal actors to international institutions, states, and national societal actors.

In addition to this structure of interactions, however, what is perhaps most needed from a theoretical and political perspective is to conceptualize the way that these incipient new patterns of strategic interactions have shaped, and will be shaping, the future contours of relative power relations and possible alternative options in the emerging transnational political arena.

In this very fluid period of the initial formation of a new political arena, the stakes are very high indeed as new path dependencies are created. Each outcome of these emerging patterns of strategic interaction (either as "wars of maneuvers" or "wars of positions") will also help shape the identities and capacities of national organizations and transnational networks, as well as the viability of concrete movements that effect people lives and the type of alternative metaphors adopted in the popular debates.

Figure 2: Emerging Multilevel Transnational Political Arena



(3) The Shaping of the Transnational Political Arena

The history of approximately the last 20 years of US-Mexico relations reveals an iterative process of strategic interactions between these various actors and the shaping of the transnational political arena in the context of a shifting pattern of uneven economic integration between the two countries. As has happened in previous phases of North American US-Mexico relations, the current strategic options of actors are being constrained by the (a) changing pattern of integration reflected in the division of production, distribution and environmental linkages, and (b) the continuously contested patterns of state-society relations within and across countries. As has also happened in previous historical phases of the bi-national relation, the characteristics of the US-Mexico problematic are often highly exaggerated, both in terms of their importance to the US as well as exaggerated in the way the outcomes of the particular resolution of US-Mexico relations end up having global consequences for US policies with developing countries that outstrip the power of the original metaphor.²⁰

²⁰ See Hinojosa Ojeda (1998).

The emergence of this new political arena in the North American and NAFTA context can thus be seen as due to the changing interaction between (a) the highly uneven pattern of development and rapid integration led by primarily by societal actors (businesses and migrants) combined with (b) a substantially uneven distribution of political rights in both the US, Mexico and Canada and limited avenues of political redress concerning the unequal consequences of the historical pattern of transnational integration. It is within this changing pattern of transnational and national structures that new forms of strategic action are being created.

The historical origins of the new North American political arena has to be seen as emerging from:²¹

- The shift from previous post-WW II pattern of nationally based patterns of economic growth and integration with limited set of actors involved in the dominant patterns of state/society relations;
- To new pattern of dramatically accelerated transnational integration with increased uneven development accompanied by a break down of old state-society relations and new movement towards democratization for previously excluded players.

In the previous postwar pattern of North American integration, dominated by "Fordist" patterns of accumulation and distribution in the U.S. and "import substituting industrialization" (ISI) in Mexico, production in both countries was primarily for domestic consumption with trade and direct foreign investment limited primarily to primary products and capital goods.

While some actors during this period did have extensive transnational involvement (internationalized corporations and immigrant workers), most domestic societal actors were primarily preoccupied with their own national domestic political and economic pacts. Northern (US and Canada) actors that did have direct relations to pattern of transnational accumulation (labor unions of US multinational corporations [MNCs]) basically ignored and benefited from the asymmetry of the pattern, as long as their basic domestic interests were being met.²²

Mexican workers, of course, had to deal with US MNCs as adversaries as well as providers of needed employment. Immigrants and Latinos workers had to constantly operate in the context of a transnationally linked and competitive labor market, resolving issues and

²¹ See Hinojosa Ojeda, R. and Robert McCleery (1992).

²² There were some isolated attempts of US labor unions to make contact with Mexican unions during the Mexican Revolution (PLM-IWW), the great depression (CIO-CTM) and during the 1960's (UAW-CTM). See Juan Gomez-Quñones (1994) and Kevin Middlebrook, (198X).

developing organizing strategies for transnational and national working class solidarity.²³ Border worker activists also had to be constantly involved in bridging national and transnational arenas for developing organizing strategies, with very little support from major national societal actors in either country.

(1) Shifting Political Economy: Uneven Restructuring and Integration

The pattern of US-Mexico Integration began to radically change with the 1982 debt crisis and the Reagan-Thatcher monetarist recession of the early 1980s. The collapse of the Mexican ISI model and the acceleration of transnational investment led to rapid growth of Mexican exports and maquiladora developments, as well as rising immigration and falling real wages in Mexico. Employment dislocations and inequality had been rising in the US since the late 1970s, but the "Great U-Turn" accelerated in the 1980's, hitting Latinos and immigrants the hardest due to their status as last entrants and highest concentration in low wage manufacturing.²⁴

Starting with Mexico's unilateral liberalization and their joining of the GATT in 1988 (five years before NAFTA), US-Mexico integration became much more complex. The two countries saw their greatest period yet of accelerated integration, particularly in the investment and trade of intermediate and final goods.²⁵ Yet while North American integration had already been evolving in a particularly uneven pattern, both in terms of employment and environmental winners and losers, the late 1980's growth highlighted the relative underinvestments in environmental infrastructure and employment adjustment in poorer communities. The proliferation of transnational restructuring driven market failures became clearly seen as a growing source of widening inequalities.

²³ See Juan Gomez-Quiñones (1990) and (1994) for a discussion of the CASA-HGT experience and the organizing of the "First International Conference in Defense of Transnational and Undocumented Workers" held in Mexico City in 1980.

²⁴ Carnoy, M. H. Daley, and R. Hinojosa-Ojeda. "The Changing Economic Position in Latinos in the U.S. Labor Market since 1939." In R. Morales and F. Bonilla (eds.), *Latinos in a Changing U.S. Economy*. Newbury Park: Sage Publications. 1993: 28-54.

²⁵ Hinojosa Ojeda, et al. (1996). The trade has to be analyzed carefully since its impact on employment can be easily misunderstood.

(2) Uneven Integration and Development Generates Unintended Consequences: New Social and Political Actors

The elite driven pattern of liberalization and integration generated increasingly unequal pattern of distribution of costs and benefits of economic restructuring. This produced the unintended consequence of generating spaces for the introduction of new social actors and agendas on behalf of regions and social sectors that had been long neglected.

