

The Anatomy of a Relationship:

A Collection of Essays
on the Evolution of
U.S.-Mexico
Cooperation on
Border
Management





Wilson Center
One Woodrow Wilson Plaza
1300 Pennsylvania Avenue NW
Washington, DC 20004-3027

www.wilsoncenter.org/mexico

ISBN: 978-1-938027-56-7
June 2016

The Anatomy of a Relationship:

A Collection of Essays
on the Evolution of
U.S.-Mexico
Cooperation on
Border
Management

Edited by Christopher Wilson



About the Collection

The conventional wisdom among those who study the border is that following the terrorist attacks of September 11, 2001, the United States unilaterally imposed significant additional security requirements on the management of the U.S.-Mexico border, and that the measures taken to meet these requirements have made the border more difficult to cross for not only illicit but also licit traffic, including the trade and travel that is the lifeblood of cross-border communities. There is a great deal of truth in this interpretation, but it largely portrays Mexico as a passive receptor of U.S. policy, which could not be further from the truth.

Rather, the increasing relevance of transnational non-state actors posing border and national security threats in the region—especially terrorist groups and organized crime networks—have demanded increased international cooperation to monitor and mitigate the threats. At the same time, the U.S. and Mexican economies have become ever more deeply integrated, causing significant growth in cross-border traffic and making the efficient management of the U.S.-Mexico border a first-order national interest for both countries.

The post-2001 border management framework has pushed away from the traditional understanding of the border as a line in the sand and moved toward an approach that seeks to secure and (in the case of licit travel and commerce) facilitate flows. This focus on transnational flows has expanded the geographic scope of what were traditionally border operations and thus required an internationalization of border management, including the development of partnerships and cooperative methods of border administration. This cooperative approach to managing the security and economic dimensions of the border, which includes both government to government coordination as well as partnerships with businesses and civil society, also strengthened the framework for enhanced cooperation on issues of sustainability and quality of life for residents of the border region.

Mexico historically took a largely hands-off approach to its northern border, with virtually no entry processing required for the majority of travelers and a limited law enforcement focus on the border itself. After September, 2001, the United States sought cooperation from its allies in protecting the homeland, which in the case of Mexico predominately focused on the border. Mexico responded by offering support for U.S. security objectives, but also pressured for the creation of mechanisms to limit the economic and quality of life costs of increased security. More recently, Mexico has reciprocated by pushing for increased U.S. action to stop the southbound flows of weapons and bulk cash being illicitly smuggled into Mexico.

At the U.S.-Mexico border, these changes meant that Mexico necessarily and for the first time fully had a seat at the table in discussions of border management. It took several years for this development to be fully institutionalized, but it was achieved through the formal creation of the Executive Steering Committee (with top-level leadership from both governments) and related binational committees for various aspects of border management in 2010 as part of the 21st Century Border initiative. Similarly, through the Merida Initiative, Mexico and the United States have jointly sought to strengthen public security in the border region, and through the High Level Economic Dialogue aimed to cooperatively strengthen the competitiveness of the regional economy. Cross-border cooperative environmental and resource management, which has roots stretching back more than a century, grew considerably after the signing of the La Paz Agreement in 1983 and the creation of the North American Development Bank in 1994, but it too has reached new heights over the past decade as civil society has increased its cooperation with both governments to be stewards of transborder resources and ecosystems and as the NADBank expanded its operations.

During the past fifteen years, the United States and Mexico have transitioned from largely independent and unconnected approaches to managing the border to the development and implementation of a cooperative

framework. With contributions from government officials and other top experts in the field, this collection of essays explores the development of cooperative approaches to the management of the U.S.-Mexico border. The essays were released individually throughout 2015 and are now published as a volume.

What the essays collected in this volume show us is that an impressive evolution has taken place (and is still underway) in approaches to border management. This involves changes both in the conceptualization of the border and in the level of institutionalization of bilateral border affairs. Together these essays provide a coherent and consistent analysis of the changing U.S.-Mexico border and the development of shared approaches to its administration.

The ideational backdrop for this is set in the first chapter, by Bersin and Huston, which examines the shift in the border paradigm, from being “a line that divides” to a “matter that binds us together.” This shift has been brought about by the stresses and strains of the post-9/11 era, as well as by the urgent need to make flows of commerce and people more efficient. This new understanding of borders as multi-dimensional, involving “both lines and flows,” means that we have to make fundamental modifications in both the way we think about border issues and the way in which we generate solutions to border challenges. The authors point out five fundamental elements of this new paradigm, elements that should define a new relationship for border management:

- Multidimensional borders cannot be secured by a single nation;
- National and economic security is best achieved through international partnerships;
- Security and facilitation are mutually reinforcing objectives;
- Risk management is the key ingredient; and,
- The principles of co-responsibility and joint border management are central.

