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## **U.S.-Mexico Border Control in a Changing Economic and Security Context<sup>1</sup>**

Although far from Washington and Mexico City, it is perhaps only a slight exaggeration to say that U.S.-Mexico relations begin and end at their shared 1,933-mile-long border. Indeed, the degree of harmony or conflict in the relationship increasingly depends on how the border and border control matters are politically managed. The border is both one of the busiest and one of the most heavily policed territorial lines in the world, where many of the most critical and sensitive issues in the bilateral relationship, such as trade, migration, and drug trafficking, come together. In fact, much of U.S. policy toward Mexico has been driven by the twin objectives of facilitating authorized border crossings and deterring unauthorized crossings. Balancing these tasks has always been politically and bureaucratically frustrating and cumbersome, but both the challenge and the stakes have grown substantially as counterterrorism has been added to and redefined the border control agenda since September 11, 2001.

The post-9-11 security context has created new border control frictions, but has also presented a new opportunity to re-conceptualize the border and border controls. The political challenge for policymakers on both sides of the border is to creatively harness and channel the heightened border security attention and anxiety in a manner that promotes greater cross-border cooperation and a more rational approach to border control rather than simply a unilateral hardening of the borderline that may do more to deter legitimate trade and travel than terrorism. In this regard, it seems that the most promising approach to border management is to “de-border” traditional border control tasks. This ambitious effort, however, may ultimately require not only more resources and cooperation but a more fundamental shift in border control paradigms.

In this brief background paper I critically survey the practice and politics of U.S.-Mexico border control within the changing contexts of economic integration and the “war on terror,” and point to a number of policy measures that can help to cushion if not entirely avert a collision between economic and security imperatives at the border.

### **Border control in a new economic context**

During the 1990s border control was transformed from a low priority and politically marginalized activity into a high intensity campaign commanding significant resources

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<sup>1</sup> Background Paper for the Woodrow Wilson Center’s Mexico Institute project on “The Parameters of Partnership in U.S.-Mexico Relations” (chaired by Amb. Andres Rozental and Prof. Peter. H. Smith).

and media attention.<sup>2</sup> Driven primarily by concerns over the large influx of unauthorized migrants across the border, the size of the U.S. Border Patrol more than doubled between 1993 and 2000. New personnel were matched by new border fencing, equipment, and surveillance technologies. Highly concentrated and high profile border enforcement operations were launched at major border crossings, such as “Operation Gatekeeper” south of San Diego and “Operation Hold the Line” in El Paso. Both sides of the border also became partly militarized in an effort to reduce Mexico’s role as the transit point for roughly 60 percent of the cocaine destined for the U.S. market and a major supplier of heroin, marijuana, and methamphetamines.

Remarkably, the unprecedented border enforcement buildup took place at the same time as and did not significantly interfere with the rapidly accelerating process of U.S.-Mexico economic integration. Even as new police barriers were going up, old economic barriers were coming down, formalized through the North American Free Trade Agreement (NAFTA). Cross-border trade more than tripled between 1993 and 2000, from \$81 billion to \$247 billion (making Mexico the second largest trading partner of the United States). By the end of the decade, nearly 300 million people, 90 million cars, and 4 million trucks and railcars were entering the United States from Mexico every year.

Equally remarkable was that even while the boom in cross-border economic exchange made the border control task of “weeding out” illegal border flows from legal flows increasingly difficult (as the haystack grew, finding the needle became harder), policy discussions of economic integration and border control largely remained compartmentalized and divorced from each other. Also, even though migrant labor was a leading Mexican export, it was treated as a border control matter rather than, say, an economic matter of labor market regulation.

Meanwhile, more intensive border control did not significantly deter illegal crossings but rather prompted shifts in the location and methods of entry. In the case of cocaine trafficking, for example, smugglers increasingly turned to camouflaging their illicit shipments within the growing volume of commercial cargo conveyances crossing the border. In the case of unauthorized migration, tighter border control fueled more sophisticated and well-organized migrant smuggling operations. While hiring the services of a smuggler had traditionally been optional for unauthorized crossers, this was now more of a necessity, and often required attempting entry in more remote and dangerous terrain away from urban areas. Thus, while entry was less visible and involved more physical risks (with an average of 300 migrants dying annually), hundreds of thousands of migrants entered the United States illegally every year during the 1990s. By 2000, the unauthorized resident Mexican population had reached nearly 5 million by 2000—double the number of a decade earlier. Although not officially recognized or discussed as such, this essentially represented an informal, clandestine form of economic integration.

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<sup>2</sup> See Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca: Cornell University Press, 2000).

## **Border control in a new security context**

On September 11, 2001, the U.S.-Mexico border was virtually shutdown, squeezing the arteries that provided the life-blood to the border economies and to the larger U.S.-Mexico economic integration process. U.S. border inspectors were put on a Level 1 Alert, defined as a “sustained, intensive, antiterrorism operation.” The resulting traffic jams and other border delays sent shock waves through the local economies on both sides of the border. Mexican trade to the United States contracted by 15 percent in the weeks that followed. Most severely affected were electronics, textiles, chemicals, and Mexican factories supplying just-in-time parts to American automobile plants. Even though border delays are not as long as they were in the immediate wake of the attacks, the new security context has had a chilling effect on cross-border exchange.

