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Attitude change: Professionalization, institutional permeability, and rule of law in Mexico's labor and environment agencies

Importante

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## Abstract

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*What brings about normative change in developing states with histories of corruption and poor governance? Post-NAFTA Mexico gives us a unique opportunity to study a single norm (rule of law) applied to two different sectors (environment and labor). Much can be controlled – the timing of new oversight pressures from outside (NAFTA and the US) as well as inside (courts and freedom of information agency). Socialization of rule of law norms is therefore best explained by looking carefully at differences between the relevant agencies. I show that variation in 1) levels of professionalization among agency officials; and 2) permeability of domestic agencies to outside influence, explains much of the variation between labor and environmental officials over attitudes to rule of law. Labor agencies were far more constrained by legacies of highly influential vested interests, and this limited their capacity to adapt to new normative pressures. These findings sharpen our understandings of how a pro-rule of law culture can be embedded, because the two sectors were simultaneously subject to the new oversight and spotlighting pressures.*

## Resumen

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*¿Cómo podemos entender los cambios normativos en Estados en vías de desarrollo con historias de corrupción y gobernanza débil? Después de la entrada en vigor del TLCAN, México nos da una oportunidad única para estudiar una norma -el Estado de Derecho o "rule of law"- aplicada a dos diferentes sectores, el ambiental y el laboral. El TLCAN y la democratización crearon nuevas presiones sobre el gobierno mexicano, tanto desde fuera (producidas por el TLCAN y por Estados Unidos) como desde el interior (a través de las cortes y del IFAI). Así, la socialización del principio del Estado de Derecho se entiende mejor a través de las diferencias entre las agencias relevantes. Mostraré que 1) los niveles de profesionalización en las agencias estatales; y 2) la permeabilidad de las agencias a la influencia externa, son las variables más importantes para explicar el Estado de Derecho. Cuando dichos niveles son altos, es más probable que se respete el Estado de Derecho. Las agencias laborales también estuvieron muy limitadas por la influencia de fuertes intereses, los cuales acotaron la capacidad de dichas agencias para adaptarse a las nuevas normas.*

## *Introduction*

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In 2008, the environmental organization CEMDA celebrated its fifteenth anniversary in Mexico City with a gathering of activists, supporters, politicians and civil servants. The keynote speaker (Juan Elvira, the Secretary of the environmental ministry SEMARNAT) was a sign of how far environmental politics had moved. Twelve years earlier, CEMDA had made a landmark complaint to NAFTA's environmental oversight institution, the Commission on Environmental Cooperation (CEC), about Mexico's failure to respect its own environmental law, which SEMARNAT sharply rejected.<sup>1</sup> SEMARNAT broke off all interaction with the fledgling group, accusing it of being anti-Mexican. Now, twelve years later, CEMDA was a central pillar in Mexican environmental governance, accepted and even celebrated by federal environmental agencies.

But what was most extraordinary about the anniversary celebrations would have been lost on anyone unfamiliar with Mexican *labor* politics, because the thought that the Secretary of the labor ministry (STPS) would do the same thing at a gathering of independent, non-co-opted labor activists seems beyond imagining, even today. Dissident, troublesome NGOs were eventually welcomed by environmental authorities. The same is not true of labor, where politics still seems like a question (to paraphrase Harold Lasswell) of who steals what, when, and how.

Why the difference? I argue that professionalization of bureaucrats and NGOs, and permeability of agencies to outside influences, mediated by important historical legacies, explains how environmental governance improved faster than labor governance. NAFTA's two 'side agreements' - on labor and environment - give us a chance to compare changing attitudes to the rule of law, because their main purpose was to ensure that member states (Mexico above all) observed their own environmental and labor laws. Despite different institutional and legal histories, it makes sense to compare the two sectors for two reasons: 1) in both labor and environmental agencies, Mexican officials originally rejected reform pressure; 2) they shared an original (pre-NAFTA) preference for co-opted civil society groups over independent and critical groups. Oversight of the exercise of Mexican executive authority was rejected both for sovereignty reasons (Mexico did not want interference from the US or NAFTA agencies) and also because the federal government wanted to retain discretionary powers to apply the law in an arbitrary manner, free from oversight by courts or information agencies (mainly to solve development problems by encouraging investment).

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<sup>1</sup> The CEC is the trilateral organization of the North American Agreement on Environmental Cooperation (NAAEC), the NAFTA environmental side agreement.

At the same time, important differences between the two sectors provide part of the explanation for variation in outcomes. Historical legacies of corporatism, social control, and authoritarianism in labor governance meant that labor bureaucrats were more politicized and constrained. Strong vested interests ensured path dependency in governance. This was overcome to a certain extent in one local labor board, and its experience is instructive, because it shows the relevance of professionalization and permeability. Yet for most labor boards, highly influential and partial trade union confederations blocked application of the law where it conflicted with their interests. In the environmental agencies, a legacy of control of civil society and rejection of outside scrutiny quickly gave way to a more open attitude to law enforcement and an acceptance that critical civil society was in its interest.

In this essay I look at whether and how a culture of rule of law has been planted, and how two important bureaucracies have adapted to new pressures to improve governance. I argue that 1) although enforcement problems continue, attitudes are changing; 2) environment agencies adopted pro-rule of law attitudes to a greater extent than labor agencies; and 3) this was facilitated by professionalization of agency officials and NGOs as well as by greater mobility of trained personnel into environment agencies. In theoretical terms, this essay extends our understanding of the causes of normative change in developing countries, where studies are dominated by the view that variation in socialization is caused by differences in external 'mechanisms of normative socialization.'

Attitude change means agencies have internalized (or socialized) a pro-rule of law norm. Actors are drawn in to the 'norms and rules of a given community.' (Checkel 2005: 804). Applied to the norm of rule of law, it means that officials believe in non-arbitrary application of the law. Due process is respected, appeals are available, legal procedures are followed. Pro-rule of law socialization does not mean that law enforcement is perfect - Mexico has enormous challenges, and continues to suffer from corruption in enforcement, especially among local officials. But attitude change is an early sign that authorities are moving toward good governance. Where problems were uncovered through complaints and investigations, environmental agencies offered explanations and plans for improvement, signs that it was beginning to take seriously its commitment to respect the rule of law (Risse and Sikkink 1999). Labor agencies denied the existence of problems and accused investigators of interference in national sovereignty.

What do we mean by rule of law? Rule of law is a slippery concept. It has been defined as public accountability, legal clarity, fairness in terms of creating and enforcing laws, and open and fair administration of justice (World Justice Project 2011). Research sponsored by the World Bank defines rule of law more narrowly by naming it as one among six indicators of

governance (separating it from factors such as corruption which are often part of a definition of rule of law): the others are voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, and control of corruption (Kaufmann et al 2009). A legal perspective holds that rule of law signifies 'a commitment to the process of public justification' - holding public authorities to account (Finn 2004: 13). I adopt a somewhat narrower view for the purposes of this essay. My concern is with attitudes toward enforcement of existing domestic law. A pro-rule of law attitude is one which respects existing legal norms and standards, despite political pressures to allow the law to be flouted or procedural steps to be avoided.

