

CROSS-BORDER ACTIVISM AND ITS LIMITS

MEXICAN ENVIRONMENTAL ORGANIZATIONS
AND THE UNITED STATES

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AWAKENING FROM THE DREAM OF GLOBAL CIVIL SOCIETY

THE NAFTA EXPERIENCE

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Over the past few years, many social scientists have been thinking, talking and writing about processes of globalization. One of the reasons for these efforts is the complexity and contradictory nature of the processes that have culminated roughly during the past 25 years. From a political perspective, on the one hand, worldwide economic liberalization allowed the market and market forces to obtain a more prominent position, partly limiting the size and power of the state, social safety structures, citizens' options for choosing among a range of political programmes, and governments' options for choosing among a range of policy alternatives. On the other hand, there has been a rise of new social movements and non-governmental organizations (NGOs), and the growing national and international role of this type of civil society actors show that new avenues for citizens' influence have been established. In his critique on 'predatory globalization', Richard Falk (1999) talks about 'globalization-from-below' as a means of citizens to resist 'globalization-from-above'.¹

Interesting examples of civic resistance against globalization-from-above are the Mexican environmental organizations and their activities beyond national borders that took place in the preparatory phase of the North American Free Trade Agreement (NAFTA). Their experiences with these transnational politics are the subject of the case study that will be presented here. The environmental debate with respect to the creation of NAFTA was the first major political debate on trade and environment. Shortly after it was announced in 1990 that this would

be negotiated between Mexico, the United States and Canada, environmental organizations from the three countries demanded the inclusion of environmental issues. Later on a wide variety of political actors became involved in this transnational debate, but environmental organizations were the initiators, and they remained crucial sources of criticism and proposals. The broad public and political attention for the linkages between trade and environment was at that time something new, although it did built upon the ideas of sustainable development of the 1980s, and on the simultaneous preparations of experts, governments, international organizations and NGOs around the world for the United Nations Conference on Environment and Development that would take place in Rio de Janeiro in 1992.

The increasing involvement of organized civil society in international politics, such as those of environmental organizations in the preparations of NAFTA, has brought some scholars to speak of (the rise of) global civil society (GCS). Although global civil society is a concept with various definitions – partly resulting from the various definitions of the concept of civil society – it has by now been widely adopted and used within and outside academic circles. One cause of confusion is the question whether organizations representing companies are included, or whether global civil society refers more narrowly to groups that represent the interests and beliefs of citizens. Without taking a position here on the best concept, this article focuses on the narrow civil elements of civil society, that is civic organizations and social movements, and specifically on their institutionalized building blocks: NGOs. These are also the key social actors in most GCS theories.²

In the scholarly debate on the rise of a global civil society, various optimistic notions, concepts and theories can be discerned. It is often pointed out that global civil society allows for citizens' voices to gain volume and influence at the level that is increasingly shaping national and local circumstances: the supranational level (this can be regional and/or global). The role of NGOs in international policy-making with respect to 'new' progressive political issues such as environmental protection, human rights, and the position of women is particularly stressed. And according to several theories, global civil society is a source of democratization of global and regional decision-making processes, as well as of national and local politics. While none of these views and expectations are simply false, they tend to overestimate the positive effects and possibilities, and neglect some of the more negative tendencies and results.

While the academic interest and enthusiasm for new developments and ideas, such as those on GCS, are natural and welcome, in this article I argue that some of the optimism of GCS theory can and should be criticized for short-sidedness. My analysis concentrates on four important notions of GCS theory: first, the idea of the deterritorialization of politics and the emergence of global identities; second, the focus on the shared values of NGOs; third, the assumptions that global civil society is contributing to democratization at all political levels; and finally, the idea that the rise of a global civil society automatically implies the decrease of the state and the state system. The case of the transnational NAFTA environment debate is used here to point at some of the weaknesses of these GCS notions, and to demonstrate the need for further discussion of current ideas, concepts and theories.³ The NAFTA debate serves as a useful case since it has often been presented as an example of successful transnational cooperation of organized civil society. In addition, the NAFTA debate comprised clear North-South dimensions, so that it may be viewed as a regional test case from which one can draw more 'global' conclusions. Moreover, environmental politics has been an important area of transnational NGO activism, and it has been at the basis of many GCS theories.

Dreaming of global civil society

There is a kind of sweetness hanging around the concept of global civil society – something positive and promising, like a sleeping baby. As Paul Wapner explains, to some scholars global civil society is a domain that possesses normative promise: a sphere transcending the self-regarding character of the state system that can work in service of a genuinely transnational public interest. In their approach, in global civil society people form relationships and develop parts of their identity outside their role as citizen of a particular state. To them, global civil society is 'a promising alternative domain of collective life, (...) in which one thinks and acts independently of one's role as a consumer and producer; (...) free from structural impediments of both state system and world economy' (Wapner, 2000a, p. 261).⁴ To these scholars, in short, global civil society is a source of hope.

However, when reading GCS literature, one comes under the impression that because of this hope the analysis of transnational politics has become clouded. It seems as if these scholars turn a blind eye to counter-indications of global civil society as a promising alternative

domain: the conservative ideas of some actors of global civil society; undemocratic practices within and between organizations; global civil society as a source of conflict, competition and violence; interference of states and of corporate interests in this so-called 'civil' domain; etcetera. An illustrative example is that of Ronnie Lipschutz, a prominent writer on global civil society, who does notice that the emergence of global civil society does not automatically lead to a more peaceful and unified world, but nevertheless focuses on the promise: 'a new potential for counterhegemonic and progressive forces' (Lipschutz, 1992, p. 419).

A first element of the perceived promise of global civil society has to do with the idea of the deterritorialization of politics. Much has been written on the ways in which modern science and technologies are affecting political processes and actors (cf. Held *et al.*, 1999; Sassen, 1999; Scholte, 2000). The fact that travelling, transport and communication have speeded up tremendously in the Twentieth Century, and that their cost has been lowered similarly, have profoundly changed politics too. International relations are no longer exclusively available for states, political elites, and some major institutionalized interests (merchandisers, the church). An equally important revolution is the spreading of information. Nowadays, citizens are informed far more rapidly and intensively of things happening far away, whether in 'remote' areas or in the (real or virtual) centres of global power. Meanwhile even small or modestly funded organizations of citizens have the capacity to establish their own relations across borders. Parallel to these new or advanced worldwide possibilities, there are new or advanced global threats that are to some extent enhanced and/or known due to modern science. Among them are weapons of mass destruction, environmental destruction, and terrorism.