By the time NAFTA was being debated, the real issues for North American uneven development should not have been tariff liberalizations as much as the lack of state-society mechanisms in both the U.S. and Mexico to deal with the new political economy of transnationalization. Yet the predominate metaphor which captured the political and public media imagination in the US was that of Mexico as a low wage, low environmental standard sink that served as an easy explanatory for a wide range of increasingly visible social inequalities.

It was in this context that we saw the emergence of a wide range of new social movements and new political actors which began to enter into the political arena with a new sense of social legitimacy. This new form of social and political legitimacy enhanced the incipient formation of new networks and aided the formation of national and transnational social capital among Latinos, labor and environmental social movements. In a process similar to how Keck and Sikkink have recently described the formation of advocacy networks in other transnational settings,²⁶ the existence of a range of un-addressed issues generated a type of vacuum to be filled by social networking entrepreneurs who's organizing of forms (like US-Mexico Dialogues) and movements (the 1991 anti-fast track campaign) themselves enhanced the ability to shape the newly reconstituted political arena.

Early on in the pre-NAFTA "fast-track" discussion, however, Latino groups became wary of the "anti-foreign" and "anti-Mexico" tone that was let resonate in many of the arguments about the potential impact of a possible FTA. The acute lived experience of the negative externalities of environment and labor inequality, which was the organizing milieu for most Latino advocacy organizations, produced a affirmation that the issues had to be framed in the

²⁶ "Transnational advocacy networks appear most likely to emerge around those issues where (1) channels between domestic groups and their governments are blocked or hampered or where such channels are ineffective for resolving a conflict, setting into motion the "boomerang" pattern of influence characteristic of these networks; (2) activists or "political entrepreneurs" believe that networking will further their missions and campaigns, and actively promote networks; and (3) conferences and other forms of international contact create arenas for forming and strengthening networks." (Keck and Sikkink, 1998), p. 12.

context of the transnational labor markets and communities networks which consisted of Mexican workers as well as immigrants and Latinos in the US.

While most major Latino groups were not yet on the same page politically in 1991,²⁷ the various forums and campaigns of the time set the basis for beginning to "identify" with the need for a transnational criteria for binational economic, labor and environmental development, particularly of the most disenfranchised.²⁸

(3) NAFTA I: State Driven Investment and Trade Agenda

The more traditional realist interpretations are actually useful in explaining the origins of the US-Mexico negotiations. North American state actors it seems did have clear interests in initiating negotiations and the motivations appear to have originally focused on specific North American geo-political and Mexican political regime stability concerns, with only much vaguer economic ideas and goals serving as secondary and complicating motivations.²⁹

But while the original impetus for NAFTA reflected more a state-centered logic rather than a specific corporate driven vision, the states nevertheless recruited capital quickly into the project. The mobilization of investors was the states' primary means towards their ends, seeking to driving forward certain trends of transnational investment which would help resolve the short term financial problems which were the primary concerns of both the US and Mexico. Other US geo-political considerations [moving Europe and Asia on GATT and other binational/regional issues) were then enlisted into the project, but on after much internal debate.³⁰

(4) Mobilization and Expansion of National and Transnational Networking

It was during the relatively closed negotiating of the original NAFTA text in late 1991 and 1992 that transnational civil society networks begin to break onto the US and Mexico national political landscapes quite unexpectedly and with new and developing identities and

²⁷ NCLR ended up supporting it, MALDEF Board was deeply divided, SVRI sat out the debate, and the Latino Congressional Caucus was divided.

²⁸ The original proposal for the NADBANK was presented at both the US-Mexico Dialogues 1991 Labor Meeting in Chicago and the first Latino Consensus Forum in San Antonio in October 1991.

²⁹ Hinojosa (1991) interviewed White House staff that indicate the original motivation came the the National Security Council's worry about Mexican electoral prospects. Grayson (1995) and Destler (1995) confirm that the USTR was initially against a US-Mexico negotiation because it would detract attention from larger global concerns such as the Uruguay Round.

³⁰ Grayson (1995) and Destler (1995) confirm that the USTR was initially against a US-Mexico negotiation because it would detract attention from larger global concerns such as the Uruguay Round.

strategic stances. The "Latino Consensus on NAFTA," for example, was a process that was originated by Southwest Voter Research Institute and was eventually sponsored by over 20 major Latino organizations in the US as well as scores of Latino electoral officials (see Appendix). As such, the Latino Consensus represented one of the most comprehensive organizing on virtually any issue area in US Latino history. The Latino Consensus organized 21 regional conferences in the 11 major Latino population states (see Appendix), bringing together perhaps the broadest range of national and transnational constituencies assembled by any pro- or anti-NAFTA movement (including organizational representatives from labor, environmental, human rights, academia, small business, and economic development groups, as well as all major political parties from the US and Mexico).

As a part of the Latino Consensus, a number of extensive research projects were also launched to attempt to estimate the potential employment impacts of NAFTA. This research was the only one of its kind to measure specific regional and labor market impacts by ethnic and gender categories. While the research began to show both before and after the political battle, that NAFTA itself would have a very small effect on the aggregate level, it would have a disproportionately larger negative impact on Latino workers, particularly immigrant workers.³¹

The Latino Consensus ended up endorsing a common "NAFTA-Plus" position in December of 1992. The position laid out a series of demands in nine issue areas and a number of specific goals to be negotiated through additional NAFTA side agreements. In an exercise of unprecedented national Latino electoral influence, these demands would be maintained as the basis for negotiations for over 15 votes on NAFTA with the White House in the Fall of 1993.

Within this new context, the Latino community played a uniquely crucial role in providing a transnational perspective and vision of a third way specific to North America that recognized the inevitability and potential benefits of integration, while focusing attention on addressing the costs of integration which lower wage Mexicans on both sides of the border had been experiencing long before NAFTA became a hot political issue.