Post-NAFTA Mexico presents us with an opportunity to learn more about how domestic institutions and traditions influence acceptance of external pressures, because a number of potentially important variables are held constant. The agreements were concluded at the same time, for the same reasons, with the same member states. Both had as their central purpose the requirement that member states enforce their existing laws, and both provide for sanctions in the event of non-compliance. Transnational advocacy networks sprang up in the wake of both agreements to rally international opinion against abuses. Mexico reacted strongly against both side agreements, considering them to be an arrogant imposition by the Clinton Administration to make good on campaign promises and placate American interests. Moreover, democratization brought increasingly independent oversight powers for courts and for a new (in 2002) freedom of information agency (IFAI). These powers were applied to both sectors.

In the following sections I first present evidence that the environmental agencies have gone further in terms of attitude change on the rule of law. Next I theorize how domestic conditions facilitate norm socialization. Following that I examine empirical evidence of elite professionalization and mobility in environment and labor agencies and NGOs. Finally, I consider evidence of whether professionalization and mobility facilitated attitude change. Designing a valid test from which causal inferences can be made is a challenge. With only two cases, there is little variation on the dependent variable. Further, there are few opportunities to quantify data, for example through surveys of agency officials. The most effective way to gain evidence on whether and how Mexican officials have internalized norms is through external assessments and secondary analyses (ie, as objective and neutral as possible), as well as semi-structured interviews, of which more than sixty were conducted with Mexican and American federal officials, Mexican state officials, officials of the NAFTA institutions, NGOs, academics, and other civil society groups and individuals. The secondary analyses are from consultants and academics. These methods are supplemented by careful readings of official government documents and cases in which complaints were taken to

the NAFTA side agreement institutions for resolution. Although it is difficult to be precise in terms of the confidence level of my findings, these methods enable a set of conclusions based upon fine-grained consideration of difficult-to-quantify variables, and permits an analysis, albeit tentative, of the likely causal effects of socialization.

### *How much did attitudes change?*

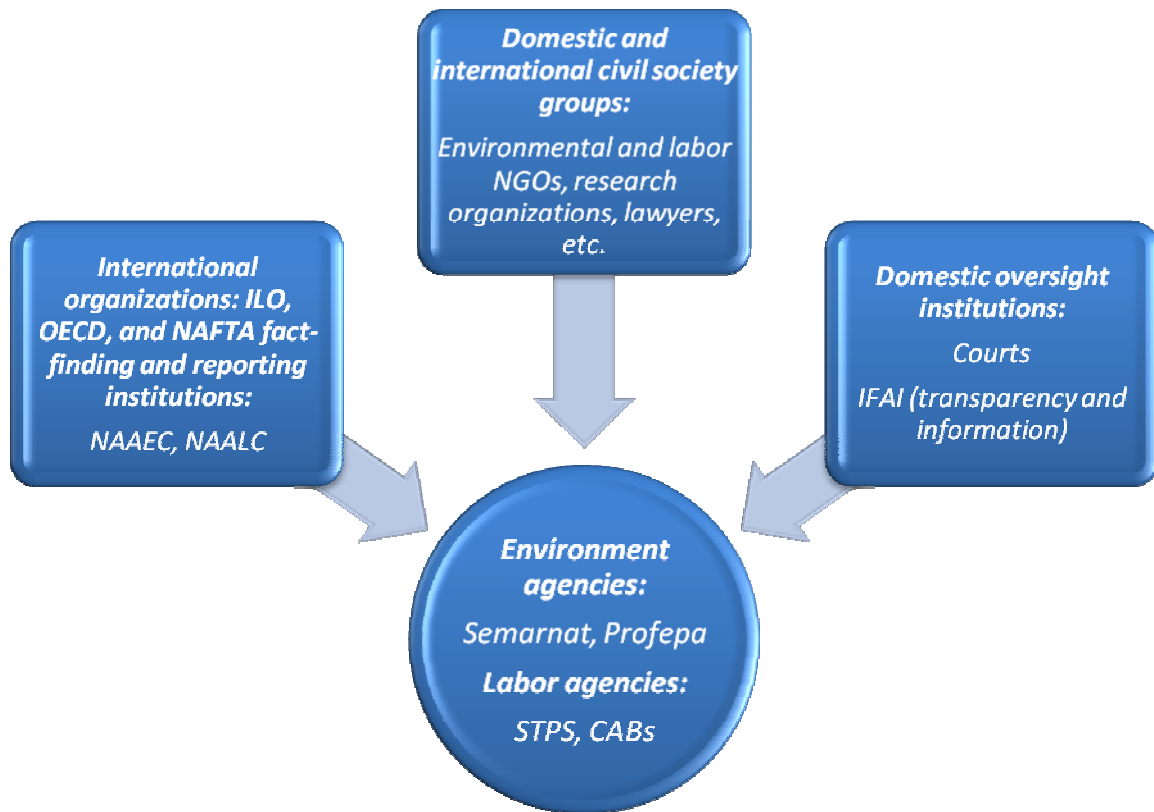
Development aims can undermine observance of environmental and labor law.<sup>2</sup> Economic growth and employment objectives mean that tourist, maquiladora, and other projects may be undertaken even if they bypass legal requirements to protect the environment. Likewise, competition for investment means that ignoring legal protections for workers reduces costs and promotes business activity. On the other hand, pro-rule of law pressures come from several sources: first, domestic civil society groups, such as environmental and labor rights NGOs, law firms, and trade unions. Second, domestic oversight institutions, especially the courts and IFAI. Third, external organizations, most importantly NAFTA investigatory agencies created by the side agreements, but also international environmental agreements, the OECD, and the International Labor Organization (see Figure 1).

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<sup>2</sup> On rule of law in Mexico more generally, and especially its implications for the criminal justice system and for property rights, see Cornelius and Shirk 2007; Huber et al 2008.



**FIGURE 1. PRESSURES FOR NORMATIVE CHANGE**



Pro-rule of law pressures emanated from all three of these sources. Environmental and labor civil society groups pursued actions through domestic courts, Congress, federal and local agencies, and the NAFTA institutions. The courts made judgements which pressured federal agencies to comply with the law. The information agency IFAI made information available in both environmental and labor politics on issues such as pollution levels, control of permits, environmental impact assessments, union contracts, and decision processes. For example, IFAI has forced labor authorities to justify decisions, making it harder to shield corrupt, arbitrary practices from scrutiny (Giménez 2007: 32; interview with Mexico NAO, 2010). Environmental activists have also benefited from IFAI because they have access to applications made by development interests and to SEMARNAT's environmental impact assessments. Likewise, the cases investigated under the authority of the NAFTA side agreement institutions shed light on arbitrary decision-making and pressured the authorities to conform to pro-rule of law norms.