These various tendencies have been interpreted by some scholars as contributing to a deterritorialization of politics. GCS theory focuses on cases in which problems exceed (national) territories, which require solutions that involve more than one country. In various ways, the political processes of starting, framing, struggling over, and tackling these problems-beyond-territory are deterritorialized. For instance, in *Foreign Affairs*, Jessica Matthews (1997) describes the rise of an international public opinion as a 'new force on the global scene' that can be extraordinarily potent in getting things done, when informed by worldwide media coverage and mobilized by NGOs. GCS studies also analyse how after having attracted international attention, civic organizations cooperate beyond borders to pressure states, international

organizations and/or large corporations for change. Some scholars have come to speak of the non-territoriality of NGOs' point of view. According to Wapner (2000b, p. 90), this should be understood as NGOs assuming 'a view from no given geographical place in particular', which generates a non-national orientation. Yet it seems that in GCS theory the evidence from some cases of international public attention and transnational cooperation of civic organization is grossly extrapolated. Lipschutz (1992, p. 391, 398) states that 'civil society is becoming global', as civil society connections cross national boundaries and operate within the 'global, non-territorial region'.

This brings us to a second element of GCS theory, the idea of the prominence of shared values and norms. Margaret Keck and Kathryn Sikkink explain that shared values are central to the transnational cooperation of NGOs. 'A transnational advocacy network includes those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services' (Keck & Sikkink, 1998, p. 2). Unfortunately, in their generally good and thorough book on these networks they say little about the limits of shared values, and the reality that organizations working for the same cause may come in conflict with one another over the precise ends and means. Although they do recognize that within environmental transnational networks there are ideological differences and left-right divisions, Keck and Sikkink focus on the joint efforts. However, it seems to be especially the case for environmental NGOs that ideological, political and strategic differences may cause the movement split in different camps.

The idea of shared values is taken a step further by Lipschutz who, in the line with his thinking on deterritorialization, talks of the rise of collective identities. In his view, the end of the Cold War was the starting point of the development of a politics of collective identity. 'As liberalism is now the operating system around the world, there is less identification with the nation-state as a primary social grouping. However, an individualized identity based on consumption and market is insufficient, which explains the rise of new forms of cosmopolitan, collective identity: human rights, environment, feminism, gay and lesbian rights' (Lipschutz, 1992, p. 415). Despite the fact that Lipschutz states that new collective identities may also be constructed around new nationalist tendencies – which is indeed one of the ingredients of contemporary cultural, ethnic and race conflicts – the idea of new forms of cosmopolitan, collective identity may be criticized of being a rather western, upper-class and overly romantic view of world politics.

Even though a growing number of people in the world of today may feel that their identity is less linked to one town, province or country, there seems to be only a relatively small group to whom such a cosmopolitan identity dominates over an identity based on where one comes from and where one lives.

Thirdly, GCS theory holds that the rise of global civil society makes an important contribution to processes of democratization. One source of democratization is identified in the already mentioned new information technologies. These technologies are seen to disrupt hierarchies and help to 'spread power among more people and groups', while cross-border cooperation offers citizens groups 'unprecedented channels of influence', creating 'circles of influence' that accelerate worldwide changes (Mathews, 1997, p. 54). Such democratizing tendencies are identified by GCS scholars at the local, national, regional and global level. With respect to regional and international politics, in which decision-making is traditionally dominated by governments and international organizations, GCS theory points at cross-border efforts of NGOs to open up the 'closed doors' of official politics, to influence the agenda setting and decisions, and to hold the major actors accountable for their behaviour. Through these roles various NGOs are believed to be constructing at the supranational level a civic counterweight for state power. Moreover, global civil society is seen as a counter-balance for the growing global economic powers, which result from the expansion of transnational corporate actors and interests. Transnationally cooperating civic organizations have also been praised for their ways of working beyond borders. Their relations are described as decentralized networks, and their organization as voluntary, reciprocal, and horizontal patterns of communication and exchange (Keck & Sikkink, 1997, p. 8). Although usually mention is made of the effect that North-South differences can have on transnational NGO relations, for instance because of different views or the inequality of resources, GCS theorists are primarily interested in democratizing tendencies of these relations.

In local and national politics, GCS theory expects equally democratizing results of transnationally cooperating civic organizations, particularly for countries with political systems that are undemocratic or in transition to democracy. NGOs from countries where governments (or companies) are hardly receptive for their demands may seek transnational routes to get their message home. With this so-called boomerang tactic, civic organizations approach foreign states or international organizations, usually with the help of some external

counterparts with more influence, contacts and/or resources. Sometimes the threat alone of mobilizing these better 'equipped' counterparts to attract international attention and to influence the international public opinion can be enough to give NGOs from countries with a (semi-) authoritarian regime more influence in national or local politics. Keck and Sikkink (1997, p. 36-37) stress that cooperation of NGOs through transnational networks is transforming the international arena as a whole, and that the application of the boomerang tactic contributes to undermining absolute claims to sovereignty.

This brings us to the fourth and final element of GCS theory to be discussed here: the idea that 'more civil society' equals 'less state' – and often also 'less sovereignty' – and this equation being a good thing. This approach is partly a reflection of the optimistic or even romantic analyses of the local and national role of NGOs, which were particularly dominant in the 1980s. Post-Keynesian disillusiones over the abilities of the state to build or maintain a welfare system, the slowness of states to pick up urgent non-traditional political issues (such as environmental degradation), and the impressive and worldwide rise of New Social Movements, NGOs and new grassroots organizations helped create the image of organized civil society as being better than the state, both in a normative and a practical sense. In this context, some scholars came to argue that with adequate funding NGOs can outperform government in the delivery of many public services, and that 'they are better than governments at dealing with problems that grow slowly; the 'soft' threats of environmental degradation, denial of human rights, population growth, and lack of development' (Mathews, 1997, p. 63).

GCS theory stresses the ways in which the involvement of civic organizations is undermining the international system based on states and sovereignty. Martin Shaw (1992, p. 431-32) argues that 'the beginning of the development of global civil society starts to try to make the state system responsible', which he describes as 'a challenge to principles of sovereignty'. Similarly, Lipschutz (1992, p. 391) believes 'transnational political networks are challenging the nation-state system', yet adding that the nation-state as an actor has not finished. Likewise he argues that 'participants in the networks of global civil society interact with states and governments ... and are not constrained by the state system itself'; global civil society 'has to recognize states, but it is not state centric, and the code of global civil society denies the primacy of states or their sovereign rights' (Lipschutz, 1992, p. 393, 398). Apart from some nuances, Lipschutz clearly regards modern

world politics as an area in which organized civil society can move around largely autonomously and unaffected by states, sovereignty and interstate relations. This approach also shows from the historical parallel he sees: 'global civil society mirrors the type of supranational civil society that existed ... prior to the Treaty of Westphalia and the emergence of the state system, (when) there existed a relatively vibrant trans-European civil society, linked to territories but not restricted to territory' (Lipschutz, 1992, p. 400).

This beyond-the-state element of GCS theory is partly a reaction to earlier analyses of cross-border activities of non-state actors. In most of the older studies on the growing importance of transnational politics NGOs were viewed as important mainly because they influenced state behaviour. In other words, in the 1970s scholars of cross-border NGO politics fell back on the traditional notion that genuine political activity is in (the relations between) nation-states, and that the state system is the arena for affecting human behaviour throughout the world. This one-sided view has motivated scholars such as Wapner to look into other directions, such as the ways in which NGOs directly affect the behaviour of larger collectives throughout the world. He sees the rise of what he calls world civic politics, understood as 'forms of governance that are civil as opposed to official or state constituted in character. ... (C)ivic power is the forging of voluntary and customary practices into mechanisms that govern public affairs' (Wapner, 1995, p. 320).