The second essay, by David Shirk, illustrates this transition in border management through a historical analysis of border affairs, in both security and economic areas. Shirk highlights the factor of intensifying interdependence and globalization as crucial to understanding the evolution of both the reality of life at the border and the opportunities for innovation in border management. The increasing integration of the U.S. and Mexican economies is central to this analysis, and provides a compelling logic for the arguments put forward in the Bersin and Huston essay.

The progressive institutionalization, as well as the “embedding” of border management in the broader bilateral relationship over the past few years provides the focus for Sergio Alcocer’s essay. Writing from an insider’s perspective, Alcocer provides an account that highlights the growing acceptance by policy makers in both countries of the border as an essential element in meaningful discussions over economic, educational, energy, and environmental affairs. This essay also highlights that the unique and deeply integrated nature of the border region requires an approach to binational policy making that recognizes that nature and speaks to the specific challenges and opportunities presented there. What is of fundamental importance here is that the repeated pleas over the years from civil society and academics for inclusion of the border at the highest level of bilateral relations appear to have been heard. The essay, therefore, provides hope that this institutional embedding of the border in the agenda will ensure that it continues to receive attention and be dealt with in the spirit of shared responsibility.

Gerónimo Gutiérrez’s chapter on the North American Development Bank (NADB) shows us how that institution has developed and has acquired new responsibilities and expanded its lending during the twenty or so years of its existence. As the world’s first bank dedicated to environmental issues, the NADB has expanded both its credit facilities and its portfolio to include renewable energy projects. Although the bank remains

.....

a relatively small player in terms of its financing capacity, and although it faces a complicated future due to congressional debates over its funding, Gutierrez emphasizes the need to focus on the progress that has been made and the important role that the institution will play in a range of new areas, from fighting climate change to strengthening regional competitiveness.

The next essay in this collection moves us from a bilateral institution to bilateral approaches to water management in the border region. Carlos Parra and Carlos Heredia trace the progress that has been made in addressing an issue area that has historically been the source of considerable conflict, both within border communities and between the two countries. The progress described in this chapter is two-fold. First, the two governments have constructed a transboundary framework for resolving disputes, and for allocating water between them. The story of the negotiations over the Rio Bravo/Grande, Rio Colorado, and Tijuana River watersheds emphasizes the importance of the International Boundary and Water Commission (IBWC) as well as the authorities' recognition of the need to remove a thorny issue in the bilateral relationship. Secondly, the authors stress the critical role played by "advocacy coalitions" of civil society groups, and their contributions in terms of local knowledge and expertise, and in generating local support.

This volume concludes with an essay by Christopher Wilson, which examines the impressive progress made in recent years towards border facilitation. The fact that the two federal governments have been able to work effectively towards the twin goals of efficiency and security highlights how far the border paradigm has advanced over the past 15 years since the events of 9/11. Implicit (and sometimes explicit) in this are the notions of a multidimensional border, international partnerships, shared responsibility, and risk management. In these ways, this essay serves to illustrate many of the key arguments of the Bersin and Huston essay. Trusted traveler and shipper programs, pre-inspection and joint inspection, interagency and binational cooperation, and intelligent targeting and risk management approaches are all put forward as evidence of, and arguments for, progress towards a truly 21st century border.

At the end of these essays, it is hoped that the reader will be left with an optimistic vision of border affairs, one that is nonetheless based in the (sometimes harsh) realities of border life, national politics and bilateral affairs. What's more, the five essays provide a conceptually consistent analysis of border relations, demonstrating an impressive consensus among the authors over the nature of the border today and guiding principles for its effective management. This consensus is mirrored among border policy decision-makers in both countries, a factor that greatly facilitates negotiations and joint management.

The Mexico Institute would like to thank each of the contributors for sharing their expertise and experience. They include Assistant Secretary Alan D. Bersin and Michael D. Huston of the U.S. Department of Homeland Security; Sergio M. Alcocer from the Universidad Nacional Autónoma de México; Managing Director Gerónimo Gutiérrez of the North American Development Bank, David A. Shirk from the University of San Diego (and a Wilson Center Global Fellow); Carlos Heredia of El Centro de Investigación y Docencia Económicas; and Carlos de la Parra of El Colegio de la Frontera Norte. Please note that perspectives put forth in these essays are those of the individual authors and not necessarily those of the institutions they represent.