To be sure, change is modest. Yet there is evidence from external analysts and from the CEC that rule of law norms are increasingly accepted among actors in the environment agencies.<sup>3</sup> Studies by respected analysts outside the environmental agencies point to clear signs of socialization (Torres 2002; Block 2003). A legal officer in the CEC corroborated the views of the analysts, and particularly that the quality of application of environmental law has improved and that environmental impact assessments are taken more seriously (Solano interview 2008). No corresponding evidence exists for the labor agencies.<sup>4</sup>

Moreover, NAAEC and NAALC investigations of complaints show how attitudes toward the rule of law differ.<sup>5</sup> Agencies in both sectors sometimes failed to enforce laws, but the reaction of the agencies was very different. The environmental agency has acknowledged shortcomings in enforcement, and given explanations (SEMARNAT, 2007: 99-100; Garver 2001). Acknowledgement of errors and commitment to rectifying them are an important step on the 'spiral' toward acceptance of new norms (Risse and Sikkink, 1999). The first complaint under NAAEC (mentioned at the beginning) marked the point at which the legal process rose in importance within the environmental ministry, according to an official of the UN Development Program based in Mexico (Martin interview 2008). Despite the initial angry reaction by the environmental ministry, attitudes clearly shifted. The case represented a turning point for transparency, law enforcement, and strengthening of rules (Castillo interview, 2008).

On the other hand, labor politics has been virtually impervious to a socialization of pro-rule of law norms. Evidence from first-hand accounts, from investigations by US authorities under the NAALC procedures (see for example US NAO 2007), and from academics, independent analysts, and NGO officials confirm this view (Gambrell interview, 2009). Reports from NAALC investigations made clear that labor authorities were complicit in persistent failures to ensure justice (Nolan 2009; Alcalde 2006: 168). In contrast to SEMARNAT, which admitted problems and sought to explain how they would be rectified, officials in the Mexican labor ministry are adamant that outside pressures have resulted in no change. The role of that office is to 'explain' Mexican labor law and practice, because its law is advanced and there is no need for intrusive action (STPS interviews, 2007; 2009).<sup>6</sup>

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<sup>3</sup> Studies of environmental enforcement results show that Mexican commitment and resources on enforcement were weak and strategically timed to coincide with Congressional consideration of NAFTA (Gallagher 2004).

<sup>4</sup> But see Nolan 2009 for evidence of how technical capacity was built in labor agencies.

<sup>5</sup> NAAEC and NAALC are the respective environmental and labor side agreements. Each provides avenues for affected interests to make complaints.

<sup>6</sup> Only the head of the labor ministry's NAALC office would agree to be interviewed, and only off the record. Four interviews were conducted with him, but no other official would speak, on or off the record, despite repeated requests. In contrast, I interviewed fifteen current or

### ***Norm socialization and domestic scope conditions***

Case studies of norm change in developing countries have treated polities as uniform entities, despite the fact that domestic conditions are not equal across all parts of a polity. They tend to focus on norm adoption - for example human rights - over time by a single set of relevant domestic actors. No study examines application of a single norm to *different regulatory agencies in the same state*, using agencies charged with law enforcement as the unit of analysis rather than the state itself. Different agencies assimilate norms at different rates, and our research designs need to enable us to pick apart the differences between these agencies. In this section I look briefly at the literature on norm socialization before turning (in the following section) to a discussion of plausible domestic scope conditions, deducing from more general theoretical research. I then turn to an empirical examination of the environmental and labor sectors.

In authoritarian regimes, pro-norm pressures often originate from outside the state (Checkel 2005; Johnston 2005; Johnston 2001; Kelley 2004; Schimmelfennig 2005; Keck and Sikkink 1998; Risse and Sikkink 1999). External 'mechanisms of socialization' may be depoliticized technical discussions aimed at persuading actors, or conversely they may be highly politicized and public shaming exercises designed to pressure actors into certain types of behavior. The mechanisms are facilitated by transnational advocacy networks (TANs), in which domestic NGOs acquire leverage through coalition-building outside their home country (Keck and Sikkink 1998; Risse and Sikkink 1999). TANs result in a 'boomerang pattern' of influence, where networks of actors bring pressure on the offending government from outside.

Mexican environmental and labor agencies were subject to the same external-origin mechanisms of socialization - 1) intense, long-standing technical interaction with partner agencies in other NAFTA member states, and 2) highly political and public fact-finding reports. And in both sectors, transnational networks emerged to challenge Mexico's lax enforcement. In short, neither labor nor environmental bureaucrats lacked external pressure - they knew perfectly well what was expected of them. Explanations for the different rates of socialization must therefore come from different domestic scope conditions - the contextual factors which differ from setting to setting (Checkel 2005).

Scholars have long recognized that international norms are filtered through domestic institutions and traditions which refract their signals and

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former employees across the various environmental agencies, all on the record. They include a former minister, the former heads of three other environment agencies (Profepa, INE, and the Border Environment Cooperation Commission), the current number two at SEMARNAT, and others.

incentives. Norms do not 'automatically proliferate' to government from the international arena (Gurowitz 1999: 432; see also Acharya 2004; Checkel 2001; Cortell and Davis 2000). Domestic conditions influence the acceptance of a norm - they can augment or weaken them. Patterns of domestic social behavior have 'staying power'.<sup>7</sup>

But how does rule of law take hold in domestic polities? Legal scholars and practitioners stress not simply the need to build constitutions and institutions but also to create a culture supportive of rule of law. Without inclusivity, participation, transparency, consensus, and a sense of common ownership, rule of law cannot root itself (United States Institute of Peace 2011; Finn 2004; Stromseth 2009; Stromseth 2008). A culture of public trust and confidence in formal institutions is necessary - without this rule of law cannot take hold. It is important that citizens be made aware of the opportunities available to them and that they feel they have a stake in the outcome of public deliberations. This will commit them to the process.

Independent judiciaries and merit-based bureaucracies with limited patronage appointments are also necessary to reducing arbitrary decisions and limited pressures from powerful interests (see Grindle 2010; Finn 2004). Judicial independence as a guarantor is important because it requires authorities to justify reasons for the exercise of power. The exercise of authority must be defended 'against published, uniform, and stable norms' (Finn 2004: 15). Reasoning which is open and consistent (using precedent) and based on known legal principles is the basis for judicial contribution to the rule of law.