The transnational NAFTA environment debate

Before examining GCS theory with the help of the case of the NAFTA environment debate, let us first review some of its main characteristics. The debate started in 1990.⁵ Shortly after being publicly announced, the plan for a North American free trade area met political resistance from various sides. Especially in Mexico and the United States, further economic integration of such unequal countries caused great concern, especially about the protection of labour rights and the environment. The trade agreement was promoted by the Mexican government as indispensable for growth and development, but environmental organizations in both countries worried about the impact of the expected rapid growth in Mexico, and about the effects of free trade in a context of divergent levels of environmental protection. The excessive ecological degradation and health hazards caused by rapid industrialization in Mexico's border region with the United States became a very sensitive and hot issue in the (US) media and the relations

between the two countries. Simultaneously, labour unions and protectionist forces in the United States unfair competition from Mexico-based industry. Also the semi-authoritarian regime and the human rights situation in Mexico were subject of debate. As a considerable number of members of the US Congress lent a ready ear to the demands of the heterogeneous group of NAFTA critics, Mexico's environmental policy turned into a major issue.

Central to the NAFTA environment debate was Mexico's weak enforcement of its environmental regulations and standards at that time. This weakness was the result of fragmented policy efforts, reflecting the low priority of the environment for the Mexican government. Although environmental legislation had improved over the years, the implementation of laws and the enforcement of standards were largely neglected. Governmental environmental agencies functioned with insufficient resources and therefore insufficient and underqualified personnel, especially after the more than average budget cuts following the economic crisis and austerity policies of the 1980s. For example, while combating air pollution in Mexico City was president Salinas' major environmental policy objective, in 1990 the Environmental Ministry had only 9 inspectors to control the city's 30,000 industries (Mumme, 1992, p. 133). There was also a structural lack of environmental concern and commitment from the other government agencies, which inhibited genuine integration of protection measures in other policy areas. The Environmental Ministry focused mainly on pollution and the conservation of protected areas, while neglecting natural resources and ecosystems. Mexico's environmental policy thus remained disconnected from its general development strategy (Carabias & Provencio, 1994).

Due to the NAFTA plan, these weak environmental policies that had previously been mainly of concern to some Mexican citizens and to Mexico's environmental organizations, attracted the attention of US and Canadian citizens and NGOs too. Until then, the small Mexican environmental movement had struggled rather unsuccessfully for their government to take environmental protection seriously. The Mexican government had been embarrassed by internal environmental criticism for it might hurt its internal legitimacy, and its international image. However, with a combination of a few limited policy improvements and subtle repression of 'loud' groups, the government had been able to silence most of the environmental movement (Demmers & Hogenboom, 1992). It was clear from the start of the

NAFTA debate, that US and Canadian organizations could not be as easily silenced, and this meant a political watershed.

After the announcement of the NAFTA plan, the complex links between free trade and national environmental policy became a major subject of debate. Environmentalists and interested citizens learned that (relatively) stringent environmental and natural resources legislation, like export and import controls, may be considered as a trade obstruction under a free trade agreement. This could become problematic for Mexico, the United States and Canada, as different environmental policies and standards in matters that are somehow trade related might be challenged as either indirect subsidies (e.g. in the case of national subsidies for environmentally friendly farming or fishing methods), or as non-tariff trade barriers (e.g. in the case of special environmental protection requirements for imported products, or policies restricting the use of natural resources to national consumption). Stringent environmental protection is thus likely to be discouraged or even sanctioned by a free trade agreement. And since the negotiations of trade agreements as well as the dispute settlement processes take place behind closed doors, free trade agreements have also been accused of undermining national democracy (Ritchie, 1993; Shrybman, 1993).

Concerns over the short-term and long-term ecological effects of economic integration stimulated environmental NGOs from Mexico, the United States and Canada to undertake cross-border activism. During the three years of NAFTA preparations and negotiations, transnationally many contacts were established, information was shared, positions and proposals were jointly developed, and environmental NGOs (ENGOs) cooperated among themselves and with other organizations to have these proposals included in the trade agreement. The plan for the NAFTA thus gave way to a range of unexpected political events. First, the criticism of environmental NGOs on the free trade proposal and Mexico's weak environmental policy was not anticipated because previously few of these organizations had been working on trade issues and economic policy-making. Second, the number and variety of Mexican, US and Canadian organizations joining in the debate was not witnessed before. This was a result of the spreading of the idea of sustainable development, which stimulated environmental, development and popular organizations as well as various types of unions, church-based groups and other civil society organizations to join forces. Third, the transnational nature of the debate on NAFTA was unprecedented in North America. Never before

had there been such an extensive cross-border interaction of NGOs, labour unions and private sector organizations, among each other and with government agencies and politicians. Fourth, while the mobilization capacities of labour unions were known, the public and political support for the environmental criticism caught the three governments and other proponents of free trade by surprise. Evidently, US labour resistance against free trade with Mexico fed the more general resistance against NAFTA in the United States, which gave way to additional support for the environmental concerns that were raised (cf. Audley, 1997). In addition to US social self-interest (protectionism if you like), however, in each of the three countries there appeared to be a profound public interest in the links between regional economic integration and sustainable development.

As a result of these four novelties, the Mexican government found itself faced with an unknown pattern of political pressure for better environmental protection, which was linked up to a crucial project for Mexico's economic restructuring process. Moreover, as critics of the NAFTA were establishing transnational relations, their ideas turned out to have considerable political leverage. If the NAFTA were to become real, this criticism had to be effectively dealt with. The Mexican government as well as the US and Canadian government, and eventually also private sector organizations of these countries, were therefore forced to respond to the issues that were initially raised by environmental NGOs. Before turning to these responses, we will first shortly review the major environmental actors and their positions.

Environmental NGOs in the NAFTA debate

In Mexico, NGOs criticized the free trade initiative and governmental proposals for largely ignoring sustainable development and environmental protection. Mexican organizations generally feared that NAFTA would intensify exploitation and degradation of Mexico's ecosystems and natural resources, and that the agreement would lead to a further subordination of ecological principles to economic expansion (Peña, 1993). Many of the ENGOs that strongly opposed the official proposals for NAFTA were organized in the Pact of Ecologist Groups (PGE). In the NAFTA process, the Pact acted mainly through the Mexican Action Network on Free Trade (RMALC), created in 1991 by close to a hundred environmental groups, 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. RMALC considered NAFTA 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. According to this network, trade liberalization could only be beneficial for Mexico if it were part of a development strategy based on popular needs (RMALC, 1993, p. 157).