The emerging difference and complementarity of strategies among the variety of Latino, environmental and other activists forced the national states to reopen the NAFTA agenda and eventually enter into globally unprecedented agreements which created equally unprecedented publicly oriented transnational institutions for addressing labor, environmental, and community

³¹ See Hinojosa, et al., (1992), (1997).

development issues. Other more staunchly anti-NAFTA environmental and labor groups were effectively able to use NAFTA as a metaphor for discussing the negative impacts of globalization. While falling short of developing concrete popularly based legislative proposals, they were nevertheless crucial in establishing a strategic counterweight which allowed the NAFTA-Plus coalition to provide a politically credible alternative.³²

(5) NAFTA II: States Try to Create and Limit Side Agreements

Within this new political arena, how the states choose to respond to these newly emerging networks with strong oppositional stances and/or alternative policy proposals, will be crucial for the political viability of the integration process as well as the potential pattern of uneven development and the future evolution in state/society relations. While the US and Canadian Governments (advanced states) did pursue a stronger environmental and labor agenda, they did so in a janus faced manner, pushing an inter-state agenda only as far as necessary to deal efficaciously with domestic pressures of their own countries, and in the case of the Mexican government, societal actors of the other countries as well.

Thus there did develop a type of functionalist "spillover" from trade and investment liberalization agendas, not in the neo-functionalist sense, but rather as unintended consequence. It is not that liberal institutions were open to these efforts. They were thrust upon the agenda. Nor did the Clinton Campaign or Administration see the NAFTA issues as a political priority or even an opportunity. They too were forced to deal with it.

The NAFTA side agreements negotiations were actually a series of multi-country linked multi-level games, that mobilized, limited, and institutionalized certain patterns of corporate, societal, state and transnational organizational practices and possibilities. The Clinton Administration sought to build a political coalition that balanced, on the one hand, the incorporation of demands from segments of civil society on labor and environmental issues which could win votes, and on the other, limiting access of civil society as much as possible not to interfere with private investors which might lose them corporate support and Republican votes.

³² Audley (1997) credits this dual "good cop/bad cop" approach as providing the source of political "pre-emptive leverage" to "modify the political agenda for trade policy negotiations to include environmental issues." (p. 3-4). Audley also points out how for environmental groups "the Mexico-US border served as the metaphor for the potential problems with unregulated economic integration

The Clinton Administration pursued a strategy of domestic state-society interactions during the NAFTA side agreement negotiations which tried to limit the role of civil society interventions as much as possible while nevertheless agreeing to the principles of "transparency and public participation." How "transparency and public participation" were defined, however, would be different in each of the labor, environmental and community development side agreements. These differential institutional constructions were due to the type of political calculations and coalitions within each issue area, not any unified vision of needed institutions or their potential economic impact.

Ironic Harvests: Evaluations of the Side Agreements from within each of the NAFTA countries.

A) United States

Negotiations of the NAFTA side agreements were « not a diplomatic encounter conducted between equals" (Winham 1994: 36). The United States undoubtedly had more strength. The new NAFTA institutions mainly resulted from domestic political pressures exercised on the Clinton Administration. Policy initiatives to create the Commission for Environmental Cooperation (CEC) arose from the mobilized concern of U.S. environmental nongovernmental organizations at the U.S. Congress. As Mumme and Duncan indicate, this unique leverage on the NAFTA authorization process "is an artifact of the process of U.S. trade policy formulation whereby Congress decides whether to extend "fast track" negotiating authority to the president" (1996: 200). In his 1992 electoral campaign, Clinton outlined the themes that were pursued by the United States in negotiating the side agreements. He emphasized that "the toughest issue of all is how to obtain better enforcement of laws already on the books" (excerpts from Clinton's Speech on NAFTA in *Inside U.S. Trade*, October 9, 1992, quoted in Winham 1994: 31). Clinton argued for the establishment of an environmental protection commission with more power than the current CEC. The original proposal tabled by the United States in May 1993 expanded the body known as the North American Commission on the Environment (NACE) announced under the Bush Administration in September 1992. The 1993 U.S. proposal envisioned a commission with a relatively independent executive director and secretariat vested with the power to initiate dispute settlement proceedings in regards to the enforcement of domestic environmental laws. Regardless of the weaker design of the actual CEC

that came out of the negotiations, the Clinton Administration remained committed to their position. Indeed, prior to the vote on NAFTA in the Congress in November 1993, the Administration issued a Statement of Administrative Action that the United States would withdraw from NAFTA if either Canada or Mexico withdraw from the environmental side agreement (Winham 1994: 39).

The key architectural role played by the United States in the development and maintenance of the NAFTA environmental institutions was possible because of the relationship between the American state and American NGOs. The Clinton Administration depended on the support of NGOs to secure the required majority in Congress to authorize NAFTA. Five major U.S. environmental organizations supported NAFTA: the National Wildlife Federation, the World Wildlife Fund, the Environmental Defense Fund, the Natural Resources Defense Council, and the National Audubon Society. Of the major opponents were: the Sierra Club, Friends Of the Earth, Greenpeace, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, Clean Water Action, Rainforest Action, Environmental Action, and many others.

The National Wildlife Federation (NWF) backed NAFTA as early as 1992, when the Bush Administration announced its NACE project. Since then, they have denied many of the concerns presented below. For instance, NWF claimed that challenges to U.S. laws cannot be seen as trade barriers because "the U.S. government takes responsibility for defense of legitimate sub-federal standards ... and include[s] states as full participants in any panel proceeding that would involve their laws". In terms of consumer protection, the National Wildlife Federation maintained that NAFTA allows the highest possible protection, especially in terms of food safety (position paper September 14, 1993, quoted in CEC 1996).

The World Wildlife Fund (WWF) argued that one of the major effects of NAFTA is the emerging sense of a North American community (Eichbaum 1996: 49). They maintained that one of the crucial tasks is to assess the effects of NAFTA on the environment. WWF always stated that "economic development resulting from the NAFTA will not accelerate environmental degradation" (quoted in CEC 1996), and intend to prove this by encouraging any monitoring efforts on the actual effects of NAFTA.