Findings in studies of Latin American civil services show that moving toward merit-based systems of recruitment bring 'advances in the degree of stability, professionalism, and expertise in public offices' (Grindle 2010: 2). Patronage can lead to arbitrary application of the law as those appointed serve the interests of political masters over the public interest. Meritocratic recruitment refers to 'a process of credentialing based on education, examination, or some other test of merit; in which a career ladder exists and is accessed through regularized demonstration of credentials of education, examination, tenure in office, or other form of assessing merit; in which tenure is secure barring malfeasance in office; and in which movement in and out (through retirement, for example) is regulated and compensated' (Grindle 2010: 4).

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<sup>7</sup> For related arguments from the Europeanization literature, see Olsen (2002); Schmidt (2002).

### *Professionalization*

Organizational and sociological theory provides clues to how professionalization facilitates norm socialization. It is a more fine-grained and nuanced understanding of how domestic scope conditions plausibly affect norm adoption. By professionalization I refer to understandings of relevant scientific and legal standards and use of agreed and recognized procedures. As civil society actors and domestic ministry elites (those who make decisions about whether to apply the rule of law) increase their level of professionalization, they converge in terms of understanding of problems and viable solutions. The transaction costs of evaluating and accepting arguments decline. Professional NGOs will find it easier to persuade similarly professional targets in bureaucracies, because the latter are more likely to recognize the arguments of NGOs as legitimate and trustworthy.

Professionalization helps norm transfer because it raises awareness in those who become trained. Feelings of personal moral obligation, awareness of consequences, and ascription of responsibility (the responsibility one feels when not acting pro-socially) explain much pro-social intention and behavior (De Groot and Steg 2009). Awareness-raising occurs more readily when professionals in NGOs and domestic ministries are trained to a similar professional level because they are able to communicate more effectively and therefore reach common understandings of problems.

Rational ideas of efficient and logical organization add to pro-norm pressures. Modernity is important because it implies

a more universalistic moral order, a more scientific and standardized analysis of nature and means-ends relationships, and a more ahistorical view of human nature and human society. The construction of actors around these notions makes them more similar, in easily perceived and communicated ways. [Modern actors] depend on the same technologies legitimated on the same grounds, so flows of improved techniques can be rapid and little constrained by traditional loyalties (Strang and Meyer 1993: 501)

In other words, where individual and collective benefits are demonstrated through rational analysis to flow from certain practices, they are more likely to diffuse. The ideas of rationality, equality, transparency, and similar attributes of 'modernity' are important motivating forces for diffusion of legal practices such as due process. Professionalization creates homogenizing forces within organizational fields through training, standard-setting, professional literature and social networks (Farrell 2001: 72). Training in scientific and legal methods promotes similar understandings of cause and effect. Actors learn how to use legal instruments, like impact assessments and appeals procedures. They learn how to use information sources.

Moreover, the capability, expertise, and intelligence which are associated with professionalization confer power by augmenting credibility. When source credibility is heightened, persuasion is easier (Fiske 2004: 524-5; Latané, cited in Cialdini and Trost 1998: 164; Strang and Meyer 1993: 494). Scientifically-fluent members of a given policy community are more capable of norm transfer because of their understanding and the credibility they attain. Technical proficiency also increases legitimacy. NGO officials who are trained in legal methods and have attained technical professionalization are empowered because they are able to argue through legal reasoning, defined by the late legal scholar Thomas Franck as 'the legitimacy-based demands of consistency, coherence, and adherence' (cited in Keohane et al 2000: 478).

A similar argument (but differing in important respects) has been made in the study of epistemic communities, which play a role in 'articulating cause-and-effect relationships of complex problems, helping states identify their interests, framing the issues for collective debate, proposing specific policies, and identifying salient points for negotiation' (Haas 1992: 2). Where bureaucracies require specialist knowledge in their decision-making, technocrats will gain influence relative to political leaders (Legro 1997: 37; Haas, 1992). Epistemic communities can institutionalize their power within bureaucracies, having a more permanent influence on them and affecting the worldviews of the agencies to which they are linked. Their power grows when they are respected as legitimate holders and users of information. Professionals gain legitimacy and influence because their expertise is needed to solve problems of uncertainty in decision-making, and because their professional training is valued.

### *Permeability*

In order for professionals to be influential in norm diffusion, people need to be listening. A pro-rule of law consensus cannot be built when impermeable agencies freeze out civil society groups who are seeking to change behavior. Professionalization is enhanced by the integration of trained interests with trained bureaucrats. They share expertise, communicate best practice, and strengthen oversight. Open opportunity structures allow NGO officials not simply to speak to agency officials, but to move into agencies themselves. Understandings of social commonality are more likely under conditions of close proximity - working together on problems frequently - and these understandings lead to faster diffusion among individuals within a social category (Strang and Meyer 1993: 491). Members of an in-group are more likely to be viewed as trustworthy and benevolent, increasing the probability that norm transfer will be facilitated (Fiske 2004). The transaction costs associated with normative change are lower when persuasion occurs within a group (Farrell 2001: 72; Cialdini and Trost 1998; Meyer and Rowan 1983).

Mobility of officials is affected by the permeability of institutions. Agencies that are new or growing are more susceptible to normative influence because they are more likely to bring in 'new blood.' Agencies that are closed or have clear economic interests at stake are less likely to accept new arguments, because existing practices are more path-dependent and harder to change. Thus, permeability is enhanced by expanding institutions and by the absence of organized and powerful vested interests with a clear economic stake in outcomes and with the ability to affect them. In short, as professionalization and permeability increase, so does the degree of consensus among civil society and agency actors. NGO officials and the bureaucrats they seek to persuade become more 'alike', they accept arguments from each other, increasing the chances of a consensus being created on rule of law. Communication is facilitated and de-politicized. Consensus results in pressures to reduce clientelistic practices and accept good governance norms (see Figure 2).

**FIGURE 2. CHARACTERISTICS OF PROFESSIONALIZATION AND PERMEABILITY.**

		Professionalization	
		High	Low
Permeability	High	<ul style="list-style-type: none"> <li>• Common and widespread technical capabilities (such as knowledge of relevant laws and regulations as well as methods of application, appeal, dispute resolution, etc).</li> <li>• High level of communication between agency officials and civil society.</li> <li>• High level of consensus between agency officials and civil society.</li> </ul>	<ul style="list-style-type: none"> <li>• Variable or low technical capabilities.</li> <li>• High level of communication between agency officials and civil society.</li> <li>• May result in misunderstandings regarding standards of due process, enforcement, application of law. Consensus uncertain.</li> </ul>
	Low	<ul style="list-style-type: none"> <li>• Common and widespread technical capabilities.</li> <li>• Low level of communication between agency officials and civil society.</li> <li>• May result in misunderstandings regarding standards of due process, enforcement, application of law. Consensus uncertain.</li> </ul>	<ul style="list-style-type: none"> <li>• Variable or low technical capabilities.</li> <li>• Low level of communication between agency officials and civil society.</li> <li>• Consensus unlikely regarding standards of due process, enforcement, application of law.</li> </ul>

This approach distinguishes my study from earlier work on technocrats in Mexican politics. The influence of technocrats began as early as the *Porfiriato*, and a tradition of studying their impact reaches back at least to the 1960s (Vernon 1964; Grindle 1977; Dominguez, 1996; Centeno and Maxfield 1992; Camp 2002). But these studies lack three things: 1) they do not consider the influence of civil society groups; 2) they tend to look at technocratic roles in policy and planning rather than law enforcement or other aspects of governance; 3) they do not consider the role of external actors in shaping the behaviors of technocrats. Elite, trained civil servants administer and plan, but the quality of their governance (such as rule of law, public participation, transparency) is affected by their understanding of and respect for the law because they reduce the likelihood that special interests will capture political elites and extract rents.