More moderate Mexican organizations that were involved in the NAFTA debate were the Autonomous Institute for Ecological Research (INAIN), the Group of Hundred (Grupo de los Cien), and the Union of Environmental Groups (UGAM). The organizations rather perceived NAFTA as a problematic but inevitable stage in the development of Mexico, which should be accompanied with certain environmental safeguards. They did not oppose the trade agreement, and aimed to play a constructive role by proposing environmental safeguards and institutions. Despite their somewhat better relations with the Mexican state than critical groups, they also struggled with certain political obstacles. UGAM, for instance, had also poor access to official information from the Mexican government on the negotiations. Most of what they received were documents in English obtained by their US and Canadian counterparts. In addition, similar to most Mexican ENGOs, many of UGAM's organizations had to deal with a minimal economic and physical infrastructure (Barba Pérez, 1993, p. 131-32).

Along the Mexico-US border some local Mexican NGOs attempted to influence the NAFTA negotiations, partly through existing cross-border relations. The Mexican environmental organizations in the border area with the United States that were most active in the NAFTA debate also opposed the negotiated agreement.⁶ They worked with US border organizations and with the Mexican universities *Colegio de Sonora* and *Colegio de la Frontera Norte*. These border ENGOs and universities were all members of the binational Border Health and Environmental Network. Meanwhile, communication between Mexican border groups and Mexico City-based ENGOs on NAFTA was quite feeble because of differences in interests and position. And like other Mexican groups, border NGOs were discouraged by a lack of information, experience and finance (Alfie, 1998; Land, 1993).

In the United States, there was primarily fear that under NAFTA Mexico's weak enforcement of environmental legislation would be detrimental for US economic and environmental interests. Mexico was expected to derive unfair trade advantages from its low protection levels and might turn into a 'pollution haven', with the US losing industries and jobs. Many environmental concerns had to do with the

possibility of NAFTA legally and politically limiting the options for stringent US environmental policy.⁷ Other issues of importance were food safety (fear for less inspection of agricultural products imported from Mexico, and harmonization of food standards) and the pollution of the border region. Especially after the US media presented a range of horror stories and pictures on environmental degradation along the border with Mexico, it became an important issue in the United States and the transnational debate. Apart from ENGO criticism, US labour unions illustrated their opposition to the agreement with examples of non-enforcement of environmental regulations in the *maquiladoras*. Finally, apart from these national US interests, there was also concern for the regional environment, including the conservation of animals, plants and ecosystems in Mexico.

Practically all major US environmental organizations as well as many local groups, particularly those in the border region with Mexico, became involved in the NAFTA debate. Among them were large moderate ENGOs such as National Audubon Society, Natural Resources Defense Council (NRDC), National Wildlife Federation (NWF), World Wildlife Fund (WWF), and the Nature Conservancy, Defenders of Wildlife, and Environmental Defense Fund (EDF). Major critical ENGOs on NAFTA such as Friends of the Earth, Sierra Club and Greenpeace found a powerful ally in the consumer organization Public Citizen. Through the network organization Citizens Trade Campaign (CTC) critical ENGOs also cooperated with the American Federation of Labor and the Congress of Industrial Organizations (AFL-CIO) as well as with NGOs for development, human rights, women, immigrants, Christians and minorities.

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 of environmentally detrimental effects of free trade between the United States and Mexico (cf. TCPS, 1990; Kelly & Kamp, 1991). The Arizona Toxins Information, the Border Ecology Project (BEP), the Environmental Health Coalition and the Texas Center for Policy Studies (TCPS) publicly criticized official proposals and came up with alternatives. The border groups' experience with the environmental effects of economic integration and their relations with Mexican border organizations 'lent them credibility not enjoyed by many national environmental groups' (Land, 1993, p. 104). In contrast with the rather poor relations between Mexican border groups and Mexico City-based organizations, due to the NAFTA debate Washington-based ENGOs discovered the border organizations. US

border ENGOs serviced national organizations with information on the border problems, they helped shape the NGO agenda, and they were an intermediary between US and Mexican NGOs (Land, 1993, p. 103-104).

NAFTA and its possible environmental impact was less of a political issue in Canada than in Mexico and the United States. Very much against the will of critical Canadian NGOs, free trade with the United States had already been established, and extending free trade to Mexico was not expected to considerably affect Canada any further. Although many Canadian citizens viewed the issue of NAFTA's environmental impact as a Mexico-US affair, some organizations were actively involved in the debate. This was the case for the Action Canada Network (ACN), which - similar to RMALC and CTC - consists of a heterogeneous group of critical organizations, including the Canadian Environmental Law Association (CELA). The network opposed the negotiators' plans and perceived NAFTA as 'one step more down the road of free trade', involving many broad issues of Canadian concern. Canada's moderate ENGO Pollution Probe also worked on NAFTA. Like its counterparts in Mexico and the United States, this organization had good relations with government agencies. Pollution Probe at times cooperated with moderate US organizations, especially the NWF. Its links with Mexican groups, however, were rather weak.

The three phases of the debate

The transnational NAFTA environment debate started with an explorative phase. Through a range of studies, declarations and transnational meetings, NGOs developed and exchanged ideas, and came to know one another. Both moderate and critical ENGOs wanted environmental concerns to become an integral part of the trade negotiations. They advocated clear arrangements that would allow for stringent (US) environmental policy, as well as funding structures that would support environmental government agencies in Mexico with implementing policy. These ideas, as well as some labour issues, were shared by members of the US Congress, resulting in a majority in the US Congress linking environmental concerns to approval of the start of NAFTA negotiations.⁸ In response to these demands, on 1 May 1991, President Bush declared that his government would make a review of US-Mexico environmental issues, and would negotiate NAFTA on the principle of maintaining its environmental laws, regulations and standards. The ecological problems in the Mexico-US border region would not be included as a topic for the trade

negotiations, but they would be dealt with via bilateral cooperation. This declaration satisfied a majority of the members of Congress, thereby giving a green light for starting the trade negotiations.

The debate's second phase revolved around Mexico-US environmental cooperation and the incorporation of environmental provisions in NAFTA. The official acknowledgement of the environmental issue regarding NAFTA negotiations shifted the NAFTA environment debate from exploring and raising issues to discussing and designing environmental arrangements. From that time onwards proponents of the agreement, in the first place the US and Mexican government, became actively involved in the debate, and rapidly developed their position on environmental issues. Ecological degradation of the border region became a sensitive issue, and the plans for Mexico-US environmental border cooperation turned out to be crucial for the governments to deal with the criticism on that point.

With the May 1 declaration the Bush administration had caused a split between moderate and critical environmental organizations. While interaction between critical and moderate groups continued, their perception of problems and solutions differed considerably, and so did their political strategies. Critical organizations wanted to convert NAFTA into a regional development agreement, and maintained that negotiations should be slowed down in order to at least draft a social and environmental charter. Moderate organizations, however, believed that the integration of a set of environmental safeguards in NAFTA could prevent environmental damage. While government teams were negotiating the contents of NAFTA, moderate NGOs presented specific Environmental Safeguard Clauses that could be included in the agreement. In general, moderate ENGOs proved to be more willing to compromise with government proposals than critical organizations. Still, when in August 1992 the negotiating teams presented what they called 'the greenest trade agreement'⁹, both critical and moderate environmental organizations declared that the agreement lacked the necessary 'strong' language, enforcement mechanisms, and financial arrangements for environmental protection. Even after the subsequent commitment that a regional environmental commission would be established, practically all ENGOs denounced the outcome. Since the US labour unions' opposition had also substantial support in US Congress, Bush was unable to achieve NAFTA's ratification before the end of his presidency.

