



Winter 1993

Commentary

C. Richard Bath

Recommended Citation

C. R. Bath, *Commentary*, 33 NAT. RES. J. 177 (1993).

Available at: <https://digitalrepository.unm.edu/nrj/vol33/iss1/14>

This Article is brought to you for free and open access by the Law Journals at UNM Digital Repository. It has been accepted for inclusion in Natural Resources Journal by an authorized editor of UNM Digital Repository. For more information, please contact disc@unm.edu.

C. RICHARD BATH*

Commentary

Think globally, act locally was the motto of last year's celebration of the twentieth anniversary of Earth Day. Certainly the effort is to be applauded. For the last 25 years I have been doing just that in the triangle formed by El Paso, Texas, Las Cruces, New Mexico, and Ciudad Juarez, Chihuahua. The three cities share a common valley and are linked by the Rio Grande, a common air shed, and a host of other environmental, economic, social, and resources issues. What has not been shared is a common governmental or policy framework for handling these common problems.

For the last 25 years I have devoted my academic career to developing a successful policy framework for handling environmental issues in our area. In all my classes, no matter what the subject, I have talked about environmental and resources issues across our state and national boundaries. My research efforts have largely concentrated on border environmental issues and I have published four books and over 40 articles dealing with the subject at a host of conferences. How well have I done?

On April 17, 1991, Zero Population Growth (ZPG) released its environmental assessment based on population, air, water, and wastes for 204 cities in the United States. El Paso was ranked the very last of these cities. This is what we term in athletics finishing DAL—dead ass last—something to be avoided at all cost. Obviously, I have not done too well. And, frankly, I would have to agree with the ZPG assessment; in recent years the environment of our region has deteriorated at an alarming rate. Maybe other cities in the United States have seen some improvement in their environment, but there is little question that ours is a disaster.

I have also been active locally in several different ways trying to improve our environment. For instance, I am currently Chairman of the Environmental Issues Rio Grande Council of Governments which links all federal, state, and local governments (although not Mexican agencies) into policy reviews of the important environmental issues. I also serve on the Mayor's Environmental Roundtable which does include Mexican governmental agencies. For many years I have been an active member of the Pan American Health Organization and the Environmental Section of the United States-Mexico Border Public Health Association. In other words, I

*C. Richard Bath is Professor of Political Science at the University of Texas at El Paso.

have not been cloistered in the academic ivory tower, but have been dealing with governmental agencies in attempting to handle environmental issues. How well are we doing? DAL.

To illustrate the failure of governmental policy to adequately handle environmental issues let me mention a few that have cropped up in recent years—and this is not an exhaustive list.

1. The colonias problem. In the mid-1980s the failure of many colonias—unorganized communities on the United States side of the border—to have adequate, or any, water or sewage systems became a national issue and attracted the attention of politicians at all levels. How was it possible to have 50,000 people in the United States living in Third World-like conditions with contaminated water, no sewage systems at all, and health conditions matching those found in the worst areas of Africa, Latin America, or Asia? The short answer is that there was no government policy to take care of these people. Government was nonexistent for them.

2. A water plan for El Paso. In 1990, a “comprehensive” water plan for the city of El Paso was presented to the city. The plan did not include either New Mexico or Mexico in any of its projections over the next 50 years! Yet, the three cities not only share the river, but also the two major aquifers, the Hueco and Mesilla Bolsons, which provide most of the water for the region. How could New Mexico and Mexico be excluded from any of the projections? Part of the answer is that none of the governments involved were talking to each other about sharing water. Indeed, New Mexico and El Paso were locked in a court battle over access to the Mesilla Bolson and Mexico was waiting in the wings to see if it would have any access to the water. In the short term the region is going to run out of water and only a really comprehensive plan involving all levels of government can conserve water for future residents.

3. A solid waste plan for Dona Ana County including Las Cruces and Sunland. In March 1991, a comprehensive plan for solid waste disposal, as required under New Mexico law, was presented to the Council and no mention was made of El Paso, although much of the wastes handled by a large landfill and incinerator near Sunland come from El Paso. No effort is made by any government in the region to coordinate the handling of wastes. One result is that wastes generated in one governmental jurisdiction are simply dumped illegally in another jurisdiction. In other cases a lot of informal waste recycling, especially going from the United States side into Mexico, takes place under the blind eyes of governmental regulators.

4. Hazardous materials and hazardous wastes. Solid wastes are one thing; hazardous materials (hazmats) and wastes (hazwastes) are another. For years the hazmats generated by the maquiladora industry were required by law to return to the United States, but the evidence is overwhelming that they did not. They seem to have disappeared and no one knows where. The situation has greatly improved in the last two

years, but there is still a substantial problem and, again, no one knows what impact these hazmats may have on groundwater supplies or on human health. While, ostensibly, EPA and SEDUE are working together on the issue, there is a great deal of policy fragmentation and no one seems to be really responsible for handling hazwastes.

5. Air pollution in the valley. Air pollution has become a major problem in the region. Inversions trap the air during the winter and, as a result, El Paso is in noncompliance with EPA emission standards for particulates (PM-10), ozone, and carbon monoxide. Juarez is probably worse and the pollution is slowly creeping up the valley toward Las Cruces. In the past each side tended to blame the other for the pollution and, as a result, very little was done. The problem is that now the pollution is primarily vehicular and there does not appear to be any way to deal with it in a comprehensive fashion. Under the 1983 La Paz agreement EPA and SEDUE are finally adopting a monitoring program but it is only for stationary sources. In essence that means it applies only to particulates and not to vehicle emissions.