In fact, these studies showed that technocrats *were* politicized through their connections to party and president. Not only were technocrats often appointed on patronage grounds but they captured politicians and became politicized themselves. The distinction between technocrat and politician was less than it seemed in theory. Periodic bursts of technocracy did not guarantee proper governance, only that elites would have more control. Governance continued to suffer from rent-seekers and rule-breakers, and specialized training at graduate level did not necessarily lead to depoliticized positions or governance devoid of political influence.

### *Environmental politics*

Mexican environmental governance changed dramatically between 1988, when a comprehensive environmental law was passed, and 1996, when further legal reforms were enacted. Institutional responsibility for the environment evolved from a minor under-secretariat with roughly 1000 employees in 1990 to a full Cabinet-level ministry in 1994.<sup>8</sup> By 2007 it had about 30,000 employees. A new enforcement agency and specialized agencies on biodiversity, protected areas, and forests, among others, were established (Gil 2007; Gilbreath, 2003). This very expansion brought new officials into the agencies - officials who were not burdened by legacies of earlier practices. New rules, new agencies and new officials were unconstrained by the longstanding legacies of vested interest influence so apparent in labor governance.

A culture favoring scientific and legal capacity in environmental governance was apparent from the outset of this process. University scientists led efforts to address the problems of environmental degradation. They

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<sup>8</sup> The main federal environmental agency was known as SEMARNAP from its creation in 1994 to 2000, when the name was changed to SEMARNAT.



worked closely with government officials on a number of studies, and they had a major impact on building capacity in government (Reyes interview, 2008).<sup>9</sup> A great deal of high-level personnel interchange took place between government and academia. The culture of scientifically-informed policy was also apparent in a series of consulting reports by Booz Allen & Hamilton in the early 1990s, which spelled out the scientific and technical capacities required in INE, including the levels of education for certain positions and the types of degree that should be attained by managers (Booz Allen 1991). The report called for stronger scientific and technical capacity in the agency to improve governance.

The underlying basis for professionalizing the agencies was the need to base regulatory standards on best available scientific evidence. In the period 1992-94 the Undersecretariat of Ecology planned to triple the number of regulatory standards (Booz Allen 1991). Professionalization was also promoted by NAAEC-origin capacity-building programs, especially the Pollutant Release and Transfer Registry (PRTR) (SEMARNAT 2000: 358-9).<sup>10</sup> The PRTR dates from 1994, and is a program in which firms report emissions and movements of specified chemical substances. The resulting database is made available to the public.

Environmental NGOs have become more professionalized too. Until the mid-1990s, knowledge of public policy processes among civil society was poor, and the government co-opted or silenced groups through press censorship, job offers, and intimidation (Puentes interview 2008; Reyes interview 2008; Martin interview 2008; Guerra interview 2008). Groups which were critical of the government were restricted in terms of influence and access (Mumme 1992: 137). In comparison to global NGOs such as Greenpeace, which commission or conduct original research, Mexican environmental NGOs were untrained and prone to taking direct action on specific issues.

SEMARNAP began reaching beyond the scientific elite and opening up to civil society in the 1990s (Martin interview 2008; Reyes interview 2008).<sup>11</sup> Regional councils were formed in the 1990s to foster communication between the environmental authorities and civil society groups. As NGOs were drawn into the regional councils, they became acquainted with other environmental

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<sup>9</sup> Among other things, Sergio Reyes was the first president of the National Ecology Institute (INE) and was Mexico's signatory to the Montreal Protocols.

<sup>10</sup> See the SEMARNAT website, <http://app1.semarnat.gob.mx/retc/tema/anteced.html>. Accessed 23 January, 2009. A pilot project was designed and executed in the state of Querétaro during in 1995-6, with workshops, technical assistance, and computer equipment. According to the local SEMARNAT official, capacity in environmental politics in Querétaro has increased in terms of resources and technical ability (Serrato interview, 2008; Fernández-Ugalde interview, 2008).

<sup>11</sup> Cristina Martin, an official at the Mexico City office of the UN Development Program, worked in SEMARNAP on citizen participation issues in the 1990s and became president of the central regional consultative council.

groups (and business groups as well). Through meetings and discussions, environmental interests began to change the way they conducted themselves, negotiating and presenting realistic alternatives, not simply making demands. They looked for alliances; mutual respect grew. NGOs learned to present policy alternatives that solved problems (de Buen interview 2008; Martin interview 2008). The experience of the regional councils strengthened environmental interests not only because they received a great deal of government information - and served as a conduit for this information - but also because a consensus logic required council members from different sectors to communicate with each other and work out problems. Understanding among environmental interests improved; they became sensitive to the positions of other interests, and better informed about the limits of government capabilities.

The technical capacity of environmental NGOs has also grown. Numerous insiders and respected analysts consistently and credibly testify to the professionalization of environmental NGO staff. CEMDA (the organization described in the introduction) was formed as a direct result of NAFTA. Its litigation has been part of the process of capacity-building, according to Alejandro Villegas (interview, 2008). CEMDA gives training workshops, creates manuals on environmental law, and collaborates with the Center for Juridical and Environmental Studies in an environmental law course at the National Autonomous University of Mexico. CEMDA also created regional offices, including a network in the Northwest, and recruited new lawyers.

The conservation group Pronatura also acts as seed bed for talent and capacity-building. It has trained and educated more than 6000 rural farm workers, civil society representatives and local and state officials (Salazar interview 2008; Pronatura 2007). Its personnel include biologists, oceanographers, lawyers, and specialists in environmental education. The director (since 2006) is a lawyer. Former employees have moved to senior positions in government agencies. Ex-employees have also gone to other NGOs. Pronatura has sought to establish a more consistent and contractual relationship with its traditionally independent regional offices, in order to professionalize them and ensure consistency in financial administration, media messages, and image.