On the other side, the main environmental concerns about NAFTA arising from civil society in the U.S. can be organized in four categories:

1. Effects of intensified economic activity

Both during the NAFTA debate and in current evaluations produced by NGOs, one of the major environmental concern is to monitor and assess the effects of NAFTA on the environment. At the simplest level, this means finding a way to evaluate the link between economic growth and environmental conditions. The assumption among the opponents of NAFTA is that intensified economic activity will drain more resources from the environment, cause stress on the wildlife, create a waste disposal problem, increase air, soil, and water pollution, increase the potential for chemical emergencies, and so on.

Among others, the Environmental Health Coalition working in the U.S.-Mexico border region decried the occurrence of illegal dumping of toxics and the lack of cooperation in emergency situations (Luna 1998). In a report on the effects of NAFTA after three years, the Economic Policy Institute, the Institute for Policy Studies, the International Labor Rights Fund, Public Citizen's Global Trade Watch, the Sierra Club, and the U.S. Business Industrial Council Educational Foundation, conclude that the U.S.-Mexico border region got dirtier and more dangerous. According to them, the new NAFTA institutions are inadequate. Furthermore, the development of more maquiladoras increases the problem of hazardous waste and creates public health problems both in the U.S. and in Mexico. The industrial built-up produced by increasing investment and trade has, according to these organizations, created massive social dislocation and reduced food security in Mexico. Overall, the report argues that NAFTA is a failure for the average citizen of the three countries (Economic Policy Institute et al. 1997).

Public Citizen also published a number of reports coming out of their monitoring activity. Their major concern is to document the qualitative changes occurring as an effect of NAFTA and to challenge the governing bodies in their failure to meet their promises. In their 1996 report, Public Citizen insists on the greater environmental problems in the interior of Mexico caused by economic growth. Moreover, the report states that the border area has been betrayed on many aspects: there is an unbearable concentration of industries, increase in hazardous waste, increase in air pollution, increase in birth defects, and no adequate infrastructure despite the efforts of the Border Environmental Cooperation Commission (BECC) because communities are too poor to afford the loans. Similarly, Friends of the Earth condemned the potential increase of industrial migration towards Mexico because of lower environmental standards. The resulting expansion of maquiladoras, the concentrated industrial built-up, and the truck traffic along the border cause

major stress on a region already deeply polluted (Friends of the Earth House Testimony 1991; 1993). For their part, the Citizen Trade Campaign pointed to the possibility of greater environmental problems in the interior of Mexico due to economic growth and industrial development away from the border area. They stated that "the environmental damage apparent in the maquiladoras will become the norm throughout Mexico" (in the *Wall Street Journal* 1994).

2. Downward pressure on environmental standards caused by new trade rules and by competitive pressures

The "pollution haven" hypothesis was very much present both during the NAFTA debate and in the current monitoring phase undertaken by many U.S. NGOs. There is a strong belief that NAFTA accelerated industrial migration to Mexico due to their "unfair" competitive advantage because of "lower" environmental standards. The main argument is that exacerbated competition exert a downward pressure on environmental standards. For instance, the Economic Policy Institute et al. (1997) point to the weakened inspections of trucks at the U.S.-Mexico border due to a huge traffic increase. Many trucks do not meet American standards. The same situation is alleged to occur with respects to food inspection. In addition, Public Citizen (1996) predicts that Mexico will be pressured to lower standards to attract investments. Friends of the Earth (1991) stated to the Subcommittee on Rules of the House that "Past trade agreements illustrate that domestic environmental and consumer health and safety standards that affect another country's ability to export to, or invest in, the United States can be undermined due to challenges by trade partners." Further concern is expressed with regards to the potential challenges to Federal and sub-Federal environmental standards:

States and local laws impacting trade that enact stricter environmental standards than international dispute resolution standards could be challenged as illegal trade barriers. (Citizens Trade Campaign 1993, quoted in CEC 1996)

The Sierra Club also insisted on this issue, but they also denounce the introduction of Mexican tainted food stuff to the U.S. and Canada due to lower sanitary standards: "As imports of Mexican fruits and vegetables increase under the NAFTA, inspections for pesticide residues may become less rigorous." (1991: 131).

3. Ineffective implementation of the new NAFTA institutions, gap between promises and accomplishments

Moving towards post-NAFTA debates, the main focus of concerns is twofold: the effective implementation of the new NAFTA institutions and the evaluation of their original design. The general critiques point to the dangers of excessive bureaucratization and co-optation of social actors, to the diversion of resources from direct action to preparing complicated written submissions and/or lobbying, and to the lack of concrete measurable outcomes of these institutions (see Boudreau and Hinojosa-Ojeda 1998). Many NGOs indicate that "public participation" has a different meaning in the three countries and that the environmental side agreement emphasizes a prosecutorial approach over cooperation (on the latter see Spalding in Boudreau and Hinojosa-Ojeda 1998; Winham 1994). In terms of public participation, Nikki Zeuner (1996) of the Arizona Toxics Information indicates that the BECC and the NADBank have the very important potential to continue introducing a new culture of citizen participation at the border. However, these institutions need to account for the diversity of the public and concentrate much more on outreach. The same comment has been made by Jackie Lockett (1996) of the Border Information and Solutions Network. Or again, Marc Coles-Ritchie (1996) of the Border Ecology Project suggested for the BECC and the NADBank to work on better and earlier dissemination of project information and more public meetings. Some Mexican NGOs have also criticized the insufficiencies of travel funds to give access to public participation. In the end, however, Kelly and Reed (1996) of the Texas Center for Policy Studies point to examples of the positive effects of public participation on the BECC/NADBank process. For instance, it is in response to public claims that the BECC modified its accreditation criteria to better respond to the requirements of sustainable development. The public also persuaded the BECC to certify only projects that meet all these criteria and induced the commission to create special rules for project that will generate private profits.

