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### **Managing Transborder Cooperation on Public Security: The Tijuana-San Diego Region**

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## Introduction

This paper discuss some concern and challenges regards with the U.S-Mexico transborder cooperation, especially with the role of Mexican local governments to manage the transnational border issues, such as drug trafficking, public security and terrorism. The paper examines two main concerns: first, an overview on transborder cooperation along the U.S. Mexican border, focusing in the Tijuana-San Diego region on matters relating to narcotrafficking, public security and terrorism and second, some border impacts on the Mexican local governments under the U.S. border security policy.

This paper emphasizes the increasing role of Mexican local government to managing transnational border concerns. Generally most of Mexican and U.S. literature on border issues don't analyze that role, particularly when the U.S. and Mexican relationship have increased under the North American Free Trade Agreement (NAFTA). In addition, the cooperation should be conceived of as a complementary measure to the activities addressing public security, narcotrafficking and terrorism at the three levels of government. However, the challenge is in trying to achieve greater success through effective action at each level of government and by means of intergovernmental law enforcement cooperation and coordination.

A common theme in these topics has been the need to strengthen existing systems of governance, as well as to create innovative new mechanisms in order to promote the border cooperation and planning under asymmetrical current conditions. Governance in the Mexican governments in this context, regards with improve the institutional capacity on local and state governments and by effective intergovernmental cooperation among local, state and federal under different political and ideological positions.<sup>1</sup>

Traditionally the border cooperation on security issues has been lacking and is limited because of the vested interests of the Mexican law enforcement agencies, such as corruption, lack of institutional leadership, the absence of mechanisms for citizen participation, and the weak history of intergovernmental cooperation in the area of

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<sup>1</sup> See Agranoff, Robert (1998), Multi-Network Management: Collaboration and the Hollow State in Local Economy Policy, *Journal of Public Administration Research and Theory*, Vol 8 (1998) and McGuire, Michael, Rubin, Barry, Agranoff, Robert and Richard Craig (1994), "Building Development Capacity in Nonmetropolitan Communities", *Public Administration Review* 54:5: 426-433.

public security and narcotrafficking (Ramos, 2002). In other words, public policies are needed which are guided by greater institutional capacity.

### **1) Managing the Tijuana-San Diego border relationship**

On the last years the United States has pursued a strategy in order to promote a close border relationship with Mexico. Particularly on border issues such as border security, economy development, environment and drug trafficking. However, the managing of transborder issues has implicated a source of concerns, consequently the border issues has increased on the last years (GAO, 1999). There are many economic, social and managing factors that could explain that situation. In our view, one of the more important concerns regards with the differences on managing border issues in Mexico and the United States, in terms on the political, legal and bureaucratic concerns.

The U.S. and Mexican federal and local governments have created some binational plans and projects to solve some of the more important border concerns. However, there has not been an evaluation of the achievements and limitations of binational cooperation. In our perspective, the binational cooperation has achieved only limited success in solving border issues.

The basic argument of the paper is the binational actions have not responded to the needs of border cooperation and planning. Two factors might explain that argument. First, traditionally binational actions have been designed more as a response to political pressure from media and some political players, than a comprehensive long-term strategy in order to promote the border cooperation and planning under asymmetrical differences. And second, the managerial approach used to promote binational cooperation has provided a fragmented perspective, isolating problems from the structural causes behind them and social and economic impacts. Therefore, both factors had impacted in the lack of governance in the local and state Mexican levels on the border issues. Consequently, these governments have the challenge to improve the local government capacity on local and binational issues under asymmetrical conditions.

The border region is defined as the area 100 kilometer (62 miles) deep on either side of the almost 2,000 mile long U.S. Mexico border<sup>2</sup>. The border is critical to the U.S.

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<sup>2</sup> As defined by the 1983 Agreement for the Protection and Improvement in the Border Area as the “La

objectives, because the U.S. Mexico border has relatively high unemployment and poverty levels and faces a number of development challenges (GAO, 1999). Under NAFTA, the integration between U.S. and Mexico has increased the trade. At the same time, the drug trafficking and illegal immigration into the United States has increased under open borders.<sup>3</sup> In our view, two reasons explain the increasing trade, drugs and immigration into the United States in the past ten years. First, the market in terms of supply and demand factors in Mexico and the United States and second, the lack of cooperation and fragmented perspective on transborder issues.

The major issues on the border are the following:

The drug trafficking is important because it estimates indicate that, in the last years (1998-2001), Mexico supplied approximately 60 percent of the cocaine and 20 percent of the heroin sold in the United States. Notably, almost 60 percent of the narcotics and chemical drugs destined for the United States cross the border between Baja California and California (GAO, 1999).