The final phase of the NAFTA debate started with the proposal of Bill Clinton, the then Democratic candidate for presidency, to add

supplemental agreements on environmental protection and labour rights to the trade agreement. After being elected, President Clinton convinced Mexico and Canada they had to go along with these side agreements if they wanted to realize the North American Free Trade Area, but serious disagreement arose between the three governments. The most heavily debated issues with respect to a supplemental environmental agreement were the authority and powers of the regional Commission for Environmental Cooperation (CEC), and the possibility of introducing trade sanctions against a country that would relax or not implement its national environmental legislation. Meanwhile, the Clinton administration established close relations with the major moderate US ENGOs. And also private sector organizations became actively involved in this stage of the transnational debate.

The final phase of the debate involved many interests, positions and actors. While moderate US NGOs cooperated with the US negotiating team, lowering their previous demands and focusing largely on a strong CEC, critical NGOs worked on a transnational proposal for an (alternative) agreement for sustainable trade and development. The issue of trade sanctions triggered serious tensions between the Clinton Administration, which was the main proponent of trade sanctions, and the Mexican (and to a lesser extent the Canadian) government as well as US and Mexican private sector organizations. In Mexico, many feared that these sanctions could be abused by the United States for protectionist or other reasons. Also NGOs had a hard time dealing with the issue: moderate US NGOs like the NWF and WWF did not demand sanctions, but they did not support the opposing position of their Mexican counterparts either. And in the drafting of a transnational alternative agreement by critical organizations, the subject was a source of serious discussion which ended in leaving proposals for fines and trade sanctions out of the final version.

In the end, the negotiation teams of Mexico, the United States and Canada agreed on the supplemental agreements for the environment and for labour protection, which were then signed by their governments, and finally ratified – after serious wealing and dealing in US Congress – thus allowing NAFTA to start at the first day of 1994. The supplemental environmental agreement included certain limited supranational responsibilities for the CEC, and the possibility to impose trade sanctions (in some very specific cases) on a country that is not enforcing its environmental legislation.¹⁰ Although the latter was a novelty in trade agreements, the supplemental agreement contains a

range of provisions that can prevent such measures from being used, even in the event of a clear violation of the supplemental agreement. Also the CEC's mandate was such that it would be a reactive device for disputes rather than directing and regulating policy processes (Mumme, 1993). The supplemental agreement left the issue of environmental funding largely out, but Mexico and the United States agreed on the creation of the bilateral North American Development Bank (NADBANK) and the Border Environmental Cooperation Commission (BECC).

Transnational politics: some awakening realities

Let us now turn to the question what the case of the NAFTA environment debate tells us about the usefulness of GCS theory, its shortcomings, and some of the neglected – and less attractive – aspects of transnational politics. We will discuss this here along abovementioned four elements of this theory: deterritorialization, shared values, democratization, and less state and sovereignty. As explained before, and as a misdemeanour of what might at certain instances be viewed as rather blunt reasoning, one of the purposes of this exercise is to boost (further) scholarly thinking and debate on GCS theory.

Territorial influences.

First, with respect to the element of deterritorialization, the NAFTA environment debate shows that national identity and context remain of great influence, despite intense cross-border contacts and cooperation of ENGOs. The rather large institutional differences, such as the size, membership and financial basis of organizations and the professionalism of their staff, proved to be cause of certain tensions between Mexican, US and Canadian organizations, yet without turning into a real obstacle for cooperation. Differences in membership and resources of Mexican versus US and Canadian organizations produced at times certain distrust. Several groups in the United States and Canada have a large number of members (e.g., at the time of the NAFTA debate, 2.3 and 5.5 million in the case of Greenpeace USA and the WWF 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. So US ENGOs had some reservations 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. According to Barkin (1994, p. 351), US organizations also viewed the Mexican environmental movement as very incipient and immature, with its activities reflecting its middle-class bias. Vice versa, 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.

More significantly, the views, priorities and impact of environmental organizations in the NAFTA debate were also partly linked to their territorial origin. Environmental protection meant something else to Mexican and American citizens and organizations. In Mexico, on the one hand, the main environmentalist concerns were uncontrolled industrialization, deepened social inequalities, and unsustainable exploitation of natural resources. In various interviews, Mexican environmentalists argued that one of the interests of the US in free trade with Mexico, as previously with Canada, was access to its abundant natural resource base. With the average US citizen consuming more natural resources than citizens of any other country in the world, US resources have been depleting and have become insufficient to support the US lifestyle. In that context, NAFTA could strongly affect Mexico, especially in the areas of fossil fuels and water (Barkin, 1992, p. 280-81; Shrybman, 1993, p. 275). On the other hand, an important US concern was that the NAFTA would produce legal and political obstacles to stringent environmental legislation. In addition, US citizens worried over more ecological degradation in the border region, and the import of toxic goods. As Mexico's weak environmental policy enforcement added to the broader fear in the United States of relocation of plants to Mexico, many US NGOs focused on the border region and industrial pollution – and these became the major environmental issues in the NAFTA negotiations. Although the protection of natural resources was an important issue for Mexican as well as Canadian groups, it never became much of a priority in the transnational NAFTA debate.

The power asymmetry in the region shaped the transnational relations, hampering cross-border identification and trust. Equal partnership was difficult to achieve, even when actively searched for, since the enormous political inequality between the United States, on the one hand, and Mexico and Canada, on the other hand, affected

NGO relations too. Mexican and Canadian organizations were very concerned about the regional economic and political dominance of the United States. Unlike US ENGOs, critical groups in Mexico and Canada did not have the feeling that they would really be able to change or obstruct the NAFTA proposal, as a result of their own limited influence in national politics and the weakness of their government towards the United States. This was to be a motive for solidarity as well as for developing a different political strategy. Particularly critical organizations in Canada focused more on analysing the NAFTA process and looking for alternatives coming from the major players, whereas US groups were busy developing their own proposals and helping government officials to formulate their ideas. Mexican organizations tended to combine these approaches. This difference stems also from the fact that US ENGOs tend to be more single-issue organizations, whereas in Mexico and Canada organizations generally look at environmental issues from a broader economic and social perspective.

The fact that the environmental issues were primarily dealt with at a parallel, bilateral track by the Mexican and US governments further accentuated the enormous regional power asymmetry. Due to this asymmetry, US political decisions determined the course of the negotiations (e.g. Bush's May 1 declaration, and Clinton's proposal for supplemental agreements) and US concerns prevailed. The domination of the US government and US Congress provided NGOs from the United States with a key position in the NAFTA debate. This was particularly the case for the major moderate US ENGOs: apart from various informal relations, in 1991, the National Audubon Society, NRDC, NWF, WWF and Nature Conservancy were invited by the Bush Administration to join policy advisory committees of the US Trade Representative (USTR), and in 1993, the negotiating team under Clinton further intensified cooperation with these ENGOs. Moderate Mexican groups tried to influence their influential counterparts, but these relations were evidently very unbalanced.