Christopher Wilson
Deputy Director
Mexico Institute, Wilson Center

Duncan Wood
Director
Mexico Institute, Wilson Center

TOOLS OF THE 21ST CENTURY BORDER

Christopher Wilson



As evidenced by the ample discussion of the issue by other authors in this collection, the terrorist attacks on the United States of September 11, 2001 had an enormous impact on the management of the U.S.-Mexico border. The traditional narrative is that the need to prevent another terrorist attack led the United States to build up the defenses of *fortress America*, which included a substantial thickening of the U.S.-Mexico border, making it more difficult for not only illicit but also licit traffic to cross.

There is a substantial degree of truth in such a narrative about the changes that took place along the border in the months and years following 9/11. Gone were the days when an American accent was the only credential needed to cross the border. Instead, identity needed to be proved, and databases connected to ensure that identity could be linked admissibility and checked against lists of potential terrorists and wanted criminals. These, and numerous other measures, strengthened security, but also significantly slowed and complicated the movement of travelers and cargo across the border. The cost was great. Numerous studies show border congestion slows economic growth in the North American economy by many billions of dollars each year.¹

Perhaps counterintuitively though, the events of September 11th, 2001 were also a catalyst for a series of much more positive developments at the U.S.-Mexico border. Those who wait in line to cross the border each day, or those whose products are held up by sometimes duplicative inspections, or those border community residents who simply decide not to cross the border anymore because the whole process is too much of a hassle might be too frustrated with the remaining deficiencies to concede it, but over the past decade and a half, the framework and vision for the management of the U.S.-Mexico border has begun to catch up with the age of globalization. The name for all this was made official in 2010, but the process of building a 21st Century Border began years before and continues to this day.² But what is a 21st Century Border?

“In a world in which supply chains are multinational and non-state transnational entities abound, cooperative multinational approaches to border management are required.”

As set out in the essay by Alan Bersin and Michael Huston, at its core, 21st Century Border management means not drawing a line in the sand and forever building up more and more enforcement resources at the border itself, but instead aiming to secure and facilitate cross-border flows through an intelligent, multi-layered system approach, implemented both near to and far away from the border, inside and outside of a nation's boundaries. Such an approach, almost by definition, necessitates international cooperation and public-private partnerships—in a world in which supply chains are multinational and non-state transnational entities abound, cooperative multinational approaches to border management are required. And so that security and efficiency are not won and lost one at the expense of the other in a zero-sum game, strategies and tools are needed that simultaneously facilitate desired flows while identifying and disrupting illicit traffic. These methods, which are described in

1 See a list of such studies on page 5 of the author's testimony before the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, December 9, 2013, <http://docs.house.gov/meetings/FA/FA07/20131209/101563/HHRG-113-FA07-Wstate-WilsonC-20131209.pdf>.

2 Declaration by the Government of the United States of America and the Government of the United Mexican States Concerning Twenty-First Century Border Management, May 19, 2010, <https://www.whitehouse.gov/the-press-office/declaration-government-united-states-america-and-government-united-mexican-states-c>; See also the 2002 Smart Border Agreement, <http://2001-2009.state.gov/p/wha/rls/fs/8909.htm>.

this essay as the tools of the 21st Century Border, take advantage of advances in data processing, inspection technologies, and management techniques to segment risk, expedite secure flows, and better target higher risk traffic for physical or non-intrusive inspection. The “tools” described below are by no means an exhaustive list of advances in border management, but have rather been selected to highlight some of the key concepts that U.S. and Mexican officials are attempting to implement in their efforts to ensure the security and competitiveness of the border region and our nations in their entirety.

Tool 1: Trusted Traveler and Shipper Programs

Among the most important concepts behind the notion of a 21st Century Border is the idea that border security need not come at the cost of efficiency, that both can be simultaneously promoted with intelligent policies. Trusted traveler and shipper programs—such as Global Entry, SENTRI, FAST, C-TPAT, NEEC, and Viajero Confiable—embody this notion. Users voluntarily submit themselves to an extensive background check, allowing the U.S. or Mexican government to ensure they qualify as a low-risk border crosser, unlikely to traffic in contraband, cause violence, or otherwise violate customs and border-related laws. Companies must take additional steps to ensure the security of their supply chains. In exchange, cleared border crossers are given a credential that allows them access to a dedicated, faster moving lane to speed-up their border crossing experience.

The benefit to users in terms of reduced border crossing times is obvious, but the border security and budgetary benefits are significant as well. As in all law enforcement, border officials must decide how to most effectively utilize their limited resources. By focusing less attention on low-risk travelers, border officials can spend more time analyzing and inspecting traffic that represents a high or unknown level of risk, thereby strengthening border security. Similarly, it takes much less time to inspect and process trusted travelers, these programs help save money, mainly in terms of staffing but eventually also on inspection equipment and infrastructure (higher throughput means fewer lanes, and therefore less technology, are needed).

