

Binational cooperation is the only way to resolve the current standoff over Rio Grande/Río Bravo water rights

Sharing the Waters

by Mary Kelly and Karen Chapman | May 17, 2002

“A phenomenon noticeable throughout history regardless of place or period is the pursuit by governments of policies contrary to their own interests.”

—Barbara Tuchman, *The March of Folly*, 1984

The Rio Grande/Río Bravo no longer reaches the Gulf of Mexico—it’s blocked by a sandbar that is the result of several years of low flow in the river. This development is symbolic of the dire state of the entire transboundary river basin. The river’s troubles are now manifesting themselves in an increasingly acrimonious dispute between the United States and Mexico.

Charges and countercharges are flying over water allocation in the Rio Grande/Río Bravo basin. Some Texas politicians are threatening “retaliation” over what they deem Mexico’s failure to live up to its obligations under the 1944 binational treaty that governs how the waters of this vitally important river basin are to be shared.

However, northern Mexico is suffering from a severe and persistent drought that has reduced capacity in its reservoirs to dangerously low levels. One of the largest reservoirs in the Mexican portion of the basin, La Boquilla on the Río Conchos in Chihuahua, is at about 20% of normal capacity. Further down the Conchos, the Luís León reservoir is at less than 20% of its normal storage. Mexico’s reserves in the joint Amistad/Falcon Reservoir currently amount to less than 10% of that system’s capacity. Under these conditions, short of cutting off all irrigation south of the border, it is not practical for Mexico to rapidly repay its current deficit of about 1.4 million acre-feet under the Treaty, as many in Texas are demanding.

Those Texas politicians leading the charge against Mexico seem to agree with farmers in the Lower Rio

Grande Valley of Texas who maintain that Mexico is purposefully managing its part of the Rio Grande/Río Bravo basin in order to deliberately withhold water and put Texas farmers out of business. They have mounted a sustained campaign to convince U.S. federal officials that Mexico should be transferring all its Río Bravo water through to the Rio Grande instead of using some of it for irrigation in Chihuahua.

To date, most federal officials in Washington, DC have maintained a low profile with regard to negotiations on the issue. Nevertheless, the constant pressure from Texas, widespread media coverage and the lack of perceived progress in resolving the dispute, may begin to make that approach more difficult to sustain. The pressure certainly is mounting, and President Bush—who discussed the water issue with his Mexican counterpart in a special phone call—and President Fox—who responded with a public statement promising Mexico will be establishing a plan for paying its water debt—are feeling the heat.

The fact that Mexico does bear some responsibility for the current situation cannot be ignored. A clear-eyed look at the past decade of water management, particularly in the Río Conchos basin—which feeds into the Río Bravo—indicates that during 1996 and 1997, at least, water managers did not cut back irrigation in response to drought. They may have thought that the relatively good rains in those years meant the drought was over. Or they may have been counting on a good hurricane or two to fill up the dams and wipe the deficit from the books. Whatever the reason, reserves were drawn down to very low levels—and the rains never came.



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Mexico also faces some difficult internal challenges in managing its share of the Río Bravo basin. For example, there is no formal agreement among Mexico's border states about how the Mexican portion of the waters will be divided. Thus, Tamaulipas—as the downriver state—is largely at the mercy of how much water is used in Chihuahua. And Tamaulipas farmers have suffered enormously over the past few years, receiving less and less Río Bravo water for irrigation. Most of these farmers are now growing only dryland crops like grain sorghum.

Earlier this year, Mexico signaled its intent to tackle problems like these when it announced plans for 11 projects to modernize irrigation infrastructure in the north and a series of new water recycling programs as a way to meet its water debts and address its own domestic water needs.

There have been numerous reports circulating over the past few months regarding the Texas/Mexico water deficit, and a lot of tough talk emanating from Texas officials and irrigators, some of whom are now targeting Mexico's water infrastructure plan as well.