Illegal immigration. The border is the primary checkpoint for illegal immigration. Since of U.S. perspective, illegal immigration has been associated with increased criminal activities and to raise the cost of some federal, state and local programs.

Environmental concerns. The Mexican border communities have deep historical roots and cannot be attributed to a single cause but rather to a combination of factors related to the fast urban and population growth during the last five decades, and with rapid industrialization since 1970s (Sanchez, 2000) These two driving forces for environmental change at the U.S. Mexico are the result of complex social processes at the local, national and transnational level. As a result, the border region between Mexico and the United States is one of the most environmentally areas in the world (Sanchez, 2000).

Economic development. The San Diego-Tijuana region is one the major gateways for imports and exports between Mexico and the United States. The U.S.

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Paz Agreement”.

<sup>3</sup> See National Drug Intelligence Center (2003), National Drug Threat Assessment 2003. Executive Intelligence Policy Summary, Washington, DC, April and Drug Enforcement Administration (2002), Drug Intelligence Brief, *México*: Country Brief, July.

border region has experienced some economic growth; it still has relatively high unemployment and poverty levels. A number of initiatives are underway to address economic development issues, but generally these alternatives regard with to promote the growth the maquiladora industry. As a result, that maquiladora strategy has provided a fragmented perspective in comparison with a strategy to promote the economy development.

The San Diego-Tijuana region is important because the transnational nature of the border issues, as a result, there is a confluence of seemingly competing objectives at the border that have important implications for the United States. In other words, many of the major border issues, are essentially not “domestic”, but transnational that transcended political boundaries (GAO, 1999). Addressing these complex issues requires coordination and cooperation among U.S. agencies and with their Mexican counterparts.

The limits on border and planning cooperation may be due in part to the different levels of development and dissimilar governmental structures of the two countries. Differing U.S. and Mexican governmental structures have created a challenge to joint action. Mexico has had a centralized government structure in which authority is in Mexico City. Policy and resource allocation decisions that affect border issues are made by the central government. As a result, the Mexican states and local governments in the border region generally have not had the authority or resources to address border issues. Furthermore, the Mexican local officials can only serve one 3-year term. The resulting turnover among officials makes building institutional expertise and continuity difficult, and new relationships have to be developed between U.S. and Mexican counterparts.

In the United States, the federal government shares authority and responsibility with the states on matters such as natural resources management, the environment, transportation, and health issues. The federated model of U.S. government has resulted in a complex set of interrelationships among the three levels of government (national, state and local) as well as the branches of government (executive, legislative, and judicial) at each level, each with their own set of powers and sources of revenue.<sup>4</sup>

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<sup>4</sup> See Elazar, Daniel (1976), *The Ends of Federalism: Notes Toward a Theory of Federal Political*

Because these difference in government responsibilities, in certain issues, the Mexican counterparts to U.S. state and local authorities have not had the authority to make decisions to address common border problems.

Consequently, Mexico and the United States adopt different accountability mechanisms, but an important one is the orientation that the public administrator adopts to public service, in order to increase the power of government on managing border issues.

#### Regional transborder cooperation on public security issues

San Diego and Tijuana<sup>5</sup> have placed a strong emphasis on cross-border collaboration under the presence of a federally controlled international border. The background of regional transborder cooperation regards with a variety of formal and informal institutional mechanisms have been created for the development and administration along the U.S. Mexico border. The primary legal framework for the creation of these new cooperative mechanisms has been the Border Liaison Mechanism (BLM). (San Diego Dialogue, 2000).<sup>6</sup>

The main purpose for the creation of the BLM was to prevent day-to-day administrative difficulties at the border from binational and international crisis. In other words, the BLM was established as a vehicle for regular communication on a variety of issues of common concerns between local agencies on both sides of the border.

In the case of San Diego/Tijuana, the general BLM has created some working groups focused on public safety, migration, water supply and the operation of the land ports of entry.

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*Arrangements*, Philadelphia, Center for the Study of Federalism, Temple, University.

<sup>5</sup> The combined population is 2.5 million persons, the largest and busiest port in the world with 6 million of persons plus cars on a monthly basis. The economy between Tijuana and San Diego is projected on 3 billion dollars annually. Therefore, it is important for public security on both sides of the border to join transborder cooperation.