Another contingent point raised by social actors is the failure of governments to adequately fund the new NAFTA institutions. For instance, there was a long time lag before the NADBank was actually able to fund the projects certified by the BECC. The Economic Policy Institute et al. report (1996) also point to the lack of funding given by the NADBank and the exclusion of the most needy communities from the process by the very fact that they are not able to afford the loans provided by the NADBank. The same report also denounces the lack of

government support to the CEC and their dependence on domestic politics to secure funding. César Luna (1998) of the Environmental Health Coalition points to the lack of cooperative efforts demonstrated by these institutions in fulfilling their funding purposes. Moreover, in examining two case studies, Luna argues that there was a lack of cooperation between the U.S. and Mexico in emergency situations and a lack of honest binational communication. Luna concludes that the new environmental institutions should publicly recognize their limitations in order to stop raising false expectations among the environmental NGOs. As Helen Ingram (1996) mentions, "these institutions are strong on process but woefully weak on action, even many little actions."

4. Insufficiency in the design of the new NAFTA institutions

The environmental concerns of U.S. social actors is not limited to the ineffective implementation of the promises made in the wake of the NAFTA debate, but also the deficiencies of the institutions per se. Many actors feel their mandate is either too broad or too narrow, that the processes of public participation are insufficient. Mark J. Spalding (1998) demonstrates that the three environmental institutions together do not cover the full range of environmental needs in North America. Nevertheless, he does not recommend enlarging the BECC/NADBank mandate before ensuring the full implementation of their current mission in terms of water pollution, wastewater treatment, and municipal solid waste. Luna (1998) for instance argues for the introduction of hazardous waste in the BECC mandate. The NADBank is designed only for projects that can be repaid, and not for clean-up projects much needed at the border. Luna also criticizes the reactive nature of the CEC. In order to act in a specific situation, the CEC requires a citizens submission which is an exhausting project to undertake for NGOs with limited resources. Moreover, the CEC has discretion in deciding to accept the submission or not. Luna also raises the issue of corporate responsibility, which is absent from these institutions. Similarly, Ingram argues that businesses do not pay their shared burden in these institutions (1996). More drastically, the Economic Policy Institute et al. report (1996) criticizes these institutions for bribing private actors to do the right thing by making capital available, rather than focusing on enforcement.

The Udall Center for Studies in Public Policy is more enthusiastic about the BECC/NADBank. They applaud the progressive design of the BECC, but propose a number of

improvements. For instance, there are no features to enforce the accreditation criteria after an infrastructure project has been funded. Sprouse and Mumme (1997) write that "some observers have suggested that BECC could extend its control over projects through the use of contractual agreements, whereby projects which don't complete the terms of its agreement could be sued by BECC." However, as they mention, this might be difficult to apply. Also, as Dick Kamp (1996) indicates, money received by a project outside the normal NADBank process is not subjected to the compliance criteria. Sprouse and Mumme also mention the need to implement better cooperation between the different border agencies and suggest that BECC could become the clearinghouse for all infrastructure projects. Also recommended is a more active role by the BECC in developing and implementing more forceful environmental standards (Varady et al. 1996). Despite these criticisms, authors affiliated with the Udall Center for Studies in Public Policy are generally enthusiastic about the design of the BECC and the NADBank. They applaud their binational character and their potential to forger long-term self-sufficiency in the borderlands (Varady et al. 1996).

Mumme and Duncan argue that the CEC is heavily subjected to domestic pressures external to the institution. This is enshrined in its mandate to investigate citizens submissions. NGOs thus have much influence on the definition of the commission's agenda. Furthermore, the CEC's mandate is to provide a tangible service to promote trinational cooperation. But since it has a very diverse clientele to please dispersed on the Ottawa-Washington-Mexico City nexus with small pockets in the border region, it is vulnerable to much lobbying pressures. "At the present time, the CEC is politically dependent on the leading ENGOs in the North American region, particularly those U.S.-based groups whose lobbying helped bring the agency into existence" (Mumme and Duncan 1996: 205). Mumme and Duncan maintain that such dependence on their clientele is in tension with the commission's dependence on governments for their existence. For instance, the commission staff have strong incentive to accept only submissions that are not too threatening to governments. This has been illustrated by their refusal to investigate the U.S. government's 6-month moratorium on enforcement of the U.S. Endangered Species Act and the Logging Rider package voted by the U.S. Congress in 1995 that would permit the increase of salvage timber operations (see Mumme and Duncan 1996: 210).

For its part, Public Citizen strongly criticizes the "structural problems" of the CEC, which has too little authority, is too limited in scope, has no real power to investigate independently,

can hardly initiate the process, and is filled with conflicts of interests. The report (1996) also points to the commission's budget difficulties, the fact that it received less money than expected and that its future funding is not secured. Similarly, the BECC/NADBank are charged for having problems with callable capital, for its inability to help poorer communities unable to afford loans, for the fact that funding is not available for non-water projects, etc. In the end, Public Citizen calls for a stop in any NAFTA expansionist views and for more measurements of NAFTA's real-life effects.

B) Canada

In Canada, the debate around free trade mostly took place prior to the Canada-U.S. Free Trade Agreement (FTA) of 1988. Canadian NGOs mostly rejected free trade then and many completely retreated from the NAFTA debate. In Quebec, public opinion and more NGOs supported the 1988 FTA and the 1994 NAFTA. The most contentious issue in 1988 was the issue of cultural trade stemming out of Canada's efforts to preserve its national sovereignty. The population of Quebec did not feel as threatened by "cultural Americanization" because of the language barrier. Consequently, the Canadian NGOs' rejectionist stance towards NAFTA considerably weakened Canada's architectural role in negotiating the side agreements. The Canadian government did not face a fraction of the public pressures for creating a new set of institutions the American government had to face. As Winham writes, « the stakes were raised for the United States by demands from the constituents of trade policy. Presumably the Mexican and Canadian governments also faced internal pressures, but these were generally less visible » (1994 : 33).

