

## **TRANSBOUNDARY COLLABORATION IN THE PROTECTION OF SHARED NATURAL RESOURCES ALONG THE UNITED STATES-MEXICO BORDER**

### **EFFORTS TO ESTABLISH AN INTERNATIONAL BIG BEND NATIONAL PARK**

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#### **A Historic Perspective**

The United States (U.S.) - Mexico border has long been a source of conflict and controversy in the history of both countries. Originally a part of Mexico since the days of the Spanish Conquest of the New World, it was surrendered to the U.S. in 1848 in accordance with the terms of the Treaty of Guadalupe Hidalgo (Feb. 1848) which ended the two year U.S.-Mexico War. The Treaty established the present border between the two countries. Mexico gave up two-fifths of its territories.

Conflicts along the border were renewed during the turbulent years of the Mexican Revolution during the early 1900's when raids across the border were fairly common along the New Mexico and Texas line.

Immigration from Mexico to the U.S., both legal and illegal, has created new conflicts along the border to this day. To many citizens of Mexico, the border is still home; the political boundary being just that. Many have relatives in the several cities and towns along the U.S. side. However, the U.S. today is spending millions of dollars trying to close the border to illegal immigration. Some states have enacted laws prohibiting illegal aliens from accessing human services, such as schools and medical assistance. This has met with both strong support and objection from many quarters on both sides of the border.

In recent years, two totally disparate issues have further exacerbated the problems between the two countries. Traffickers in illegal drugs have found some areas of the remote 2,000 mile border easily accessible for their trade. Both countries have traded accusations about their efforts to combat the drug traffic. As a result, both governments have expended considerable energy and funding to deal with a problem which affects many Americans.

On the other end of the spectrum, a controversial government effort to encourage trade across the border has, in the minds of some, sent scarce American jobs across the border into Mexico. The North American Free Trade Agreement (NAFTA) of 1994 has, in fact, opened the border to freer trade between the U.S. and Mexico. And depending on the credibility of the source, it has either not affected jobs in the U.S. or has encouraged U.S. companies to move their operations across the border where they enjoy cheaper labor and less government regulation.

Therefore, 150 years after the U.S.-Mexico War, the border continues to be a constant irritant to some. These see Mexico as the source of many of the social problems in the U.S. This is often manifested along the border; a border which is often a land unto itself, neither wholly American nor wholly Mexican. And this view is often shared by some in Mexico who still remember back 150 years ago. This is best epitomized by a famous saying, whose author has never been confirmed, "poor Mexico, so far from God, so close to the United States."

#### **Big Bend Establishment**

It was amidst the backdrop of this history of the border that Big Bend National Park came to be in 1935. The area began to attract national attention beginning with the U.S. Geological Survey (USGS) commissioned navigation of the lower Rio Grande in 1899. Led by Robert T.

Hill, the written accounts of his conquest of the tortuous course of the canyons of the Big Bend brought national attention to the region. A second USGS expedition in 1902 to map the region focused additional attention on the Big Bend. Others, such as J.O. Langford whose mineral baths were located in the eastern end of today's Big Bend National Park, promoted the recuperative value of the West Texas desert. The area was gaining notoriety as a tourist and outdoor recreation area.

It took a West Texan, however, to give the area the support it needed to progress beyond just a tourist attraction. Everett Ewing Townsend had patrolled the region in 1894 on horseback for the U.S. Customs Service. In the 1930's, he was elected to the state house of representatives. On March 2, 1933, he introduced a bill to establish the Texas Canyons State Park. On October 27, 1933, the bill was enacted into law. The park was simply named Big Bend State Park.