<sup>6</sup> The BLM was created in 1992 through a diplomatic protocol adopted by the U.S. State Department and the Secretaria de Relaciones Exteriores. In 1968 the San Diego Police Department formed a Mexican Liaison Unit of one person. In 1974 the Border Area Robbery Force (BARF) was created to address the violence along the border. In 1984 the San Diego local police proposed the need to expand and solve the escalating assaults of undocumented persons and was created the Border Crime Intervention Unit (BCIU). See San Diego Department of Police (2001), 3rd Annual Binational Public Safety Conference, San Diego, CA. July 11-13

The existence of effective liaison mechanisms between different agencies and levels of jurisdiction for dealing with a variety of cross-border challenges is an important factor cited by many law enforcement officials (Shirk and Ramos, 2003). Law enforcement agencies in most major Mexican border cities have established international-affairs or liaison offices. As it mentioned, the goal of these liaison officers is to work closely with their cross-border counterparts at the local or state level to exchange information and provide assistance on a range of law-enforcement targets. (See Figure 1)

<b>Cross border Cooperation Issues</b>		
<b>Federal</b>	<b>State</b>	<b>Local</b>
Narcotrafficking	Car theft	Prevent Crime (vigilant, patrol and administrative)
Weapons smuggling	Kidnappings	
Organized crime	Trafficking in minors	Border policy
Border policy	Criminal investigations	Transborder communication

According with San Diego Dialogue (2000), the BLM has been effective alternatives for addressing short-term issues facing the border region. However, the BLM have not evolved into sustainable forms of binational regional governance. As a result, the BLM have not been a mechanism for long-range planning. Generally, in San Diego-Tijuana, government officials have tended to view the BLM as a tool for the resolution of minor disputes and for information-sharing.

The real concern is the absence of institutionalization for cross-border collaboration, because generally the border cooperation has been promoted temporary and by individual actors and personal relationships (San Diego Dialogue, 2000). In the San Diego-Tijuana region, most U.S. and Mexican law enforcement agencies at every level –federal, state, and local– have liaison teams for dealing directly with their cross-border counterparts.



Another mechanism to promote the border cooperation is the relations between the two cities. Beginning with the administration of Mayors Susan Golding and Hector Osuna.<sup>7</sup> Both former governors recognized a mutual interest in exchanging information and research related to land planning, waste management, arts and cultural, tourism, water and waste water, park and recreation, economic development, public safety, urban planning and other issues.

As for the 1997 Agreement, the Public Safety Sub Committee<sup>8</sup> has under taken the following tasks:

- a) Ride-along exchange program,  
Collect data and evaluate behavior focusing on gang activity in San Diego and visitors to Tijuana (cross-border gang member)
- b) 24 hour emergency/natural disaster communication link  
Create emergence public safety directory.
- c) San Ysidro Port of Entry Security Program,  
Assign police on both sides of the border to formulate measures to improve security and enhance efforts underway by sharing information and/or simultaneous operations along the border.
- d) Border Crime Conference,  
Form annual conference of workshops and seminars to address binational public safety and emergency management issues.
- e) Flood Warning Sign,
- f) Emergency Flood Response and Fire-Fighter Training.

On April 20, 2001 the former Mayor Francisco Vega of Tijuana and San Diego Mayor Dick Murphy signed a continual Agreement for Binational cooperation. The Binational Work Group has developed a mission statement: "To promote community

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<sup>7</sup> On July 31, 1996, the Mayors of Tijuana and San Diego signed a continual Agreement for Binational Cooperation. They pledged to continue and expand cordial and mutual beneficial ties through the Binational Planning and Coordination Committee.

<sup>8</sup> See San Diego Department of Police (2001), 3rd Annual Binational Public Safety Conference, San Diego, CA. July 11-13

safety and service within the U.S. Mexico region enhancing communication and cooperation between the binational public safety agencies”.

The Binational Public Safety 1999-2000 Work Plan include the following activities:

- Binational Conference on Emergency Management Issues impacting the region.<sup>9</sup>
- Expand awareness in reference to binational public safety issues, which could have an impact in the quality of life within the region. Topics: Traffic stops, juvenile curfew, 911 system, undocumented migrant policy, domestic violence and right of way to emergency vehicles.
- Training. Continue San Diego Public Safety programs to train Mexican personnel in accordance with academy philosophy.

The binational efforts on the regional level represented examples of partnership to facilitate the development of a new relationships and the exchange of important program information. In the last examples of public security cooperative agreements, generally has not been conditioned by jurisdictional, administrative, and political concerns that currently exist for Mexican enforcement agencies. In other words, specific, informal, and *ad hoc* accords are viable along the U.S.-Mexican borders. For example, to exchange information and provide assistance on a range of law-enforcement targets, such as narcotrafficking, car theft, weapons smuggling, transporting chemicals used in processing synthetic drugs, kidnappings and trafficking in minors (Ramos, 2002).