Consequently, during the negotiation of the environmental side agreement, Canada proposed a much weaker environmental commission than the U.S. NACE proposal. It was foreseen with less independence from the three ministries, less interventionist, and no provisions were planned for private citizens' petitions. More importantly, in accordance with the Canadian constitutional tradition, the Canadian proposal included an annex intended to list precisely the legislative acts affected by the side agreement and was silent on the issue of trade sanctions (Winham 1994 : 33). Canada also proposed to use domestic courts to enforce fines levied by the commission. This would have been possible in Canada because courts have the capacity to enforce international orders, but it would have been much more difficult in the United States and

was categorically opposed by Mexico as an infringement of national sovereignty (Winham 1994 : 35).

Of the Canadian-based NGOs more vocal during the NAFTA debates and active within the CEC today, are Action Network Canada, the Sierra Club of Canada who received \$95,000 in North American Fund for Environmental Cooperation (NAFEC) money in 1997, the Canadian Environmental Law Association, Pollution Probe who also received NAFEC money (\$10,000 in 1996 and \$10,000 in 1997), the International Institute for Sustainable Development who benefited from a \$94,000 NAFEC grant in 1996, the West Coast Environmental Law Association who launched a project with \$90,350 in NAFEC money in 1997, and many others.

It is more difficult to synthesize the terrain of concerns raised by Canadian NGOs in relation to NAFTA. Environmental concerns did not have priority on the public agenda ; considered more important were the issues of cultural products and labor. Nevertheless, many environmental NGOs are very active in relation to the CEC today. More outreach work still needs to be done to make the public participation venues of the commission widely known. As Leonard Waverman of the Center for International Studies at the University of Toronto mentions, « the institutional context of NAFTA is complex, and it is not necessarily the CEC's role to undertake the study to clarify it. But there is certainly a need for a study of what the institutional framework of NAFTA actually is. Many of these committees do not see the light of day. It is not clear when they meet, what they discuss, there are no minutes and thus they are not transparent. » (1996: 19).

NAFTA negotiations, however, made it clear that environmental protection cannot be separated from trade liberalization. Gilbert R. Winham (1994) of Dalhousie University adds that « environmental progress became dependent on trade liberalization, in that NAFTA focused attention on problems such as pollution along the U.S.-Mexico border -problems that would have been less visible without a trade agreement » (1994: 30). Environmental issues became prominent and more visible as the NAFTA debate progressed. But NGO dissatisfaction remains in Canada because the concept of trade sanctions is still unpopular outside the U.S. The differing size in each country's economy means that trade sanctions would be less damaging for the U.S. than for Canada and Mexico. Moreover, because Canada and Mexico have higher trade/GNP ratio, it would have more impact on them than on the U.S. Nevertheless, concludes Winham,

« the creation of a « lobby-able » international structure is a significant achievement for nongovernmental organizations » (1994 : 39).

As Kim Campbell indicated, as a sign of confidence to the new Clinton Administration during the NAFTA negotiations, the Canadian government decided to go ahead with the negotiation of the side agreements (Campbell in Boudreau and Hinojosa 1998). Diplomatic reasons much more than domestic pressures determined the Canadian position on environmental issues. Canada has a very specific mediating position in international diplomacy that presumably influenced its position with regards to the side agreements proposed by the U.S. government. The real domestic pressures occurred a few years before during the Canada-U.S. Free Trade Agreement debate under former Prime Minister Brian Mulroney. The beginning of the 1990s brought a severe recession to Canada in the first years of the FTA, coupled with governmental efforts to balance the deficit. Mulroney then imposed the General Service Tax (GST), a move that was very unpopular and partly caused the loss of his Progressive Conservative Party then led by Kim Campbell in the subsequent Federal elections. Despite the difficulties of his party, Mulroney left a legacy of trade liberalization to Canada, who recently signed the Canada-Chile trade agreement under Prime Minister Jean Chrétien. From this very brief synopsis of the Canadian political scene during the NAFTA debate, it becomes clear that the Canadian state was very pro-active diplomatically rather than responding to domestic pressures. However, Canadian constitutional and social democratic traditions influenced the government's strategy in leading the country towards both economic prosperity and social equity. In the wake of the 1992 Charlottetown Accords, the round of constitutional negotiations aiming at resolving the internal issues of indigenous self-government rights and Quebec's sovereignteparatist claims, civil society and public participation were actively encouraged. National discussion about the role of public participation and the meaning of civil society were easily transposed to the international arena. And now that the CEC's secretariat is based in Montreal, many Canadian environmental NGOs became even more active in domains related to NAFTA rather than simply adopting a rejectionist stance. However, transnational alliances with U.S. NGOs were always stronger than links with their Mexican counterparts. Mexico seems very far away from Canada. Furthermore, there is not a very strong transnational Latino connection as what has been witnessed in the United States and in the border region.

C) Mexico

The context in which NAFTA was negotiated in Mexico was deeply affected by successive economic crises, culminating in the peso crisis of 1994. Since the end of 1994, the Mexican peso has depreciated by more than 50 percent. And clearly, this depreciation has a greater impact than tariff reduction (Weintraub 1996 : 25). In negotiating NAFTA, Mexico implemented a series of domestic measures to create an investment-friendly environment. While these were strictly domestic measures (such as privatization), they had a considerable influence in the country's leverage during the negotiations. Given the asymmetrical balance of power between the three NAFTA countries, Mexico requires a different kind of attention. Mexico and the United States did not have a bilateral trade agreement prior to NAFTA of the same kind as the FTA between the U.S. and Canada. Nevertheless, the border region is particularly stressed by its concentrated industrial activity stimulated by the over 30 years-old Border Industrialization Program (the maquiladora system). Despite the fact that maquiladoras are no longer restricted to the border region, still 42 percent of the new maquiladoras in 1995 were located in the border region (Bender 1996 : 32). One of the major fear of environmentalists is the expansion of the maquiladoras system in the interior of the country and thus creating environmental stress in regions previously less developed. As Bender indicates, of the 465 new maquiladoras in 1995, 59 percent were not located along the U.S.-Mexico border (1996 : 32). But, as Robert Morris of the US Council for International Business argues, one should distinguish « the effects that are actually derived from NAFTA itself, rather than those that might normally be expected from the process of economic development in Mexico and elsewhere in North America. The danger exists of falling into a trap and of attributing virtually all of the ills of the process of modern development to the trade agreement. »(1996 : 58).