The virtual shutdown of the border signaled that security trumps trade. Before 9-11, it was the other way around: despite more intensive and more high-profile border control in the decade preceding the attacks, trade clearly trumped security. The new worry, therefore, is that border controls may become a new kind of trade barrier—a security tariff that replaces the economic tariffs of old. The heightened post-9-11 importance of border security has been reflected not only in the allocation of more border control resources but also in the reorganization and consolidation of multiple agencies (including the U.S. Immigration and Naturalization Service and the Customs Service) under the newly formed Department of Homeland Security—the single largest reorganization of the federal government in half a century. In terms of border control, this reorganization has essentially consisted of taking the old drug and immigration control infrastructure and adapting it to counterterrorism efforts (which had previously been a low priority).

The border control crackdown sparked by the terrorist events on 9-11 also starkly illustrated the high price of asymmetric interdependence for Mexico. Mexico is far more dependent on an open economic border and is therefore far more vulnerable to security-related border closings than the United States is. Almost 90 percent of Mexican trade goes to the United States, but only 15 percent of U.S. trade goes to Mexico. Some Mexicans may understandably consider this asymmetric vulnerability to be a security concern. The border policy agenda is, more than ever, driven by U.S. worries and anxieties irrespective of Mexican priorities and concerns. This has had a number of troubling implications for Mexico, including a hardening of the U.S. immigration policy debate as immigration matters are now inescapably viewed through the prism of national security.

The upside of the new security context, however, has been far greater U.S. and Mexican recognition of the need to more closely coordinate and creatively integrate enforcement and facilitation strategies in managing cross-border flows. Due to the high stakes involved, there has been growing policy awareness that the economic integration process cannot be maintained simply by the spontaneous logic of the market but requires active government intervention and management to avoid being slowed down or even derailed in the new security environment.

As the task of border controls has become more difficult, looking for answers beyond physical borderlines has been an increasingly attractive way to enhance security while encouraging economic integration. This is most clearly articulated in the U.S.-Mexico Border Partnership Agreement (better known as the Smart Border Accord), signed on March 22, 2002. The 22-point agreement calls for the creation of the “smart border” for the 21<sup>st</sup> century, focusing on the safe and secure flow of people and goods and major improvements in border infrastructure. This should be viewed not only as a bilateral agreement but as a distinct approach to border control that, if fully pursued, would be a major departure from the inefficiencies and impracticality of traditional borderline inspections. The Smart Border Accord promotes various forms of pre-inspection and pre-sorting to reduce congestion and separate out low risk from higher risk border flows. This “risk management” strategy, heavily based on the use of new tracking and surveillance technologies, is designed to allow inspectors to focus more of their attention on higher risk cases. Some of these innovations were in place before 9-11, but have received renewed attention and are being expanded.

For example, border control strategists have developed a number of innovative new cargo-tracking systems, inspection technologies, and traffic management strategies to extend policing beyond ports of entry. These measures are designed to both ease border congestion and enhance security at the same time. For example, regular business travelers can be prescreened and provided with an identification card with biometric information (such as handprint or retina information), and their vehicles can be equipped with electronic transponders. To facilitate border inspections and ease congestion, passenger information can be transmitted to border agents in advance. Manufacturers and transport companies can beef up internal security measures to seal their cargo and can use new information and tracking systems to assure the accountability of drivers and shipments. The entire inspection process could potentially even be pushed away from the physical border into a joint NAFTA inspection facility.<sup>3</sup>

Granted, the Smart Border Accord is still very much a general “wish list” that is at an early stage of implementation, but it represents an important departure from the past in that it explicitly recognizes that more effective border controls requires pushing such controls beyond the border (essentially a “de-bordering” of border controls) through a multi-layered layered monitoring and inspection strategy that by its very nature requires much greater U.S.-Mexico cooperation. For example, in the case of travel, it calls for consultation on visa policies and greater screening of third country nationals, the development of pre-clearance procedures and provision of advanced passenger information, and the creation of compatible databases that foster information sharing between U.S. and Mexican authorities.

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<sup>3</sup> See Stephen E. Flynn, “The False Conundrum: Continental Integration Versus Homeland Security,” in Peter Andreas and Thomas J. Biersteker, eds. *The Rebordering of North America: Integration and Exclusion in a New Security Context* (New York: Routledge, 2003).

A growing fear that has preoccupied both U.S. and Mexican authorities is that the same groups, methods, and routes used to smuggle migrants and drugs across the border can now be utilized to smuggle terrorists and weapons of mass destruction. Similarly, the same fraudulent document industry that has long provided identification cards for unauthorized migrants can also potentially provide these services to terrorists. Thus, even while continuing to sharply disagree on those aspects of border control related to unauthorized Mexican migration, the United States and Mexico share a strong pragmatic interest in close counterterrorism cooperation. Moreover, U.S.-Mexico counterterrorism cooperation does not face the same level of domestic resistance and political sensitivity within Mexico that has traditionally plagued cooperation on counter-narcotics. Cooperation in this area has been promising, reflected, for example, in the heightened level of coordination between the Department of Homeland Security and the Mexican Secretariat of Government in overseeing the implementation of the 22-point Smart Border Plan.