Another factor that increases bi-national cooperation in the San Diego-Tijuana region is the use of Article 4 prosecutions.<sup>10</sup>

In the case of drug trafficking, alongside the informal law enforcement relationships there was an institutionalized bilateral strategy for a war on drugs, which the presidents of Mexico and the United States signed in May 1997. Resulting from that accord was the Declaration of the U.S.-Mexico Alliance Against Drugs, which the High Level Contact Group on Drug Control (HLCG) supported in its June 1997 meeting. This U.S.-Mexico Binational Antidrug Strategy took effect in January 1998. The relevance of

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<sup>9</sup> See City of San Diego, Emergency Management Services (2000), “Binational Emergency Management Terrorism Tabletop Exercise after Action Report”, San Diego, CA. April, 19.

<sup>10</sup> Further information on that issues see Shirk and Ramos, 2003.

this policy is that several of its strategies involve actors and activities along the U.S.-Mexican border. In addition, under the September 11 attacks, the Mexican government creates a program called “Coordinación para la Seguridad Fronteriza y Nacional”, this national strategy start in Tijuana, on October 3, 2001.

On the regional level there have been several initiatives for bilateral collaboration to improve public security and support to antidrug campaign along the U.S. Mexico border.<sup>11</sup> Nevertheless, it is unclear what role cooperation should play: On one hand, it is proposed as the best means to promote a public security plan. On the other hand, it is seen as a complementary alternative to assist Mexican government policies on public security and drug trafficking. Moreover, in neither case has consideration been given to the effect of collaboration on greater law enforcement efficacy, particularly among the Mexican local, state, and federal agencies, and, fundamentally, on the possible costs in terms of national sovereignty and territorial jurisdiction. Non-consideration has been given to whether and police corruption is not an obstacle to cooperation and with it, to the goals it tries to achieve (The New York Times, February 25, 2000).

In our perspective, the bilateral cooperation should be conceived of as a complementary measure to the activities addressing public security, drug trafficking and terrorism at the three levels of government. The challenge is in trying to achieve greater success through effective action at each level of government and by means of intergovernmental law enforcement cooperation and coordination. That cooperation has been lacking and is limited because of the vested interests of the Mexican law enforcement agencies, corruption, lack of institutional leadership, the absence of mechanisms for citizen participation, and the weak history of intergovernmental cooperation in the area of public security and drug trafficking. In other words, public policies are needed which are guided by greater institutional capacity. Bardach (2001) suggests that interorganizational collaborative capacity must be developed.

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<sup>11</sup> Along with these initiatives and in preparation for the upcoming celebrations for the new millennium, U.S. Customs Service agents proposed a special operation, “Millennium Border Security” in Tijuana- San Diego border. Its primary goal was to respond to any contingency, riots, or demonstrations that might occur on New Year’s Eve 1999. This was an attempt to provide, as needed, immediate medical assistance, to avoid civil disturbances, and to resolve traffic congestion. The Mexican Customs agents agreed to work with their U.S. counterparts.

Under this scenario, it's important to promote a revision of coordination in and planning of collaborative efforts at the three levels of government. The role of Mexican state governments in regard to border issues would not be problematic if there existed cooperation, coordination, and efficient joint planning at all three levels of government. However, the interrelationship is focused particularly on legal aspects, which are only one part of the character of intergovernmental relations. Over many years, this ineffective relationship has allowed border problems to deteriorate.

In addition, is important to redesign intergovernmental relations on two levels, a national level (Mexico) and transnational level (the Mexican agencies with their U.S. counterparts), in order to enhance cooperation along the border to increase security. The American federalism should be improving the Mexican reforms. For example, organizational learning in complex, unstable environments becomes a central requisite for the structuring of organizations and the development of interorganizational collaborative capacity, and it is also the key to successful policy implementation. As Wise (2002) mentioned, the task of managing interorganizational collaboration toward an overarching goal may be a more collaborative undertaking in a networked environment, but the actual capacity to work collaboratively effectively must be developed and is by no means assured.

The Mexican federalism must be revised, both politically and juridical, because federal issues, such as drug trafficking and terrorism, also confront municipalities and threaten their own legitimacy and social well-being.<sup>12</sup> Mexico's decentralization is important in order local governments must begin to think globally and in terms of asymmetrical interdependence. Therefore, is important to promote accountability, efficiency and innovation in planning and management strategic and to develop better public policies. Along the U.S. Mexico border, the Baja state presents opportunities for cross border regional collaboration. For example, cooperation in the planning and implementation of infrastructure development and law enforcement and border security,

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<sup>12</sup> Further analysis on the Mexican federalism see David A. Shirk (1999), "New Federalism in Mexico: Implications for Baja California and the Cross Border Region", San Diego Dialogue's Forum Fronterizo. San Diego, CA. July and Saint-Germain, Michelle, (1995). "Similarities and Differences in Perceptions of Public Service among Public Administrators on the U.S.-Mexico Border", *Public Administration Review*, November/December vol. 55, num. 6.