Taken together, the NAFTA case suggests that notions of deterritorialization should be applied more carefully in GCS theories (and theories on globalization). This is supported by other analyses of transnational politics, which point, among other things, at the influence of domestic political culture (Risse-Kappen, 1995, p. 293) and domestic political structures (Keck & Sikkink, 1998, p. 162) in transnational politics. Asymmetries are most clear in cases of North-South cooperation, especially in funding issues, even though there is usually awareness about this in transnational networks (Keck & Sikkink, 1998,

p. 161, 206). In addition, deterritorialization is not exclusively but still dominantly an elite thing, generating new inequalities, as we will discuss further on.

Values and politics

Turning to the second element of GCS theory, namely that of shared values, the NAFTA case demonstrates that also transnational relations are heavily affected by political and ideological differences. In particular, attitudes towards existing economic and political (power) structures are crucial. In the NAFTA debate, organizations that shared many environmental principles became split over their attitude towards the neo-liberal policy of regional free trade and investment. Moderate groups believed that some environmental safeguards and the CEC would prevent from excessive eco damage and that increased economic growth would provide for more prosperity for all and the resources for environmental protection. In the eyes of critical groups, only an agreement for sustainable development would achieve these aims – neo-liberal development would rather harm than benefit ecosystems as well as the poor.

Such a split between groups accepting prevailing power structures and groups attempting to overcome them is quite a general feature in both national and transnational civil society (Macdonald, 1994). Power and attitudes towards power structures are important ingredients in NGO relations, and NGOs can have strong links to the state and the corporate sector. The split of environmentalists in the NAFTA debate was not an accident or a complete endogenous process: it was first orchestrated by the Bush administration (with the May 1 declaration), and later on deliberately fed by all NAFTA proponents. Especially in the third phase of the debate, governmental agencies and private sector organizations opened their doors for moderate US organizations for the purpose of exchanging information and views as well as some forms of cooperation. The US ministries of Trade (USTR) and of Environmental Protection (EPA), for instance, treated the moderate ENGOs much better than critical organizations and their networks. The Mexican government's NAFTA office in Washington DC was another important institution for the transnational pro-NAFTA lobby by stimulating the relations between the Mexican government and US Congress, US and Mexican business organizations, and on environmental issues also with the seven major moderate US ENGOs. The Center for Public Integrity (1993, p. 1) found that Mexico 'mounted the most expensive, elaborate campaign campaign ever

conducted in the United States by a foreign government'. The involvement and the divide-and-rule strategies of private sector organizations in the NAFTA environment debate also added to the split between moderate and critical environmental groups. In addition, several moderate US ENGOs received direct corporate financial support, and particularly the NWF and WWF counted on considerable funding of companies, which stood to benefit from NAFTA.¹¹

Ideologically, the basic difference between moderate and critical ENGOs in the NAFTA debate was related to their positions on dominant economic and political structures, which were in general opposed by critical groups and accepted or neglected by moderate groups. In their alternative plan for North American integration, critical organizations from Mexico, the United States and Canada argue that citizens are faced with a fundamental choice between two visions: the free trade or neo-liberal vision offered by NAFTA promoters, and the alternative vision that 'offers a democratic program for North American integration based on the principles of justice and sustainability' (Alliance for Responsible Trade *et al.*, 1993, p. 1). These ideological differences caused different attitudes towards political actors, politics, and political strategies. Especially in the United States, moderate organizations tended to be more willing to make political compromises with the government, and therefore they had better relations with government agencies than critical groups. After being a source of environmental proposals, pressure and criticism during the first and second phase of the debate, moderate US ENGOs in the end actively supported the NAFTA package when US Congressional support for ratification required an extra push.

The environmentalists' split profoundly affected the direction and outcome of the political struggle over NAFTA and the environment. Partly as a result of the strength of critical organizations, moderate US ENGOs could provide valuable input in the NAFTA negotiations. The success of their 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 moderate organizations to gain government concessions. In addition, moderate groups were able to dominate the US ENGO input by not supporting critical initiatives, while convincing critical groups, which needed the legitimacy moderate groups offered, to endorse their proposals (Audley, 1997).

These ideological and political differences between non-governmental organizations strongly influenced their transnational

relations too. Although occasionally there were initiatives, such as joint letters or transnational meetings, in which both moderate and critical groups participated, they increasingly operated separately. The need for moderate US organizations to cooperate across borders was relatively limited since the United States was evidently the most powerful party in the negotiations, and these organizations had both reasonable access to the government and considerable support in Congress. The cross-border relations of moderate ENGOs were therefore occasional, and these organizations hardly worked on a transnational position, even less so in the debate's third phase when US moderate environmentalists were spending much of their time in Washington. Conversely, critical ENGOs in all three countries had far less access to the governments, and their strategy was to expand participation (across borders and with other types of NGOs). In their case, transnational relations only deepened towards the end of the debate as they focussed on developing a common transnational alternative for the NAFTA, and a transnational lobby against the negotiated agreement. Thus rather than one, in the NAFTA environment debate there were two transnational issue networks involved: one of NGOs with a moderate position that occasionally cooperated, and another of NGOs with a critical position that cooperated more structurally. The first may be called a coalition; the latter an alliance. Recently, similar differences can be seen in the transnational politics with respect to a hemispheric trade area, the FTAA. In their analysis of this process, Korzeniewicz and Smith (2001) speak of 'insider' and 'outsider' groups.

In short, with respect to the idea of shared values, the case of the NAFTA environment debate holds certain warnings. Apart from abovementioned political and ideological explanations, social dimensions can be of importance too. In a critical article on GCS theory, Pasha and Blaney (1998) rightly argue that societal actors must be differentiated for their interests may vary and conflict. They point out that civil society and activists are implicated in social divisions such as class, race, ethnicity and gender. In the case of the NAFTA debate, moderate NGOs had good contacts with 'the powers that be', while critical environmental groups cooperated largely with actors closer to the bottom of power structures, including a wide range of grassroots organizations that asked attention for the position of the poor, indigenous people, women, etc. Rather than talking in very general terms such as the 'shared values' of transnational networks, analyses of these networks should thus distinguish more precisely the various actors involved, and look at their specific interests and demands. This

conclusion is relevant for the discussion of the third assumption of GCS theory: the issue of democratization.

Transnational activism and democracy

As we have seen, some scholars expect that the rise of global civil society will have important democratizing effects, among other things by giving way to new channels of influence and the spreading of power. The NAFTA environment debate shows that indeed new channels were created. Although the actual negotiations still took place behind the traditional closed doors, NGOs had considerable leverage at the negotiators, and for the first time environmental issues became a prominent subject in trade negotiations. However, the distribution of influence within such a new channels does not seem to deserve the label 'democratic'. The influence of some major moderate US ENGOs may have been somewhat related to their large number of members, but simultaneously the Mexican and the US government attempted to ignore demands of critical organizations with many members (e.g. Greenpeace USA), and those of critical networks with an extensive heterogeneous grassroots basis (e.g. RMALC, CTC and ACN). In addition, in the course of the debate the concerns of US citizens and organizations dominated over those of Mexican and Canadian citizens and organizations. Besides political elements, this regional inequality was caused by the already mentioned inequalities of funding, as the revenues of US and Canadian organizations exceed by far those of organizations in Mexico.