The efforts to create the state park attracted the attention of President Franklin D. Roosevelt's New Deal program. The President had responded to the Depression with a federally planned economy to put people back to work. One of the features of the New Deal was the Civilian Conservation Corps (CCC), established to link work relief to the conservation of natural resources. The proposed development of Big Bend State Park conformed perfectly with the goals of the CCC program. In May 1933, President Roosevelt approved the location of four CCC camps in West Texas, one in the Big Bend. With the arrival of the CCC and its proposal to make internal improvements to the new state park, local support to establish Big Bend as a national park began. It was led by Everett Ewing Townsend himself. In early 1934, the National Park Service (NPS) responded to the call and began an investigation of the area. The first report gave the area the resounding endorsement that it "gives promise of becoming one of the noted scenic spectacles of the U.S." After overcoming objections of whether there was enough federal land to establish a facility worthy of national park status and of sufficiency of water to service the park, the NPS authorized an official investigation of Big Bend State Park in mid-1934 to determine what improvement would be needed to make the proposed national park operational.

On Feb. 5, 1935, the Secretary of Interior concurred with the NPS recommendation that Big Bend was worthy of national park status. In March 1935, legislation was introduced in the U.S. House of Representatives to convert Big Bend State Park to a federal preserve. Similar legislation was introduced in the U. S. Senate. On June 20, 1935, Congress authorized Big Bend National Park.

### **The International Park Idea**

The intriguing idea of creating an international park with Mexico had arisen during discussion of boundaries for the national park. In his presentation before the Senate for his bill creating Big Bend National Park, Senator Morris Sheppard stressed the international potential of the park. In a letter to President Roosevelt dated February 16, 1935, Sheppard argued that a joint effort on the part of both governments to establish an "international peace park" in Big Bend that was similar to Waterton-Glacier International Peace Park on the U.S.-Canada border would do much to improve relations between the two countries. The President forwarded Sheppard's letter to the Secretary of Interior who responded favorably to the idea, saying that if Congress authorized Big Bend National Park, Mexico should be invited to participate in an international park effort. The idea of improving relations with Mexico through the creation of an international park conformed to President Roosevelt's central diplomatic policy toward all of Latin America - his "Good Neighbor Policy."

With the authorization of Big Bend National Park, the American government extended an invitation to Mexico to discuss the possibilities of an international effort. The first meeting took place in El Paso, Texas on November 24, 1935, and resulted in a joint resolution to undertake

a formal investigation of the proposed project. Four months later, the Roosevelt administration appointed a commission to conduct its part of the study. Mexico appointed a similar commission. The two commissions made a joint tour of Big Bend in February 1936. The tour was cut short by a fatal automobile accident which took the lives of two of the National Park Service representatives.

Discussions, however, continued for the remainder of the decade (Figure 1 & 1a). However, the outbreak of World War II prevented any further negotiations. After the war, the U.S. tried to revive the idea, but Mexico appeared to have lost interest. On October 24, 1944, President Roosevelt wrote Mexican President Manuel Avila Camacho and once again proposed the idea of adjoining parks in the Big Bend region. On November 30, 1944, President Camacho responded favorably to the proposal (Figure 2). On June 18, 1945, M.R. Tillotson, Regional Director of the National Park Service in Santa Fe, New Mexico, broadcast a talk in Mexico supporting the international park (Figure 3). In his talk, Mr. Tillotson stressed the common relations the international park would exemplify - not only in the world of business and economics, but also in cultural relationships and common aims along the line of continental solidarity.

On April 18, 1946, President Truman wrote President Camacho to inquire about the results of the investigations the Mexican government was to make on Big Bend International Park and to urge establishment of the park.

A series of meetings, commissions, and further discussions ensued in the years to follow. The sought-after designation of adjoining parks in Mexico, however, was not to happen until almost 40 years later.

### **The Establishment of Mexican Protected Areas**

On November 7, 1994, Mexican President Carlos Salinas de Gortari finally did what others before him could not do and established two protected areas for the flora and fauna in the states of Coahuila and Chihuahua across the border from Big Bend National Park: Maderas del Carmen and Cañon de Santa Elena (Figure 4).

While the designation category of protected areas for the flora and fauna is considered to fall short of a "national park," it is accepted as a beginning and the best under the circumstances.

As the Mexican administration began its development of management plans for the areas, the 60- year old idea of an international park surfaced once more. The idea was still intriguing to many in both countries.

### **The International Park Idea Revisited**

In July 1996, a U.S./Mexico party traveled to Waterton-Glacier International Peace Park at the invitation of the Superintendents of Big Bend National Park and Glacier National Park.