However, to promote the transborder cooperation and planning, the Mexican local and states should attend their local concerns, in terms of fiscal administration, governance and legitimacy.

Mexico has had a centralized government structure in which authority is generally contained in Mexico City. Thus, Mexican states and local governments in the border region generally have not had the capacity, the authority or the resources to address border issues. The resulting turnover among the officials makes building institutional expertise and continuity difficult, and new relationships have to be developed between U.S. and Mexican counterparts (Saint-Germain, 1995).

Another concern is the fragmentation perspective of a managerial approach (Sánchez, 2000) has created the following problems in binational cooperation at the U.S. Mexico border:

- Lack of coordination among federal agencies involved in border issues in the two federal governments, and between federal and state agencies.
- Generally the border issues are still considered technical problems and treated on an ad hoc basis in isolation from their social, economic impacts.
- Lack of public participation in the implementation of binational projects.
- There is no clear strategy to provide a comprehensive strategy to border issues
- Binational cooperation is dominated by federal agencies with little participation of state and local governments, consequently, the dependency on federal actions provide little empowerment of local governments.
- Lack of planning on border issues by Mexican local and state governments.

## **2. The National Strategy for Homeland Security: some impacts on the Mexican local governments**

This section analyzes some impacts of National Strategy for Homeland Security on the Mexican local governments along the Mexican border and particularly under the context to improve the transborder cooperation on law enforcement and security issues.

The governmental reorganization under Homeland Security Strategy has led to restructure border, immigration, customs, and other security procedures and enforcement under the Department of Homeland Security (DHS), and will have major implications for the prospect of border law enforcement and security.

The National Strategy for Homeland Security focuses security functions into six critical mission areas: intelligence and warning, border and transportation security, domestic counter terrorism, protecting critical infrastructure, defending against catastrophic terrorism, and emergency preparedness and response. The first three mission areas focus primarily on preventing terrorist attacks; on reducing the Nation's vulnerabilities; and the final one on minimizing the damage and recovering from attacks that do occur (The Office of Homeland Security, 2002).

This section examines the mission area regards with border and transportation security. From the U.S. governmental perspective, the increasing mobility and the terrorism has required the United States to rethink and renovate fundamentally its systems for border and transportation security. Indeed, the U.S. government must to conceive of border security and transportation security as fully integrated requirements because the domestic transportation systems are inextricably intertwined with the global transport infrastructure (The Office of Homeland Security, 2002).

In addition the National Strategy for Homeland Security establishes that every community in America is connected to the global transportation network by the seaports, airports, highways, pipelines, railroads, and waterways that move people and goods into, within, and out of the United States. Therefore, the U.S. government proposes the efficient and reliable flow of people, goods, and services across borders, while preventing terrorists from using transportation conveyances or systems to deliver implements of destruction.

These proposals should understanding under the context of the United States shares a 5,525-mile border with Canada and a 1,989-mile border with Mexico. Each year, more than 500 million people legally enter to the United States. Some 330 million are non-citizen; more than 85 percent enter via land borders, often as daily commuters. The volume of trade also crosses our borders every day -some \$1.35 million in imports and \$1 million in exports were processed in 2001 (The Office of Homeland Security, 2002).<sup>13</sup>

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<sup>13</sup> According to San Diego Dialogue (2001) nearly all crossers –96% of them- are residents in the Tijuana-San Diego border. In addition, 41 percent who cross the border are American citizens who either travel to Mexico temporally or are residents of that country. In other words, around 312, 000 American and Mexican citizens residing in the border region are frequent crossers and account for 96 percent of all

The DHS is comprised of directorates organized around four major issue areas:

1. Border security and transportation;
2. Emergency preparedness and response;
3. Information analysis and infrastructure protection; and
4. Science and technology.

The most relevant of these areas for U.S.-Mexican relations and border security is the Border and Transportation Security Directorate (BTS) includes most of the agencies transferred from the Department of Justice.

The BTS assumed responsibility for securing the U.S. borders and transportation systems, which straddle 350 official ports of entry and connect the country to the rest of the world. BTS also assumed responsibility for enforcing the nation's immigration laws.