In the NAFTA environment debate, transnational activism added to the contacts and avenues of influence of marginalized groups, but also to these of already influential NGOs, and of private sector organizations. After a request of the Mexican government, Mexico's business council CCE in 1990 created the COECE (Coordinating Organization of Business Agencies of Foreign Trade), which became the principle intermediary for communication between the Mexican government and the pro-free trade Mexican private sector organizations while also lobbying for NAFTA in Washington. Similarly, US economic sectors that stood to gain from NAFTA lobbied in Washington, and promoted the trade agreement throughout the United States. As we have seen, in the NAFTA debate these proponents of free trade increasingly cooperated with one another as well as with the governmental agencies involved. This experience legitimates the warning that information technologies have the potential to divide society along new lines, separating ordinary people from elites. It should

be noted, however, that here elites are understood not only as major corporate interests and the rich, yet they include NGOs with transnational interests and identities that frequently have more in common with counterparts in other countries, than with countrymen (Matthews, 1997, p. 52). Next to the elitist inclination of some NGOs, there are the (well known) questions of their internal democracy: who decides over their agenda, demands and strategies? Who do they represent? And who holds their leaders accountable? (cf. Jordan and Van Tuijl, 2000)

The NAFTA case also illuminates that transnational NGO activism having a national policy impact is not necessarily a democratizing development. To Mexico, the transnational debate on NAFTA and environment was crucial for many of the policy changes between 1991 and 1993. Contrary to the very limited previous success of Mexican environmental organizations, external criticism and pressure turned environmental protection into a prioritised policy issue for the Mexican government as a whole, resulting in a very substantial increase of federal resources, the establishment of a number of environmental standards, and institutional reform. President Salinas' success in attracting foreign financial support for environmental projects (e.g. from the World Bank, the IDB and the governments of the United States, Canada and the United Kingdom) contributed to these changes too. Industrial compliance with environmental legislation subsequently rose. However, a review of the policy areas that were stressed shows that especially US ENGOs were more influential than groups of Mexican citizens. While earlier policy had already focused on pollution control in Mexico's major cities, the border efforts were rather new. Similarly, the relatively rapid progress made with policy compliance of large industrial companies cannot be separated from the sudden external pressure at this point. Yet, due to the preponderance of trade-related issues and US concerns in the NAFTA environment debate, several of Mexico's environmental issues continued to be largely ignored. In general the NAFTA process reinforced the prioritization of environmental policy in Mexico: urban over rural problems; industrial pollution as well as nature conservation over natural resources issues. Meanwhile, little headway was made with respect to the problem of the fragmented nature of its environmental policy.

What is more, part of the progress of Mexico's environmental policy made in the context of the NAFTA debate proved to be of limited durability. Shortly after the NAFTA debate, the environmental budget went down as the environmental ministry was made to pay a dispro-

portionate share of the costs of the peso crisis.¹² Despite of some valuable improvements in the environmental ministry, environmental protection lost part of its urgency for the government as a whole, and environmental institutions remained relatively isolated within the government. The NAFTA environment debate changed surprisingly little to Mexico's environmental politics. After the attention of US and Canadian NGOs decreased, the lack of political openness and public access to information on policy initiatives and performance of the Mexican government persisted, and structural avenues for NGO influence improved only slightly. Above all, while the input of Mexican environmental organizations in the NAFTA environment debate was enhanced by the new transnational relations, at the national level participation of critical groups remained minimal, whereas moderate groups experienced only a slow increase of access to government agencies.

At a more theoretical level, Pasha and Blaney have attempted to downsize the idea of global civil society (or what they call transnational associational life, TAL) as an autonomous and unambiguous agent of global democracy. The abovementioned situation that activists are implicated in the existing social division generates 'identities, movements and social and political conflicts that may enrich democracy, but also may debilitate democratic processes'. They argue that 'TAL can only be an ambiguous source of democratic energies since associational life should be placed within the wider political and economic context' (Pasha & Blaney, 1998, p. 422).

State and society

This brings us to the fourth and final assumption of GCS theory to be discussed here, that of destatization and desovereignization, or the abovementioned equation: 'more civil society = less state'. The transnational NAFTA environment debate definitely supports the view that the times of purely internal affairs and exclusive interstate affairs – if they ever were – are over. The NAFTA debate itself was an influential step in the process of opening up traditional 'behind-closed-doors' interactions of state officials to NGOs, independent experts, the media and citizens. Therefore, doubts about the just mentioned equation do not concern its first part (more civil society) but the part behind the equation mark: less state. NGO activities nor their demands in the NAFTA debate were directed at 'less state', but instead at a more responsible and responsive state. This was, for instance, evident in the criticism on Mexico's weak implementation of its environmental standards, which is about more rather than less state efforts in realizing

environmental objectives. And this was also clear in the NGO proposals for a strong regional environmental commission that was to function as a structure for regional cooperation, including mechanisms for governments, citizens, NGOs and companies to check upon the doings of these states in environmental matters. Even though Mexican organizations were concerned about a US bias in the functioning of this commission due to the regional power asymmetry, they supported a strong commission.¹³

Rather than talking about state-society relations in a normative and quantitative way, we should be looking at the nature and quality of these relations. With Risse-Kappen (1995, p. 282-83) I would argue that 'the interesting question is not whether transnational relations would somehow make the state system irrelevant, but how transnational relations interact with states'. Transnational actors would not exist without states enabling them, and they need the state to have an impact. At the same time, transnational activism can counter state control, and transnational relations can reduce the state autonomy vis-à-vis society, resulting in a strengthening of society in its relations to the state (Risse-Kappen, 1995, p. 294-95). This approach is complemented by Pasha and Blaney (1998), who stress that NGOs themselves often demand an expansion of the state apparatus as an agent of social reform, and that the capacity of the state to respond to these demands is crucial. Indeed, 'transnational associational life is constituted in relation to and as a check on, rather than a replacement for, the state and state system (Pasha & Blaney, 1998, p. 428, summarizing the approach of Shaw, 1994).

Definitely, transnational activism affects national, regional and global political relations. As Keck and Sikkink (1998, p. 1-2) have observed, advocacy networks contribute to transform the practice of national sovereignty 'by blurring the boundaries between a state's relations with its own nationals and the recourse both citizens and states have to the international system'. The NAFTA environment debate supports this observation. At the same time, the NAFTA case demonstrates that the transformation of sovereignty has much to do with the context of existing power relations and the dominant economic model. Looking at the NAFTA effect of decreased Mexican state control over Mexico's natural resources, one must conclude that this change has rather served the interests of major (US) investors and consumers than responding to demands of Mexican citizens for better protection, fair prices for exploitation, or self-determination over natural resources.