Recently, there have been several stories about letters sent from Texas officials (U.S. Rep. Solomon Ortiz, Agriculture Commissioner Susan Combs) to President Bush asking that the U.S. not support Mexico's proposed projects, which might be partially funded with monies from the joint U.S.-Mexico North American Development Bank (NADB), created in a side agreement to the North American Free Trade Agreement (NAFTA).

Unfortunately, misconceptions about where the money is coming from for the proposed water infrastructure improvements in north Mexico are clouding understanding about this issue, and merit some clarification.

Only \$40 million of the \$420 million total price tag that Mexico's National Water Commission (CNA) estimates as the total cost of the irrigation and municipal infrastructure improvements project is proposed to come directly from NADB funds. Moreover, NADB monies are not strictly U.S. funds, and require an endorsement from both the U.S. and Mexico in order to be spent. The balance of the

funds still need to be raised, but some may come from the Mexican federal budget or other multilateral sources. This is an important point—and one which is repeatedly misrepresented in press reports that continue to say that Mexico is asking the United States to give it \$420 million for the project.

Another project being conducted by a Canadian consulting firm headed by Abraham Nehmad, (who served in Mexico's environmental ministry under the previous administration), the Río Conchos Watershed Management Project, has received \$50,000 from NADB and \$300,000 from the Canadian International Development Agency (CIAD). This project is primarily an effort to conduct studies, and is separate from the \$420 million infrastructure improvement project proposed by Mexico. Texas Governor Rick Perry has asked that the United States not support this project either, in a letter to Environmental Protection Agency administrator Christine Todd Whitman and U.S. Interior Secretary Gale Norton.

Where should the governments of Mexico and the United States go from here?

A standoff over interpretation of the 1944 Treaty isn't going to solve any problems, and neither will repeated demands for impractical actions—for example, that Mexico divert all its water supplies in the Río Bravo basin toward debt repayment.

Further escalation of this dispute can only cause damage to our important bilateral relationship, affecting our countries' ability to cooperate on important water issues in other parts of the border. An escalated dispute could also threaten progress on other fronts, such immigration, economic development, infrastructure, or other issues

There are other approaches to the problem. For example, in Ciudad Juárez/El Paso local interests are working hard to develop a joint management plan for the Hueco Bolson aquifer, and in the ecologically valuable Colorado Delta in the Gulf of California restoration proposals are generating strong binational support. The interests of both governments, and those of the people that depend on the Río Bravo, will best be served by cooperation and negotiation.

There are several areas where short-term progress is possible. First, the governments must quickly agree on a formula for allocating what rain does fall this year. There will probably be objections to any formula: Chihuahua irrigators may not want to give up any of the water and Texas farmers may feel that anything less than full payment of the deficit is insufficient. These objections might be overcome by federal efforts to compensate farmers' legitimate, documented losses and to invest in improving the efficiency of irrigation systems on both sides of the border.

Second, the governments should come to agreement by the end of this year on a drought management plan for the Rio Grande/Río Bravo basin. If the current crisis has demonstrated anything, it is that we lack a plan for dealing with drought. The plan should include: criteria for recognizing when a drought is taking hold; steps to manage the basin's most important reservoirs in time of drought; and provisions for expanded, internet-accessible monitoring of stream flows, so all concerned can better understand the state of the basin during critical low rainfall periods.

Third, the U.S. and Mexico need to develop a payment plan for the current deficit. Realistically, it is highly unlikely that Mexico can repay that debt before the current 5-year accounting cycle under the treaty runs out in October 2002. But, negotiating a realistic plan, based on the actual rainfall that does occur (not what is predicted) could help defuse tensions.

Finally, the governments should convene a binational summit to develop an overall sustainable management plan for the basin, involving key water user groups, conservation organizations, and state and local governments. This concept was originally proposed by Mexico and embodied in a March 2001 agreement between the countries. However, the current dispute appears to have stalled action on the idea.

Last week, Mexican and U.S. conservation organizations convened a forum in Chihuahua to discuss what cooperative actions can be taken to protect and restore the Río Conchos basin. This meeting

focused not on the water deficit but on cooperatively developing some specific ideas for making progress. Here's hoping the governments recognize their interests in doing the same.

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Texas Center for Policy Studies
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