The Department's first priority is to prevent the entry of terrorists and the instruments of terrorism while simultaneously ensuring the efficient flow of lawful traffic and commerce.

In addition, BTS manages and coordinates port of entry activities and leads efforts to create a *border of the future* that provides greater security through better intelligence, coordinated national efforts, and international cooperation against terrorists, the instruments of terrorism, and other international threats.

The organization of BTS is the following:

<b>Under Secretary for Border and Transportation Security.</b>
Transportation Security Administration
Office for Domestic Preparedness from DOJ Director
Visa Issuance Regulatory Responsibilities
Federal Protective Service from GSA
Assistant Secretary for Border and Transportation Security Policy
Bureau of Customs and Border Protection Commissioner of Customs
Federal Law Enforcement Training Center from Treasury
Bureau of Immigration and Customs Enforcement Assistant Secretary

Source: Department of Homeland Security

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crossings from Tijuana into San Diego. Only 4 percent of the crossings –approximately 208, 000 a month, or 6, 933 a day- correspond to occasional or first time crossers who might require heightened surveillance at the ports of entry.

The main agencies transferred to BTSD are the following:

1. The US Customs Service (treasury)
2. The Immigration and Naturalization Service (Justice)
3. The Federal Protective Service (GSA)
4. The Transportation Security Administration (Transport)
5. Federal Law Enforcement Training Center (Treasury)
6. Animal and Plant Health Inspection Service (Agriculture)
7. Office for Domestic Preparedness (Justice)

The purpose of this reorganization is in order to provide a single “unified face” for domestic and border security.<sup>14</sup>

The U.S. strategy to improve border security, implicate an interrelationship between federal, state and local issues, because the border security, regards with public security (local and state enforcement) and to prevent the terrorism and drug trafficking (federal enforcement).

The National Strategy for Homeland Security identifies six major initiatives regards with border and transportation security.

1. Ensure accountability in border and transportation security,
2. Create "smart borders",
3. Increase the security of international shipping containers,
4. Implement the Aviation and Transportation Security Act of 2001,
5. Recapitalize the U.S. Coast Guard and
6. Reform immigration services.

The general goal proposed by the U.S. border security policy is to preserve the U.S. and North American economy. Therefore, it's important to reinvent the border (Bonner, 2003).

The role of Bureau of Customs and Border Protection (CBP)

The CBP is the largest and most profound actual merger of personnel and functions taking place within the DHS. This merger is historic, because

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<sup>14</sup> See Bonner, Robert C. (2003), Remarks on “Safety and Security in North American Trade”, Center for Strategic and International Studies, Washington, DC, July 16.



for the first time in the United States's history, all agencies have merged with significant border responsibilities (Bonner, 2003)

In addition, for the first time in the U.S. history, people and goods arriving at American ports of entry are greeted by one single agency with *one unified goal: to facilitate legitimate trade and travel.*

The priority mission of CBP is to prevent terrorists and terrorist weapons from entering the United States. Therefore, the CBP would improve security at America's borders and ports of entry.<sup>15</sup>

### Border management: some issues and challenges

Over the past half-century border management regards: Balancing between legitimate cross border commerce and travel, and deterring illegal immigration and the smuggling of drugs and other contraband. Over the last years the debate was: to balance free trade and control drugs (1993-2001).

The current federal border management efforts have had mixed results to date, because as I mentioned the drug and illegal immigration along the U.S. Mexico border have increased along the U.S. Mexico border since 1994.

### Main concerns of U.S. border management:

- Lack of coordination and cooperation among the U.S. agencies involved in border management
- Fragmentation of authority and responsibility
- Overlapping jurisdictions
- Duplicating efforts
- Interagency rivalries and “turf battles” and
- Inconsistent, conflicting, or overburdening missions within a single agency (CRS, 1999 and CRS, 2003)
- Mixed results in cooperation with Mexico

Under design and implementing the U.S. border policy by the DHS some of the main challenges are the following:

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<sup>15</sup> CBP has a workforce of over 40,000 dedicated employees. Included in those ranks are inspectors, canine enforcement officers, Border Patrol agents, trade specialists, and mission support staff.

- Management capacity and oversight mechanisms
- Effective intergovernmental relationship (Department of State, FBI, CIA, DOD, Department of Health and Human Services)

The debate of the events of September 11 addresses the question of whether U.S. government in general, and the federal government in particular, has the right organizational structure to meet the requirements for homeland security. As Wise (2002) mentioned, numerous issues must be confronted in addressing the organizational issue. Research in organizational design and public administration has taught us that public organizations pursue multiple goals at once. So, too, it is true with homeland security. Organizing-or perhaps more accurately, reorganizing-for homeland security will implicate numerous issues of organizational functioning.