Realities of transnational politics

The transnational NAFTA environment debate that took place between 1990 and 1993 is an important case of cross-border activism. Within a short time span, NGOs from Mexico, the United States and Canada started to cooperate on the relatively new issue of trade and environment. Their national and transnational activities brought about major developments. First, the issue became the subject of public and political debates, in which numerous citizens, various types of NGOs, social movements and corporate organizations, and a range of political and governmental institutions became involved. Second, many transnational contacts were established among these social and political actors. Third, the issue was included in the NAFTA negotiations, and became more of a priority for the Mexican government and in the bilateral cooperation of the Mexican and US governments. Fourthly, as a result of the previous changes, new environmental institutions were created, more resources and attention were directed to environmental protection, and overall environmental awareness and knowledge expanded.

Despite these important achievements of transnational activism, we may conclude that GCS theory has not passed the test of the transnational NAFTA environment debate. While the debate showed various signs of deterritorialization, shared values, democratization and decreased state control, we also witnessed the ongoing importance of territory, the split of transnational environmental relations over ideological positions, many undemocratic tendencies, and old and new forms of state control. Moreover, several processes which GCS theory would label as stepping stones towards a global civil society seem to counter the expectation that this will lead to a better world: political influence of NGOs may be undemocratic, while less state sovereignty can be captured by corporate interests and spoiled (foreign) consumers rather than by marginalized citizens.

The discussion about the meaning of transnational relations of NGOs would therefore better be based, first, on the recognition that conflict and power are important ingredients of these relations. Second, these actors and relations are only partly autonomous from the state, the state system, the corporate sector, and the world economy. Contrary to romantic GCS notions, political, economic and social (class) structures may also be reproduced by transnational actors and relations. Third, it turns out to be extremely difficult to fundamentally change or remove these structures. As Korzeniewicz and Smith (2001, p. 32)

have argued, 'power operates in a sphere in which (...) civil society networks are at a significant disadvantage'. The NAFTA case confirms the more general finding that the environmental movement 'has not changed the essential character of corporate life', but has played 'at the margins of global corporate understandings and practices' (Wapner, 2000b, p. 101).

The most important shortcoming of GCS theories is that it isolates the analysis of transnational activities of NGOs from the simultaneous national, regional and global processes to which they are linked. In the case of the NAFTA environment debate, this would result in ignoring the increasing influence of US corporate, consumer and state interests in Mexican politics. Looking at the whole picture, and combining the globalization-from-below with the globalization-from-above perspectives, there is far less room for optimism than in GCS theories. When doing so, one can only mildly disagree with the gloomy overview of Pasha and Blaney (1998, p. 432) who point at old and new political North-South asymmetries and inequalities, and state that the emerging constellation of global political institutions, economic governance, and associational life appears 'more akin to oligarchy than democracy'.

Rosy GCS ideas could thus better be replaced by more balanced concepts that describe actual actors, processes and structures, while leaving room for seeing how they are related to their actual economic, political, social and cultural context. Instead of speaking of global civil society, it is preferable to discuss the nature, role and impact of transnational relations, activism and politics. Furthermore, analyses and theories of these transnational phenomena stand to benefit from IPE studies, which can illuminate, among other things, that states are an initiator as well as a victim of economic integration; that the spreading of formal democracy has been matched with growing economic inequality; and that the most impressive transnationalization of non-state actors has taken place in the corporate sector.

Notes

- ¹ I would like to thank the participants and supervisors, and especially Paul Wapner, of the ACUNS Summerschool 2000 held at Warwick University, for their most useful suggestions to my first ideas about this project.
- ² Evidently, less institutionalized grass-roots groups and the mobilization of large groups of citizens are also very important and interesting building blocks of social movements and organized civil society. This analysis, however, is largely focussed on the role of NGOs.
- ³ The information about the NAFTA environment debate that will be used here is borrowed from a previous research project. The project was based on extensive fieldwork research between 1993 and 1995, including over sixty interviews with fellows of NGOs, government agencies and private sector organizations in Mexico, the United States and Canada (Hogenboom, 1998).
- ⁴ Wapner (2000a, p. 273) himself argues in more modest terms that there seems to be some consensus that GCS 'is part of the equation of what would ultimately constitute humane governance at the global level', and that GCS is 'one of the most promising places to look for emerging progressive political thought and action'.
- ⁵ The Canada-United States Free Trade Agreement had come into force in 1989. Plans for free trade between Mexico and the United States had been developing for over a decade. After President Carter had proposed a common North American market in 1979, and Ronald Reagan's mentioning a US-Mexico free trade agreement in his campaign for the presidential elections of 1980, several bilateral talks and initiatives had followed.
- ⁶ Predominantly, the following organizations were involved: *Bioconservación*, *Comité Cívico de Divulgación Ecológica*, *Enlace Ecológico*, and *Proyecto Fronterizo de Educación Ambiental*.
- ⁷ Stringent US environmental standards were expected to be challenged by Mexico-based producers as non-tariff barriers to trade. In addition, if not challenged, tougher US standards might be indirectly harmed by lax environmental policy enforcement in Mexico via political pressure for downward reform of US laws.
- ⁸ The Bush administration sought for approval of so-called fast-track authority, which provides the government with greater freedom vis-à-vis Congress in trade negotiations.
- ⁹ Parties of NAFTA have, for instance, the right to determine the acceptable level of risk with respect to the protection of environment, health and safety (art. 904.2 and 907). The agreement establishes the right of a party to set its own 'appropriate level of protection' in order to protect its citizens (art. 712.1), while each country has the right to maintain and enforce its environmental, health and safety standards, if necessary by prohibiting import of products that do not meet domestic standards (art. 904.1). The

parties are encouraged to harmonize their regulations (art. 906.2), and 'upward harmonization' principles are introduced (art. 714 and 906). With regard to certain international environmental agreements, an exception is made to the rule that the NAFTA takes priority over other international agreements between the parties. Finally, the parties are allowed to take measures 'to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns' (art. 1114.1). Relaxing domestic environmental, health or safety measures to encourage investment is labelled 'inappropriate' (art. 1114.2).

¹⁰ Central to the supplemental agreement is article 5, which requires each party to enforce its environmental laws effectively. If not, dispute settlement may be set in motion, the process of which is very complex. The CEC is the institution responsible for responding to allegations of non-enforcement of environmental laws, either by a person, an NGO or a government. In case of the latter, a fine or ultimately trade sanctions may be used against a country.

¹¹ The WWF, for instance, received a \$2.5 million donation in 1993 from Eastman Kodak, a prominent company in the pro-NAFTA lobby (*The Nation* 28/06/93, p. 894-95). The NRDC formed an exception among major US moderate groups and did not receive any funding from the private sector.

¹² This was revealed in interviews with several high-level Mexican officials.

¹³ In order to protect sovereignty and allow for strong and effective regional environmental institution at the same time, RMALC for instance proposed to complement the regional commission with a Mexican commission.