Professionalization occurred in CEMDA and Pronatura because their officials gained law or advanced academic degrees. They learned to communicate in sophisticated ways by compiling data, developing mailing lists, communicating with the press and public, using the internet to build international links, and improving their leadership, management, fund-raising and personnel resources (Puentes interview 2008). The most important environmental groups, such as Pronatura, CEMDA and FMCN, are led by individuals with master's degrees, law degrees, or PhDs. This makes them candidates to take professional positions in the federal agencies and to

communicate effectively. Mexico has a growing number of graduate degrees on environmental studies, and higher education institutions have created new environmental law centers which provide legal advice and train lawyers, and therefore contribute to better understanding and enforcement (Herrera 2008).

Professionalization has also been built through increased linkages with American groups (labor NGOs and independent unions have benefitted from similar interaction). In 1992, the National Resources Defense Council visited Mexico and determined that few environmental groups had the capacity to mobilize opposition to the NAFTA negotiations.<sup>12</sup> That was a catalyst for US and Canadian groups to strengthen Mexican environmental activists (Torres, 2002; Carmona interview, 2008). In a short period of time, cross-border links between groups had strengthened considerably. Technical expertise and funding opportunities for Mexican environmental groups increased. A number of Mexican NGOs were created or supported by US foundations (Villegas interview, 2008), which in turn asked for work plans and strategies to be developed, thereby strengthening capacity. Communication between NGOs and public officials in environmental agencies is far stronger than in the labor sector. Much of the interaction is informal - the individuals involved know each other well and have become friends, speaking on the phone frequently. Social and professional interaction has brought NGO officials and government officials very close to a meeting-of-the-minds on rule of law norms.<sup>13</sup>

The US and Mexico also created two border environmental institutions, the Border Environmental Cooperation Commission (BECC) and the North American Development Bank (NADB), to respond to environmental stress along the border. BECC provides technical assistance to border communities and certifies proposed projects for funding by the NADB. NADB provides financial and managerial guidance, loans on its own account, help in structuring financial packages (including loans or grants from other sources), guarantees to secure outside financing, and administers US EPA grant funds (BECC & NADB 2008: 3).

The project consultation and planning processes bring agency officials into contact with citizen committees. Information must be provided by governments through public campaigns, media outlets, public meetings and education (Bravo, 2008: 43). Moreover, a plan must be developed specifying how community participation will continue in the operation and maintenance phases later. As of late 2008, 337 public meetings had been held, 115 citizen committees established, and more than 1000 local organizations had received information regarding projects and certification (Bravo, 2008: 45).

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<sup>12</sup> Mumme 1992 describes the marginalization of environmental NGOs in the policy process in the 1980s and early 1990s.

<sup>13</sup> Numerous high-ranking NGO and agency officials confirm this point. They include Hernando Guerrero, Chief Secretary to the Minister, and Gustavo Alanís, President of CEMDA.

Professionalization was promoted in various ways by the border institutions, such as training programs run by US agencies and by the Utilities Management Institute (and the broader bilateral Institutional Development Cooperation Program). Professionalization was also enhanced by requiring that transparent, inclusive public consultation processes be followed. Javier Cabrera, the head of BECC from 1997 to 2005, explained that Mexico was initially unhappy about the requirement for public meetings and community participation. However, the US insisted on inclusion, and 'with time the Mexican authorities saw that public participation wasn't dangerous, they could cope with the criticism' (Cabrera interview, 2008). SEMARNAT (2001: 104) also emphasized that one of the BECC's strengths was channelling the participation of local social groups. In some Mexican cities, the institutionalization of citizen input served as a catalyst for wider citizen involvement in environmental issues (Kelly 2002).

### *Labor politics*

In contrast to the scientific and legal culture taking root in environmental governance, Mexican labor politics remains a murkier world of institutionalized conflict of interest and influence-peddling. Politicization trumps technocratization. Workers have many formal legal rights, but labor has always been harnessed and controlled. Wages and social benefits were guaranteed for unionized workers, but employee demands for more choice in how they were organized and who represented them were always repressed. A '*triángulo de hierro*' was created between employers, who want to control costs; the state, which wants to attract investment; and union leaders, who purport to represent workers but who help to maintain this delicate balance in exchange for public offices, concessions and other privileges (Giménez 2007; Alcalde 2006; de Buen Unna 2002: 410ff).

The principal labor umbrella organization, CTM, is especially powerful in the state sector and large firms.<sup>14</sup> But since its member unions stifle productivity growth and innovation, they are avoided by smaller companies and inward investors, who opt for 'ghost unions.' Ghost union leaders - who may be nothing more than racketeers - offer firms a protection contract whose central purpose is to maintain labor peace and keep other unions at bay (Bouzas 2006: 115).<sup>15</sup> Government approval of these 'unions' gives them

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<sup>14</sup> According to the transparency agency IFAI, there are four million union members in Mexico (Giménez 2007: 25; see also de la Garza 2006: 308). Citing Michael Boyle, writing in 2002 in the magazine *Business Mexico*, Nolan (2009) indicates that almost 90% of the unionized labor force was represented by unions affiliated with the CTM.

<sup>15</sup> IFAI estimated that more than 90% of the collective contracts throughout the country (more than 700,000) are protection contracts (Giménez 2007: 42).

legal legitimacy, even though workers are marginalized, do not have a say in electing the leadership, have no access to the accounts or to the management of the union, and often have no idea that they are even represented.

The key institutional components of this system are the federal labor ministry (STPS), established in 1941, and the federal and state Conciliation and Arbitration Boards (CABs). At state level, the CABs register unions and serve as tribunals, addressing disputes between workers and employers.<sup>16</sup> At the federal level, unions are registered with the STPS but disputes are resolved in the federal CABs. CABs are governed by three representatives - one from the relevant state or federal government, one from business, and one from labor.

Unions wishing to represent workers in a given workplace must first register with the relevant authorities, at which point they are eligible to compete in a *recuento*, or vote, for representation rights in the workplace. Independent unions do exist (ie, those not affiliated with co-opted confederations, and which seek to promote genuine workers' rights under the law), but the reason they find it so difficult to register or to gain representation in a workplace is that none of the official CAB representatives wants independent labor to be granted recognition or collective bargaining rights.<sup>17</sup>

Thus, among the traditional co-opted unions and captured public officials, conflict of interest, abuse of power, corruption, and discretionary application of laws is rampant (Giménez 2007: 22; Bensusán 2006b: 330ff). Professionalization and technical capacity has increased, but primarily among independent trade unions, labor lawyers, research organizations, and networks of labor activists. It occurred through legal training and collaboration with NGOs and unions from other countries. For example, in the NAALC complaint process, independent labor groups were required to work with partners outside Mexico - with support from American and Canadian sources, they gained experience and knowledge in these campaigns (Bensusán 2006a: 262; de Buen Unna 1999: 2; also Compa 1999; Díaz, 2004; Fox 2004).