The group was impressed with the international peace park designation and with the collaboration between the two parks. They came away with the idea that such a relation was possible among the three protected areas in the Big Bend region.

In February 1997, representatives of SEMARNAP, Mexico's Secretariat for the Environment, Natural Resources and Fisheries, submitted to representatives of the U.S. Department of the Interior, a **Proposal for the Establishment of Protected Natural Areas of Bi-National Ecosystems-Mexico-United States-Protected Areas for Flora and Fauna Maderas del Carmen/Cañon de Santa Elena-Big Bend National Park**. The proposal recognized that

because of the dynamic relationship between Mexico and the U.S., the environmental cooperation along the border was an example of the efforts taking place between the two governments to develop methods for mutual understanding to solve common problems. It recognized that since the 1930's there had been repeated proposals between Mexico and the U.S. to establish bilateral agreements that led to the coordination of activities tending toward conservation and the consolidation of ecosystems that integrated protected areas from both countries. It recognized the strides Mexico had achieved in developing a regulatory and administrative infrastructure to regulate the creation and operation of protected areas. It pointed out the fact that Mexico has four natural protected areas along its northern border; the two aforementioned areas plus one in Baja California and one in Sonora. It proposed the negotiation of a bilateral document to form binational protected areas that would coordinate the efforts of the two governments to maintain the balance of the policies of conservation, preservation and maintenance of the areas. It further proposed that a pilot project could start in the Big Bend/Maderas/Cañon region. In essence, Mexico was finally responding to the 60-year old request to join in the establishment of a joint park with the U.S. in the Big Bend region.

The proposal was received with some surprise by the U.S. since it was a unilateral effort to an old binational idea. Nonetheless, it was most welcomed and efforts ensued to understand and respond to its intent.

The proposal was soon revealed to have lacked diplomatic clearance and suggestions were made that it be redirected through diplomatic channels. It soon re-emerged in the form of a Diplomatic Note (Note).

The Note added a number of references to existing legal instruments attesting to the long history of cooperation between resource managers on the U.S.-Mexico border. It reiterated the proposal to establish the binational protected areas mentioned in the previous proposal. It also added a number of actions of cooperation which the two countries could carry out in the context of the binational protected natural areas. These included:

- ◆ harmonization and complementarity of policies leading to the conservation of the contiguous protected areas
- ◆ exchange of expertise among personnel of the two countries
- ◆ implementation of environmental education for the communities living on both sides of the border
- ◆ expansion of the body of scientific knowledge about the protected areas through cooperation in research projects
- ◆ establishment of a swift communication network to respond to environmental emergencies, particularly fires
- ◆ cooperation in inspection and surveillance in order to prevent and control illegal ecology-related activities

The Note was reviewed in the Department of Interior (DOI), and revisions were suggested. Of special interest among the proposed revision was the deletion by DOI of all reference to the formulation of a bilateral legal instrument to regulate the establishment of binational protected areas by the DOI. In its place was inserted "the initiation of a process to promote and enhance cooperation in existing natural protected areas and consider new opportunities for cooperation through the creation of binational protected areas. The concern in the DOI was political since establishing a binational protected area in the U.S. would require an act of the U.S. Congress.

It should be noted that a meeting in Mexico City of Presidents Clinton and Zedillo provided the impetus for developing the instrument of cooperation. It was suggested that the two might be the signatories for the agreement. That meeting was scheduled for early May, 1997.

The Note surfaced in Mexico City as a Letter of Intent (Letter) to be entered into by the DOI-USA and SEMARNAP-Mexico. The respective Secretaries were to be signatories to the instrument (Figure 5).

The initial proposal to establish a binational protected natural resource area in the Big Bend region had completed its bureaucratic transformation and ended as an agreement to cooperate in the management of our respective resources. The Letter mentioned the long history of cooperation in environmental and natural resource matters between the two countries. It took account of the sovereign right and responsibilities of the two countries over the management and rational use of their natural resources; a key issue to be discussed further.