Regards with the binational border management, one of central question, is if a single agency could be managing all the border activities, considering that traditionally each U.S. agency had autonomy and power to implement their policies. Additionally, regards with the border cooperation, we can ask if a single U.S. agency would promote a better relationship with Mexican border actors. Consequently, we can presume that a centralized agency would be the best institutional organization to promote the border cooperation. However, this argument is contrary to the decentralization policies on local actors. The challenge is to reach equilibrium between centralization and decentralization, particularly in Mexican governments characterized by centralization and by the lack of capacity to promote the border development and planning.

The main priorities between Mexico and United States on border security issues are the following:

<b>Priorities between Mexico y United States on border security issues</b>	
<b>MÉXICO</b>	<b>UNITED STATES</b>
Efficiency on border crossings	Improve security
An immigration accord and improve border security (short term)	Balancing border security and trade and border crossings
Improve border security	Improving security and expanding technology to enhance border security
Lack intergovernmental relationship in border security issues	Improve an integrated strategic border management
Promote a border development policy	Promote an immigration accord (long term)
Improving security and expanding technology	Border security and border development

#### Smart border: issues and challenges

The major initiatives regards with the U.S. Mexico border under U.S. border security policy are the border and transportation security and the “smart borders”. The main objective is to create a “border of the future” This proposal includes the following strategies: Adding personnel, detection equipment and getting advance information in automated form to risk manage and working cooperatively with Mexico and Canada.

The key strategy of smart border is improving and expanding technology to enhance border security and facilitate the flow of commerce and border crossings at the ports of entry.

The strategy of smart borders proposes create a “border of the future” that will be a continuum framed by land, sea and air dimensions, where a layered management system enables greater visibility of vehicles, people and goods coming into the United States (The Office of Homeland Security, 2002). The U.S. government proposes that the border of the future will provide greater security through better intelligence, coordinated national efforts, and international cooperation. At the same time, the border of the future will be increasingly transparent to the efficient people, goods, and conveyances engaged in legitimate economic and social activities. At the U.S. borders,

the Department of Homeland Security would verify and process the entry of people in order to prevent the entrance of contraband, unauthorized aliens and potential terrorists (The Department of Homeland Security, 2002).

Along the border, the current policy response to this challenge is found in the 22 Point Smart Border Agreement (see the Figure), which calls for “secure infrastructure,” “secure flows of goods,” and “secure flows of people.”<sup>16</sup>

<b>Point Smart Border Agreement Between the United States and Mexico</b>	
<b>Secure Infrastructure</b>	<b>Secure Flows of People</b>
<ol style="list-style-type: none"> <li>1. Long term planning</li> <li>2. Relief of bottlenecks</li> <li>3. Infrastructure Protection</li> <li>4. Harmonize port of entry operations</li> <li>5. Demonstration projects</li> <li>6. Cross-border cooperation</li> <li>7. Financing projects at the border</li> </ol>	<ol style="list-style-type: none"> <li>8. Pre-cleared travelers</li> <li>9. Advanced passenger Information</li> <li>10. NAFTA travel</li> <li>11. Safe borders and deterrence of alien smuggling</li> <li>12. Visa policy consultations</li> <li>13. Joint training</li> <li>14. Compatible databases</li> <li>15. Screening of third-country nationals</li> </ol>
<b>Secure Flow of Goods</b>	
<ol style="list-style-type: none"> <li>16. Public/Private-Sector Cooperation</li> <li>17. Electronic Exchange of Information</li> <li>18. Secure In-Transit Shipments</li> <li>19. Technology Sharing</li> <li>20. Secure Railways</li> <li>21. Combating Fraud</li> <li>22. Contraband Interdiction</li> </ol>	

In the United States, most of the areas covered by the 22 Point Smart Border Agreement fall under the jurisdiction of the Department of Homeland Security.

In many ways, the tasks of the new department –and the new cross-border policy regime– are defined by the structure of the Smart Border Agreement. Secure “flows” of both people and goods, for example, are to be achieved through a combination of approaches that seek to establish safe “supply-chains” that will enable law enforcement

<sup>16</sup> The White House (2001), “Joint Stament between the United States of America and the United States of México”, September 6, Washington, DC

personnel to distinguish potential threats from “known quantities” that have low probability of involvement in terrorist or other illicit activities (Shirk and Ramos, 2003).