The cases require that the partners coordinate their positions in order to bring them forward (Compa 1999: 95; Kay 2005; Graubart 2005). Unions jointly develop work strategies, agree and draft complaints and testimony, decide on media and public relations strategies, organize demonstrations, and participate in capacity-building activities. Committing to file a complaint means working together on practical issues. Working relationships are formed and developed, and there is now a trinational community who have a history

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<sup>16</sup> Unions in certain sectors are registered at the federal level. All others are registered in the state-level CABs.

<sup>17</sup> In fact, the labor representative on the CABs invariably comes from one of the major co-opted union confederations such as the CTM. Ironically, it is these confederations that are some of the fiercest opponents of labor rights.

of working together and who frequently pick up the phone to consult with each other (Davis interview, 2009).

But if some civil society groups were professionalizing, why was so little progress made in changing attitudes regarding labor administration and justice? Labor and business representatives on the CABs had much to lose if new unions were allowed to register and represent workers, and they were steadfastly opposed to recognition of new unions and organization of workers by those unions. Representation by pro-worker unions was blocked by vested interests. The CABs were not open to influence from outside. Communication between modern unions supportive of workers' rights and their counterparts in the labor agencies and state-linked union confederations is antagonistic, and exchange of personnel non-existent. Independent labor NGO officials almost never move into the federal or state agencies to work. But the problem was deeper than corrupted special interests. Levels of professionalization were low. As repeated NAALC investigations made clear, local CAB officials often have a weak understanding of the law they were supposed to be upholding. Moreover, they have little incentive to professionalize, since what matters for them are connections. Rather than acting as neutral arbiters, many respond directly to state government officials who wish to promote inward investment. Thus, the historical legacy in which co-opted state-linked labor confederations play a key role in decisions on worker representation is important because it enabled them to block changes in representation, even when that was contrary to the law.

The most successful pressures on labor practices have come from Mexican court decisions and IFAI. But even these have not brought a new attitude of respect for rule of law. The epistemic understanding of the importance of good governance, based on professional training and movement of personnel, has not taken hold in the labor case because of the presence of co-opted unions with permanent interests opposed to such change and lack of legal training. The individuals in the CABs are less susceptible to inward or outward movement of technocrats carrying new norms. Cross-border cooperation among labor groups is confined to small independent unions and labor research NGOs, rather than the large union confederations. Traditional labor leaders do not value training - they value connections. Understandings of and commitment to legal standards is correspondingly low.

However, there is one bright light among this gloom. Contrary to the experience in most labor boards, the effects of professionalization and permeability *are* apparent in one local labor board, and its record shows that it is possible to overcome the legacy of authoritarian labor governance. The Mexico City CAB has the reputation of being the most open and honest of the CABs, more so than the federal CAB or any other local CABs. For example, it protected worker secrecy in votes on collective bargaining, and published information on representation even before Supreme Court rulings began to

mandate such behavior, and well before any other labor agency. Interviews and autobiographical sources reveal that importation of professional technocrats began to change the culture within this agency.<sup>18</sup> It has become more technocratic and less political. Edith Ramírez, a lawyer there, explained that her approach is guided by her prior experience in ANAD (the National Association of Democratic Lawyers).<sup>19</sup> She knows the rights of workers, and believes their legal rights should be respected.

Eight of us from ANAD joined the Junta (CAB), in strategic locations, to work there. Over time, more colleagues joined from ANAD. The fact that the president of the Junta was a democratic lawyer was very important, because it represented change within the Junta in favor of the workers. Jesus Campos was always in favor of a strict application of the law, and above all, recognition of workers' rights (Ramírez interview, 2010).

This change was made possible by the appointment of Campos by Andrés Manuel López Obrador, Head of the Mexico City government from 2000 to 2005. The CAB's independence was guaranteed by the government - it was not given 'a line' (ie, told what to do in resolving cases). This independence is in sharp contrast to other local CABs and to the political control exercised by STPS over the federal CAB (Campos 2009: 153-4). Instead, Campos imported lawyers with experience of representing independent unions. He indicated that he accepted the position in order to apply labor law on behalf of the workers, and to preserve the legal autonomy of the CAB (Campos 2009: 143, 154). He formed a diploma in law and morning law classes in the CAB to train and professionalize the legal staff (Campos interview 2010).

### ***Professionalization, permeability and rule of law norms***

Norms are adopted by domestic agencies at different rates. They do not spread evenly from external pressures across a polity, but depend on features which distinguish one agency from another. Where bureaucrats are professional and agencies are open, norm adoption is more likely. Even in the difficult atmosphere of labor politics this was possible, as the experience of the Mexico City CAB shows. Bureaucrats who are trained and who

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<sup>18</sup> The former head of the CAB, Jesus Campos, believes this is very tentative and much remains to be done (interview 2010). Outsiders representing independent unions agree with this, but confirm that it has made progress.

<sup>19</sup> ANAD is active in promoting workers' rights. Campos was a founding member of ANAD and president of it from 1993-1995.

communicate with domestic civil society and with counterparts elsewhere are more likely to accept internationally-agreed norms.<sup>20</sup>

Moreover, technical proficiency enhances the power and influence of NGOs within the relevant agencies (cf Haas 1992). It enables them to get their arguments across and be taken seriously. Common professional values helped facilitate attitude change in the environmental sector, despite the fact that NGOs and agency officials often disagree on outcomes. NGOs prioritize environmental protection. SEMARNAT issues permits and needs to balance environment and development objectives following established legal procedures. NGOs and bureaucrats do not necessarily share interests in outcomes, but they do share interests in due process. Attitudes converged on the rule of law, rather than the 'greenness' of outcomes. On those occasions when decisions are not 'green enough' for the environmental groups, they nevertheless continue to work closely with SEMARNAT. They do not take to the streets.

CEMDA's director noted that 'the law is being used more and more by environmental NGOs in Mexico, and this strengthens NGOs in front of institutions. Technical, scientific and legal arguments are replacing direct action' (Alanís interview 2008). Legal challenges force public authorities to respond with legal arguments, increasing the likelihood that the rule of law will be observed since they can later be held to account for legal positions they previously adopted. Moreover, this development is welcomed by SEMARNAT. The Chief Advisor to the Secretary of SEMARNAT said 'thank god we have NGOs with the technical capacity to discuss issues. Capacity-building for Mexican society is very important' (Guerrero interview 2007).

The NAAEC complaint process (in which individuals or groups are permitted to challenge governments over legal failings) helped professionalize environmental politics, and professionalization led to attitude change. NAAEC was 'an important catalyst for developing a more transparent regulatory process and ensuring a more consistent application of environmental laws in Mexico' (GAO 1997: 22). SEMARNAT stated that NAAEC 'has contributed to the environmental regulatory framework, compliance on the part of producers, and has also encouraged social participation in decision-making' (SEMARNAT, 2007 135; INE 2000: 110). It improved environmental impact assessments because greater pressure was exerted by NGOs (Gallagher 2004: 77; also Vaughan, 2003: 66; Blanca Torres, cited in Fox, 2004: 267).