Overall, the major concerns of Mexico during the NAFTA debates and currently are : 1) relieving the negative effects of the economic crises; 2) inducing economic development and balance the asymmetry between the three countries and between the different sub-regions; and 3) work on the particularly stressed border region. These concerns seem to arise not only from the government but also from certain segments of civil society, albeit often with different priorities.

Catalina Denman of the Colegio de Sonora (1996) points to the need to establish rules that reflect asymmetric conditions in the NAFTA countries. But also, it should not be forgotten that there are important differences in how NGOs operate in the United States and Mexico. There

are also differences in how government and the private sector do business in the two countries. For instance, Salvador Contreras Balderas (1993) indicates that it is expensive to belong to some NGOs in Mexico. Many of them have powerful political connections, but others lack basic funding. Not all NGOs are nonpartisan and separated from the government. Volunteering time is difficult for many Mexicans given the economic situation and the necessity to bring money back home. Moreover, there is a lot of competition between NGOs and they all lack all types of information. Despite all these problems, many Mexican NGOs took position during the NAFTA debate and many are still working on projects related to the trade agreement. For instance, Adrián Fernández Bremauntz of the Instituto Nacional de Ecología (1996), applauds the many on-going discussions about NAFTA and its environmental effects. « Not many years ago, it was considered to be an enormous offense to request information collected in Mexico, » writes Fernandez, « at present, the Government of Mexico has to confront not only the growing participation of civil society within Mexico, but also act as a bridge and respond to the international community, including international nongovernmental organizations » (1996 : 45). NGO work for transparency and public participation within Mexico has been helped by NAFTA, which has not only accentuated transnational links between NGOs but also has improved the means of communication and the dissemination of information. It has put the governments' public obligations on the public agenda.

On the argument that intensified economic activity as a result of NAFTA would harm the environment, an argument advanced by many American NGOs and some Mexican branches such as Greenpeace Mexico, many Mexican NGOs took the opposite position. For example, the Conservation International Mexico said to the Wall Street Journal : « But why, then as opposition to NAFTA has begun to stem more from US concerns for jobs in light of an anemic economic recovery, hasn't Mexico's resolve on the environmental front fallen off ? In fact, we may be seeing the emergence of a trend in which there is a direct correlation between environmental protection and renewed economic growth in both the US and Mexico » (June 1, 1992, quoted in CEC 1996). But Greenpeace Mexico retorts that the three governments have created a trade agreement only to meet the interests of multinational corporations. Alejandro Villamar Calderón (1996) of the Mexican Action Network on Free Trade (RMALC) writes that « any ongoing assertions that a relationship between trade, the environment and development does not exist is not useful » (1996 : 63). This tension between economic development and

environmental protection is very present in Mexico. Omar Masera (1996) from the National Autonomous University of Mexico (UNAM), points to the differentiated impacts of NAFTA on the three countries and the three ecosystems. He also reminds that the environmental effects of NAFTA are produced not only by a rise in economic activity, but also by its decline. « This necessitates, » he writes, «examining regions where there are different forces operating across sectors, such as the displacement of population, which may lead to economic decline, the abandonment of agricultural lands, and deforestation or forest degradation. » (1996 : 39). Intensified economic growth, in other words, is not the sole cause of environmental problems in Mexico. The issue needs to be placed within its social and political context. Population displacements, infrastructure changes and deterioration of local institutions, on the one hand ; availability of new technological and communicative resources and institutions responsive to civil society on the other hand, are all new factors resulting from NAFTA.

On the argument that intensified competition would exercise a downward pressure on environmental standards, the NGO Red Frontera de Salud y Ambiente argues that economic sanctions may not prove strong enough to halt pollution since many companies will chose to pay the fine rather than change to more environmentally-sound production processes (*La Jornada*, December 7, 1993, quoted in CEC 1996).

On the efficiency of the new NAFTA institutions, the Mexican Action Network on Free Trade (RMALC) participated in the Public Citizen report of 1996. Their position is nevertheless more ambiguous than the U.S. NGO. RMALC strongly argues for the official recognition of the link between trade, the environment, and development, as it is recognized in the 1992 Rio Declaration. Like Public Citizen, they feel the need for effective monitoring of the environmental effects of NAFTA, but unlike Public Citizen, they see the CEC as an appropriate venue for this assessment (Villamar Calderón 1996). They also call for solid links between governments, the CEC, and NGOs (nationally and transnationally). RMALC received \$47,000 in 1996 from the North American Fund for Environmental Cooperation (NAFEC) established by the CEC to encourage grassroots environmental initiatives. The Centro de Ecología y Desarrollo A.C. is active on the CEC's Joint Public Advisory Committee (JPAC), the public arm of the transnational institution. The Instituto de Derecho Ambiental filed submissions to the CEC in 1997 and 1998. Mexican NGOs working in the border region have generally been enthusiastic about the work of the BECC and the NADBank, despite some criticism about the lack of travel

grant and accessibility to participate in the certification process and the slow funding approval demonstrated by the NADBank.

Overall, we could say that Mexican NGOs operate in a context very different from their American and Canadian counterparts. The asymmetrical economic relationship is in fact a « North-South » relationship coupled with the now over thirty years old maquila program at the border. Binational NGO cooperative relationships have been created over the years to cope with the problems created by the massive industrialization of the border area. Still today, the border region is the object of many NGO efforts in Mexico. NAFTA has however multiplied opportunities to share information and build cooperative links between American and Mexican NGOs outside the border region. Relationships with Canada are still very weak. Mexican NGOs have a different relationship with the Mexican government than their American and Canadian counterparts. The ongoing democratization process taking place in Mexico, as well as the inclusion of public participation at the core of the new NAFTA institutions' mandates are inevitably modifying the bridges between civil society and the state in Mexico. Nevertheless, a Mexican observer noted that « public participation » may mean completely different things in the three NAFTA countries. For many Mexican officials it has meant to hold « clean elections » much more than opening the process of decision-making to the public (Bustamente, quoted in Boudreau and Hinojosa 1998 : 17). Moreover, Mexican NGOs as well as the Mexican government, are very sensitive to the issue of national sovereignty and the right to economic development.