The U.S. strategy to improve border security, implicate an interrelationship between federal, state and local issues, because the border security, regards with public security (local and state enforcement) and to prevent the terrorism and drug trafficking (federal enforcement). State and local governments have critical roles to play in homeland security. Indeed, the closest relationship the average citizen has with government is at the local level. State and local levels of government have primary responsibility for funding, preparing, and operating the emergency services that would respond in the event of a terrorist attack. Therefore, the local governments along the U.S. border have an important role to reduce the potential terrorism and to improve the border cooperation.

However, the U.S. border security has impacted on delays on border crossings (people and goods) and economic and social effects.<sup>17</sup> Addressing these impacts requires coordination and cooperation between U.S. and Mexican agencies. But the question is if are the same priorities between U. S. and Mexico government's regards with border security issues, considering the differing levels of economic development and different views on national security. This concern would impede a close border security relationship under a scenario where the United States must prevent terrorists, but at the same time, the economic security depends on the efficient flow of the people, goods and services.

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<sup>17</sup> See San Diego Dialogue and Morris, Ken (2003), “Moving Toward Smart Borders”, prepared for San Diego Dialogue’s Forum Fronterizo program on ‘Our ports of Entry and Homeland Security: A Dialogue with Asa Hutchinson”, June and San Diego Dialogue (2002), "Identifying low risk crossers in order to enhance security at ports of entry into the United States", Forum Fronterizo, Briefing Paper, January y South County Economic Development Council, San Diego Dialogue, Tijuana Trabaja, "Who Crossers the Border-2001", Project Overview. Preliminary Information. October.

## Key challenges on security transborder cooperation

The key word is balancing the border security, trade facilitation and border crossings.<sup>18</sup> In other words, the challenge is to reach an equilibrium between improve the border security and to maintain the economic and social border integration.

The success of the U.S. border security will depend of the following issues:

- An effective unified strategic focus for directorate operations
- An effective and expedited coordination transferred agencies (CBP and ICE) and programs
- Leverage of new and existing technologies to improve threat detection
- Development of new inspection to improve border security and trade and border crossings (i.e. Senti)
- Adequate funding and staffing
- Efficient deployment of resources
- Successful implementation of recently border securities policies (port and transportation security-related legislations).
- Effective border collaboration with Mexico (local, state and federal levels)

### **Preliminary conclusions**

In summarize, some of the concern and challenges on border security policy are to reach an equilibrium between improve the border security and to maintain the economic and social border integration. In other words, the border security shouldn't disrupted the trade and commerce along the border, particularly when the waiting times at the ports of entry, delay two hour in the busy hours.

Previous to September 11, waiting times (the most important binational concern) at San Ysidro and Otay Mesa ports of entry (San Diego District) were already much longer on average than what is deemed reasonable by community and authorities alike. The security measures after September 11 have altered the normal rhythm and procedures at all border crossings, and this has been particularly disruptive to the San Diego/Tijuana economy, the largest and perhaps most dynamic binational region in North America (San Diego Dialogue, 2001). Better law -enforcement and facilitation at

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<sup>18</sup> Further analysis see General Accounting Office (2003), Richard M. Stana, Director Homeland Security and Justice Issues, before the Subcommittee on Infrastructure and Border Security, Select Committee on Homeland Security, House of Representatives, June 16

the border can be accomplished based on a comprehensive partnership between the federal agencies responsible for port of entry operations and the regional community.

One of the major contribution of this paper is to justify a model to manage the relationship with the United States along the Mexican border, considering two levels: one national model, regards with the relationship between the Mexican agencies (local, state and federal) and a transnational level, the relationship of Mexican agencies with their U.S counterparts. The first level regards with increase the efficacy on the intergovernmental relationship under a centralized system. Consequently the challenge to Mexican local governments will be to build effective collaborative capacity, where the leadership within these networks or relationship will be needed to overcome them. Bardach (2001) points to the role of leaders in encouraging their organizations to create some threshold level of both tangible and intangible contributions to the network venture, and in setting goals and otherwise steering the collaborative network.

The transborder cooperation should be conceived of as a complementary measure to the activities addressing public security, narcotrafficking and terrorism at the three levels of government. The challenge is in trying to achieve greater success through effective action at each level of government and by means of intergovernmental law enforcement cooperation and coordination. As other local border governments, Tijuana`s local government has limited jurisdiction and administrative capacity to deal with the border issues. Historically, decision-making authority has been highly centralized under the federal executive. In other words, the Mexican border local governments have to managing binational concerns under limited capacity.

Finally, the paper focusing on to identify and analyzes the role of local and state authorities to manage transnational concerns such as drug trafficking, public security and terrorism, which have political impacts on the border relationship with the United States. As result, the new lines of border research would project foster more quality governance performance at the local level and strengthens institutional capacity to train local government.

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