The CEC's access to information policies, decision making records, citizen submission process, and public Council sessions have helped shape Mexican citizens' expectations for the conduct of government business for national agencies and public institutions. That [SEMARNAT] is regarded as one

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<sup>20</sup> In an earlier study I reported on the intense cooperation between Mexican and American trade bureaucrats on NAFTA trade policy, founded on common understandings of legal processes (Aspinwall 2009).



of the more open and transparent Mexican government agencies is in a small, but not inconsequential way, due to its intense interaction with the CEC and civil society (Block 2003: 516; see also Herrera 2008).

But NAAEC is not the only source of pressure. SEMARNAT also reacted positively to the creation of IFAI in 2002, stating that access to information is important: 1) for purposes of scrutiny and oversight by the public, including reducing corruption, strengthening the rule of law, and improving accountability; 2) to help change the culture of secrecy and bring greater democratic maturity, which would increase public confidence in institutions, and strengthen freedom of expression; and 3) limit the arbitrariness and discretion of authorities, in turn improving the decision-making environment (SEMARNAT, 2004: 13-4). Local issues are accessible to citizens, who can watch to see if permitting, regulatory enforcement, authorizations, and other processes are done correctly.<sup>21</sup>

In the border region, while there is a clear need for more funding and there are unacceptably high levels of toxic waste, progress made in professionalizing agencies and citizens led to greater respect for the rule of law. In making funding decisions, the BECC requires that environmental impact assessments provide a higher level of reporting than the Mexican government has traditionally required - it asks for analysis of environmental data in addition to reporting of it, thus allowing interested parties to challenge the impact assessments of the government (Abel and Sayoc, 2006). Likewise, projects funded by the NADB are required to have local community groups participating in various stages of the projects.

Public participation has increased legitimacy and support for projects, and often spills over into other forms of local governance, increasing awareness of rights and access to information (see Abel and Sayoc, 2006). The public process by which the rules and procedures of projects are defined and applied in the public sphere has been opened (Bravo, 2008). Public participation is mandatory, and information is made available to communities. Planning and continuity are improved, consensus is built, legitimacy raised, and democratic processes built through social participation. The former head of BECC indicated that there have been widespread and lasting cultural changes. 'Things could no longer be done in the traditional way [ie, closed and politicized], and it took time to understand. This is the big contribution of BECC. We have taught local governments and communities that things could be better. And I think it is a lasting change' (Cabrera interview 2008).

Despite having an external complaint mechanism similar to the one in the environmental side agreement, labor politics is much less professionalized. There is little sign that traditional co-opted unions have made any efforts to increase technical training or professionalization among

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<sup>21</sup> SEMARNAT welcomes this change, according to Oscar Callejo, Adjunct Director General for Studies at the ministry (interview 2008).

their own staff. Leaders are older and less mobile; public authorities (STPS and the CABs) mostly do not welcome independent labor leaders. The result is that norms of nationalism and clientelism have not been supplanted by a norm of respect for rule of law. In cases brought by NGOs, the investigating authorities found that the CABs were unprofessional and highly-politicized, making decisions that favored their own interests at the expense of impartiality. They also made procedural errors which delayed resolution of issues and caused confusion. The investigators often requested that improvements be made to transparency, communication, information, levels of training and education among local CABs specifically in order to increase adherence to the rule of law. The link between professionalization and rule of law norms was made clear in a NAALC case filed in 1997:

The results of previous submissions and the Government of Mexico's own efforts to *strengthen the professionalism and capabilities* of its CABs seem to substantiate the NAO's basis for concern that the actions by the Tijuana CAB may be inconsistent with the [federal labor law]. Registration, which is supposed to be a routine administrative transaction, is sometimes withheld in a manner which grants the administrative authorities (CABs) control over the right of unions to exist. Union representation rights were initially awarded on the basis of criteria that were not impartial and transparent ... (US NAO 1998: 20; emphasis added).

In short, both professionalization and agency permeability affected norm socialization. Among environmental agencies, the very newness of many of them created a permeability which was filled by highly-trained individuals from NGOs who brought pro-rule of law values with them. They took positions in the environmental agencies as the latter expanded. In contrast, labor actors are entrenched in historically-rooted institutions of governance dating back to the 1930s, in which co-opted labor confederations controlled their own workers. Long-standing agencies with well-established and fixed practices guaranteed institutionalized privileges for narrow economic interests, and proved impermeable to influence from outside.

Trained, professional labor lawyers and NGO officials advocating due process faced a *triángulo de hierro* of narrow interests and captured, rent-seeking bureaucrats which operated according to a different logic - one in which investment was to be encouraged above all else, and the profits shared among those who turned a blind eye to legal infringements. The transnational network of trained labor NGO activists (which includes Mexicans), has no influence over labor bureaucrats, especially within the local CABs. They are excluded from the institutions in which decisions are made regarding the application of law (Martínez interview 2010). This undermines the formation of common views, and retards the process of normative socialization.

Officials in both the environment and labor agencies insist that integration of professionals helped foster rule of law norms. According to an official in SEMARNAT's office for Social Participation and Transparency, interchange of officials has built capacity and permitted norms to be transferred among individuals (de Buen interview 2008). On the labor side, the head of the Mexican NAO stated categorically that the introduction of labor lawyers familiar with labor rights into the Mexico City CAB was the *cause* of it becoming more open and respectful of rule of law.

## *Conclusions*

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This study adds traction to the claims that domestic 'histories, traditions and institutions' filter the effect of external normative pressures. In two sectors facing equivalent external pressures, variations in attitude change can best be explained by examining differences in levels of professionalization and mobility. These results are important, because as international mechanisms of socialization (ie, reports by international organizations, network pressure from activists, media spotlighting) become more prevalent and more uniform, domestic contextual factors are likely to play a greater role in explaining variation in socialization.

The track record of Mexican environmental and labor politics shows that professionalization facilitates normative socialization, overcoming nationalism and clientelism in favor of international norms and standards. An epistemic understanding fosters respect for rule of law. Legal proficiency grew among Mexican environmental and some labor NGOs. NGO personnel moved into leadership positions within federal environmental agencies. In contrast, there is persuasive and widespread evidence of the lack of professionalism and knowledge of the law on the part of entrenched economic interests in the local labor boards. Union leaders were less professional and less mobile in terms of moving into government agencies.

Attitude change depends on variation in domestic actors' capacities and institutional permeability. Professionalization and mobility matter. Once civil servants and NGO officials have learned how to solve problems using scientific studies and legal processes, have built networks and improved communication links, they are less vulnerable to politicized decision-making. Trust is built. An understanding of how to address conflict and make decisions that are fair and transparent begins to congeal.

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