D) Implications

The ongoing assessment process taking place towards the new NAFTA institutions differ in the three countries. Nevertheless, most actors would agree that there is a certain gap between the political promises made in 1994 and the implementation phase. The question now is : How to maintain confidence in these institutions? The 1996 CEC framework to assess the environmental effects of NAFTA indicates that as early as 1990, during the debate, environmental effects were felt in North America (1996 : 17). What remains clear in examining both the negotiation and the implementation phases is that each state's motive and domestic political culture influence the terrain of environmental concerns raised by environmental and social actors. The United States' key architectural role and its greater economic power undoubtedly weighted back in 1993 and its current lack of forceful implementation and the loss of the NAFTA Plus confidence is still

influencing the new institutions' work. However, the disparities between the three countries' political culture, and between the social and environmental concerns, exercise different pressures on the new NAFTA institutions. This array of concerns and the necessity to respond to all these differing interests constantly maintain a new political space in North America. It is still too early to observe a definite transformation of the relationship between the states, the transnational arena and social actors. But there is for sure innovative political relationship developing in North America that go beyond the simple rejectionist stance initially adopted by many NGOs. This brief overview of the terrain of social and environmental concerns in relation to trade liberalization certainly illustrate the complexity of anti-trade politics. It seems that transnational alliances between social actors is not as developed as one could have expected, but it is certainly underway.

Current Stalemate, Future Challenges

In the end, the multi-level strategy followed by the Clinton Administration allowed it to achieve their short term political objective: the passage of NAFTA. Yet ironically, the success of the state attempts to limit civil society based institutions led to a weakness of the sustainability of the NAFTA consensus. In addition, the Administration's decision not to solidify a base of support in the willing social movements, thus also was magnified as an abandonment of the green/blue concerns.

The uneven construction and performance of the NAFTA related institutions can be traced back to the differences in strategic interactions between different societal actors and national states, particularly the underdeveloped capacity of groups to have already constituted a transnational network with well thought out and coordinated visions of short and medium terms steps necessary for North America strategic cooperation. The fragileness of the original coalition which forced the new agenda items on the states, led to the emboldening of conservative opponents of the "NAFTA Plus" consensus and to the withdrawal of the tentative support by North American states to aggressively follow through on these consensus approaches and the institutions that they represented. It was this failure of the state actors to carry through on forceful implementation of the side agreements and their expansion under "fast track" which led Latino and environmental groups who supported the "NAFTA Plus" consensus to withdraw crucial support which has contributed to the current stalemate.

The new political arena of international economic policy formation is still very fluid and is being reshaped by on-going strategic interactions between national societal actors, governing states, international institutions, and transnational activist networks in ways that are setting new norms, principles, and terms of the coming debate on future trade agreements.

In the coming future debate on "fast-track" and US international economic policy, which will undoubtedly be highly focused once again on the US-Mexico issues, it will be another opportunity to go beyond a simple rejectionist stand and be in a position to propose viable transnational policy alternatives. The future evolution of the North American pattern of integration and development, as well as the scope and efficacy of agreements and institutions, will depend on the evolution of transnational societal networking and coordinated action, including strategic choices that will influence the agenda of states and traditional economic actors.

Within this context, the key issue will be the capacity of groups to carry forth activities in at least the following four areas:

- A broad popular vision of socially just and environmentally sustainable patterns of economic development with on-going integration through trade, investments, and migration.
- A coordinated strategy to move governments and legislatures to build on and expand on the elements of a "NAFTA-Plus" approach for next round of fast-track authorization and future trade agreements.
- Immediate campaigns to move the NAFTA institutions to test their limits of activity through continuous exemplary uses and exhaustion of the potential of these institutions to leverage on-going labor, environmental, and community development organizing efforts.
- Coordinated programs of transnational network building capacity among a wide range of groups with potentially complementary strategic objectives in North America, the Western Hemisphere, as well as other areas of the globe.

These alternatives should be based on theorizing of: the principles for expanding access and enforcing basic human, labor and political rights constitutionally purported to be available to all citizens; and the type of institutions for democratically allocating and implementing long term resource mobilization to address environmental sustainability and economic developmental inequalities.

Appendix 1: The Latino Consensus Sponsorship (Partial List)

Washington D.C.

National Council of La Raza

Labor Council for Latin American Advancement

National Puerto Rican Coalition

Cuban American Committee Research and Education Fund

Illinois

Latino Institute

Midwest-Northeast Voter Registration Education Project

Florida

Cuban American Coalition

Colorado

Mexican American State Legislators Policy Institute

Michigan

Julian Samora Research Institute

Mexico-United States Consortium for Academic Cooperation

Arizona

Arizona Hispanic Community Forum

New York

National Congress for Puerto Rican Rights

Texas

Southwest Voter Registration and Education Project

Southwest Voter Research Institute

Texas Industrial Areas Foundation

Texas Association of Mexican American Chambers of Commerce

League of United Latin American Citizens

California

Mexican American Legal Defense and Education Fund

Organization for Legal Advancement of LA Raza

La Opinion Newspaper

Appendix 2: Latino Consensus Conference Sites (Fall 1991 to Summer 1992)

Washington D.C.
Illinois
Chicago
New York
NYC
Albany
New Jersey
New Mexico
Santa Fe
Albuquerque
Florida
Miami
Colorado
Denver
Michigan
Ann Arbor
Arizona
Tucson
Phoenix
Texas
Austin
San Antonio
Houston
Rio Grande Valley
California
San Francisco
Oxnard
Los Angeles
Sacramento
San Joaquin Valley
San Diego

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