### **The future of U.S.-Mexico border control**

The new security context presents an obstacle and an opportunity. Nothing illustrated the former more starkly and bitterly for Mexicans than the quick demotion of Mexico on the Bush administration's policy agenda following the 9-11 attacks and the derailing of the momentum that had been built up for a new dialogue on migration. However, the heightened prioritization of border security also presents a window of opportunity to re-evaluate the border and border control. Whether or not the new security context can be more of an enabling rather than a constraining factor in U.S.-Mexico relations will very much depend on skilled political leadership and commitment on both sides of the border. The politically tricky challenge is to tap the heightened attention and concern over border security in a manner that promotes rather than poisons cross-border cooperation.

The trajectory of border control efforts will no doubt be significantly shaped by the location, method, timing, intensity, and frequency of any future terrorist incidents. As discussed, the dramatic events on September 11 were not directly border related but had profound border ripple effects. A more directly border-related incident, such as the smuggling of a weapon of mass destruction through a border port of entry would likely provoke a powerful political backlash and fuel calls for a dramatic hardening of the border. U.S. and Mexican counterterrorism-related border control initiatives to date should therefore be viewed as confidence building measures designed to avoid precisely this kind of impulsive finger-pointing response. In this regard, there is an urgent need to establish clear rapid response protocols and procedures in the event of a terrorist event in order to avoid another virtual shutdown of the border similar to what happened on 9-11. Strategic planning in the area of border control should include measures to minimize and contain the border collateral damage from any future terrorist-related incidents.

As outlined in the policy recommendations of a recent report on border security by the U.S.-Mexico Binational Council,<sup>4</sup> new policy measures should very much build on the U.S.-Mexico Smart Border Accord. Reducing cross-border friction and enhancing communication and cooperation help to produce an increasingly dense web of cross-border linkages to “de-border” those aspects of border control where there is the greatest convergence of interest.

The full potential of these steps, however, is unlikely to be realized without a more fundamental rethinking of the border and the paradigm of border control. Although politically awkward, this should start with a new domestic and bilateral conversation about the border that overcomes the politics of denial that has long afflicted U.S.-Mexico border control issues. This starts by acknowledging rather than continuing to conveniently deny the inherent limitations of borderline policing as a meaningful deterrent. Regardless of the popular U.S. rhetoric about having “lost control” of the border, the border has never been “under control” and is unlikely to ever be fully controlled in the future. The fact that the U.S.-Mexico border is the single busiest land border in the world makes the limitations of relying on the border as a centerpiece of policing even more apparent. In the case of drug control, for example, the amount of cocaine necessary to satisfy U.S. consumers for one year can be transported in just nine of the thousands of large tractor-trailers that cross the border every day. Given this sobering reality, relying on “cold hits” through random inspections at the border is more likely to impede legal trade more than illegal trade. In the case of immigration control, adding thousands of new Border Patrol agents to the line has had the perverse effect of enriching smugglers more than deterring migrants, creating a more serious organized crime problem on the border. Operational success against particular smuggling organizations has not translated into a successful reduction of smuggling.

Even if the border is often the focus of political attention, it is rarely the underlying source of the problem or the site of the most effective policy solution. All states have the right and obligation to protect their borders, but an intense focus on policing the line creates unrealistic expectations and can distract attention away from pursuing potentially more effective solutions. Unless these uncomfortable facts and their equally uncomfortable implications are fully incorporated into the policy debate, there will always be a powerful urge to harden the border as a visible and symbolic show of force in moments of crisis when the pressure to “do something” is greatest. While perhaps politically irresistible, such a response is not only highly inefficient but can be enormously damaging.

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<sup>4</sup> U.S.-Mexico Binational Council, *U.S.-Mexico Border Security and the Evolving Security Relationship* (Washington DC: Center for Strategic and International Studies and Instituto Tecnológico Autónomo de México, April 2004). Also see the report of the Mexican Council on Foreign Relations, *North America: Secure and Efficient Borders* (summary of the North American Assembly meeting, Monterrey, Mexico, September 21-22, 2003).

Perhaps the most difficult part of this new conversation about the border is to redefine Mexican migration as first and foremost an issue of labor market regulation rather than border control. Identifying and separating out Mexican nationals in search of employment as “low risk” (the vast majority of unauthorized border crossers) would allow border inspectors to concentrate on the much smaller number of “high risk” crossers. This would essentially push the risk management approach to creating a “smart border” to its logical conclusion. Emphasizing labor market regulation with a focus on the workplace and more tamper-proof documents rather than on border control with a narrow focus on the borderline would put most migrant smuggling organizations out of business, which would, in turn, contribute to the goal of enhancing border security. The new security environment has made this an even harder sell politically than before, but it is precisely because of this new security context that it is even more urgently needed.