The Letter omitted any and all references to the creation or establishment of binational protected areas. It simply marked the two agencies' **plan to expand cooperative activities in the conservation of contiguous natural protected areas in the border zone and to consider new opportunities for cooperation in the protection of natural protected areas on the U.S.-Mexico border.** The Letter expands the scope of cooperation to include state and local agencies as well as encouraging voluntary participation by the communities and social organizations interested in protecting the riches of the areas. It did leave intact the six actions of cooperation contained in the Note.

It had taken Mexico 60 years to finally respond to the American invitation to join in the establishment of an international park in the Big Bend region by establishing their own protected areas across the border. Mexico had done not only that but had moved quickly with a proposal to bind them to Big Bend National Park as a binational protected area. It is interesting to note that the word "international" had now disappeared from the terminology of the proposal.

It appears that once high administrative officials on both sides of the border became involved in the crafting of an agreement, that political concerns over binational or joint areas straddling political borders surfaced. This is noted in the Letter's preamble which speaks to the sovereign rights and responsibilities of the two countries over the management and rational use of their natural resources. The Letter was, in fact, signed during the Presidents' meeting in Mexico City on May 5, 1997. It was signed by the two respective Secretaries of Interior and SEMARNAP.

### **Issues and Obstacles to Binational Park Status**

Much has changed in the political arena in recent years. President Roosevelt's personal proposal to his Mexican counterpart to establish an international park along their borders might never happen today.

There exists in the U.S. today serious concerns over sovereignty matters. This has been most evident in questions about management of national parks and other such protected areas which have been given overlay designations as biosphere reserves and World Heritage Sites. These designations are meant to draw attention to the significant world class resources of such areas, all in accord with the World Heritage Convention and the Man and the Biosphere Program. However, some people have seen these designations as surrendering American sovereignty of those areas to the United Nations or some world government. Some members of Congress have been urged to enact legislation rescinding such designations. It can be assumed that establishment of binational protected areas might fall prey to these concerns unless careful and deliberate advance planning and political consultation is taken.

Other issues must also be considered. For example, current border problems of drug trafficking and illegal immigration have intensified in all areas of the border. These are often depicted as “wars on drugs” and “wars to maintain the sovereignty of our borders.”

The ongoing debate over the NAFTA aftermath concerning the loss of American jobs to Mexico continues to foster ill feelings in some quarters. In other quarters, concerns for the environmental impacts of American plants situated across the border in Mexico surface despite the various side agreements to the NAFTA to control or limit such impacts.

In addition, on-the-ground issues of jurisdiction and enforcement of immigration and custom laws present problems to the free travel between areas. It is interesting to note that the initial international park proposal envisioned an International Free Zone permitting access to both parks with customs and immigration stations pulled back to the perimeter boundaries.

Another and more significant issue would be the disparate body of laws and regulations governing each individual area. U.S. National Park Service areas are governed by not only their enabling acts, but by the myriad of environmental laws established over the years to protect natural and cultural resources. In the 81 years since the creation of the NPS in 1916, the agency has developed an enormous body of policies and management regulations which must be adhered to in the management of parks. The NPS is a tightly regulated agency within the Department of Interior.

In this particular initiative, Mexico is just beginning to develop an infrastructure to establish and administer protected areas - both cultural and natural. Their policies are evolving. Funding for managing and operating their areas is significantly less than in the U.S. How would these disparities be addressed in the management of binational protected areas?

## **Conclusion**

Despite the omission of any reference to binational protected areas, the Letter has to be recognized as a step forward in the management of contiguous areas across the border. The two countries share a most unusual common border, the Rio Grande. The political boundary runs along the deepest part of the river channel. River users meander back and forth between the U.S. and Mexico during the course of their trip. Regular stops are located on the most convenient side-without regard of which country provides it. Concerns over river flow and water quality affect both countries. Protection of wildlife, such as bears and beaver, has to be a collaborative effort since the animals do not observe the political boundary. The same applies for such endangered species as the peregrine falcon which feeds and nests on both sides of the river. These and many other transboundary issues must be addressed as steps are taken to implement the Letter.