6. Port of Entry at Santa Teresa and Anapra. Two new ports of entry are planned on the west side of El Paso, in New Mexico at Anapra and Santa Teresa. Both are needed to handle the increased traffic across the border, especially from trucks. This traffic can only increase in great volume if the proposed free trade agreement becomes reality. However, both POEs must hook up with I-10, which is in Texas. The only way to do this currently is by crossing an affluent neighborhood in Texas (which is where I live). Residents are appalled and have mobilized into a powerful force to prevent trucks passing through their neighborhood. And there has been almost no discussion about the traffic between governmental representatives. It looks like a classic case: a road will dead-end at the state line. Clearly, some overall planning agency is necessary—and a port authority has been proposed.

What all this means is that there has been almost no coordination or cooperation between the levels of governments involved in the region. Mexico is not involved with the United States; Texas is barely involved with New Mexico, and much of that is disputed. At the federal level the IBWC and EPA have proved to be ineffective on the United States side. The same applies to their counterparts in Mexico. The various state, county, and local governments (and there are a host of them) have very little to do with each other. As a result, we are back to DAL.

What can be done? What can we do here in El Paso—Ciudad Juarez—Las Cruces to resolve this inability of governments to successfully manage and resolve our problems? Let me make some suggestions to eliminate the impasse.

1. Why don't we renegotiate the Treaty of Guadalupe Hidalgo of 1848? That Treaty ended the Mexican War and granted to the United States the territories that subsequently became the states of Texas, New

Mexico, Utah, Arizona, Nevada, and California. It should be remembered that had it not been for the coming battle over slavery, the Treaty might well have included parts of the current northern states of Baja California, Sonora, and Chihuahua. Certainly Mexico has never liked the terms of the Treaty under which it lost a good deal of its territory. Maybe an exchange such as Baja California for New Mexico could readjust the boundary.

2. Another alternative would be to return to the originally proposed Gadsden Purchase of 1854. As initially proposed, Santa Anna, who desperately needed money, was willing to sell Baja California, access to the Gulf of California in Arizona, and good parts of Sonora, Chihuahua, Coahuila, Nuevo Leon, and Tamaulipas for \$50 million. Had that plan gone through, the border would be about 100 miles farther south all the way to the Baja. But the United States Congress, concerned with slavery and the coming Civil War, balked at the price and appropriated only \$5 million and Santa Anna redrew the boundaries to the current ones. Maybe the United States could up the ante for a new boundary.

3. Why not send out a new boundary commission to redraw the actual line? If one reads Leon Metz on how the line was drawn in the first place it was largely a matter of luck, and where the current boundary stands was essentially the result of human error and human weakness. (Much the same thing can be said of the boundary between New Mexico and Texas.) For example, Monument No. 1 at El Paso is actually 53 south of parallel 31 degrees 47, which means the United States got 50 feet it should not have received.

The point of all these recommendations—and one recognizes that toes are being stepped upon—is to recognize that we need to redraw the boundary line. A new boundary would give us a breathing period of 50–100 years before it too would become environmentally destroyed.

There is another possible scenario. The vote which was taken in 1850 under which El Paso joined Texas rather than New Mexico could be rescinded. The vote was all involved in the slavery question but any fool can see by looking at a map that El Paso really should be in New Mexico. There is little question that Texas did not really want El Paso—nor does it pay any attention to it today—and would not have taken it were it not for the \$10 million bribe the Congress threw in. Certainly if the vote was taken today, El Pasoans would not vote to join Texas since they hardly ever vote the way the rest of the state does anyway.

If the new vote was permitted, then under the provisions which Texas joined the union as an independent Republic, it would be possible to establish a separate state. Texas can be divided up into five different states if it desires. Texas would not object since it would get rid of all those liberal Mexicans who live in El Paso.

But, what about Las Cruces? They too feel neglected by northern New Mexico and by the dominant powers, Santa Fe and Albuquerque. Las

Cruces feels just as isolated in New Mexico politics as El Paso does in Texas politics. There would be little opposition from Las Cruces to joining its bigger sister city once the water dispute is resolved (as it apparently was by an agreement reached in March 1991).

That leaves the problem of Ciudad Juarez. What do we do about Juarez? Well, it is neither liked nor trusted by the Chilangos of Mexico City. The last 10 years Juarez—and Chihuahua—have been hotbeds of opposition to the government in Mexico City. The opposition PAN even elected a mayor of Juarez, Francisco Barrio, and he would have been elected Governor in 1986 had the election been at all fair. (He was elected governor in 1993.) Los Nortenos have always distrusted Mexico City and have never felt they received a fair share of what they contributed in taxes to the federal government. It would seem a propitious moment for Juarez to rejoin its sister city across the river.

If the united three cities were to join the United States as a state there would be a political problem since it would be expected that Republicans in the Congress would oppose a state with a heavy liberal vote. However, if it was stressed to these Republicans that the PAN is, rightly or wrongly, often linked to the Republican party, then it would be politically acceptable to form the state. At least it would have a chance of getting through the Congress.

Another alternative would be to form a new nation state, call it Borlandia or Fronterizo, and begin the process of the de-Balkanization of the Southwest border region. Call it de-Balkanization, de-Sovietization, or whatever you want; what is absolutely essential is to start all over again and redesign the essential governmental jurisdictions. We need to come up with new ways of approaching problems. One model would be Europe, which should be essentially united—both east and west—in the not too distant future.

If, indeed, we are to both think globally and act locally, we need to redefine the concepts of national sovereignty. Perhaps, as is argued, economic integration—as proposed by some in the form of a North American Free Trade Agreement—will pave the way for eventual political integration. If that should prove to be the case then those agencies such as the International Boundary and Water Commission, which are the very epitome of the outdated concept of national sovereignty, should be eliminated. Almost assuredly, unless we begin now to restructure our political institutions, not only our region, but the entire globe will finish DAL.