“By focusing less attention on low-risk travelers, border officials can spend more time analyzing and inspecting traffic that represents a high or unknown level of risk, thereby strengthening border security.”

All of the U.S. programs have been largely successful in operational terms, significantly improving the efficiency of the inspection processes at the border ports of entry and offering members reduced wait times. The results vary by program, but the Government Accountability Office found that in general inspections took about half as long as normal for those enrolled in a trusted program. The main challenge going forward is to increase enrollment. Though still below optimum levels, enrollment in SENTRI and Global Entry has grown quickly in recent years. Unfortunately, FAST and C-TPAT, which operate in conjunction at the U.S.-Mexico border, have seen enrollment stagnate or even decline (at no U.S.-Mexico POE did more than 23% of truck crossings occur through the dedicated FAST lane in 2013).

There are several causes behind the enrollment challenge. The more efficient inspection process for both FAST/C-TPAT and SENTRI members only translates to decreased overall border crossing times when

the dedicated lanes for these programs extend as far back as traffic at busy crossing times. Often times, the dedicated lane is too short, meaning that all border crossers wait together in the same line before the trusted program members gain access to the expedited lane, thereby cutting away at the main benefit offered by enrollment. Another challenge has to do with the difficulty of certain industries to meet C-TPAT supply chain management standards. Specialized trusted programs for certain industries, such as agriculture, would help boost participation. Finally, the GAO identified delays and other issues in the application process. Given the significant security and efficiency advantages of these programs, investments to boost enrollment in these programs will be quite high.

Trusted Traveler and Shipper Programs for the U.S.-Mexico Border

| Name | Who is eligible? | Established | Enrollment Requirements | Number of people/ companies enrolled |
|---|---|--|---|--|
| Secure Electronic Network for Travelers Rapid Inspection (SENTRI) | Individuals eligible to cross the U.S.-Mexico border (in personal vehicles, and pedestrians) | 1995 | Pay \$122 fee and undergo background check, fingerprinting and interview with CBP officer. | 369,745 members (GAO, 2014) |
| Free and Secure Trade (FAST) | Truck drivers from the U.S., Canada, and Mexico | 2002 | Pay \$50 fee for five years; undergo background check (most benefits require that supply chain also meets C-TPAT standards) | 13,209 (GAO, 2014) |
| Customs-Trade Partnership Against Terrorism (C-TPAT) | Importers and exporters that do business with the U.S. | 2002 | Company must implement a number of supply chain security procedures (implementation cost varies) | 10,854 (CBP, 2014) |
| Nuevo Esquema de Empresas Certificadas (NEEC) | Importers and exporters that do business with Mexico | 2011 | Company must meet security requirements. After verification, the company is certified. Registration costs \$24,507 MXN for one year (certification can be renewed). | 606 (SAT, 2016) |
| Global Entry | U.S. citizens; U.S. lawful permanent residents; Citizens of the United Kingdom, Germany, Netherlands, Panama, South Korea; Mexican nationals. | 2008 (pilot), 2012 (permanent) | Undergo background check, fingerprinting, and interview with CBP officer; \$100 fee for 5 year enrollment. | Over 2.5 million, including more than 77,000 Mexican Nationals (CBP, 2015) |
| Viajero Confiable | Mexican citizens; U.S. citizens enrolled in Global Entry | Launched in 2011, began operations in 2013 | Undergo background check, fingerprinting, and interview with SAT official. Pay \$1,461 MXN for five year enrollment. | 3,400 (INM, 2016) |

Mexico's trusted programs are much newer, with the Nuevo Esquema de Empresas Certificadas (NEEC) beginning in 2011 and the Programa de Viajero Confiable beginning in 2013. The NEEC was designed to meet C-TPAT standards, so that eventually the two programs are mutually recognized, and Mexico also recently signed a mutual recognition agreement with Canada. Viajero Confiable, which is most similar to Global Entry, is still currently only available at a limited number of Mexican airports, and enrollment is still only at approximately 1,000 members. Both programs have great potential, especially insofar as they help move towards the development of joint North American trusted programs, with the data needed to perform risk analysis and expedite travel safely shared among the three countries.

Tool 2: Pre-Inspection and Joint Inspection

For many years, CBP has stationed officers at a limited number of foreign airports (mostly in Canada) to screen and officially 'admit' passengers, allowing the flight to then enter the United States essentially as a domestic flight. This helps expand the number of routes available between the countries and (usually) speeds up the processing of passengers. Two pilot projects are underway along the U.S.-Mexico border that bring this practice to the commercial environment, and a third is set to begin operations in 2016. The concept is especially useful at the land border, where commercial development tends to grow around active ports of entry, making physical expansion complicated and costly. Pre-inspection projects offer an alternative, allowing new border inspections to take place away from the physical border itself, whether at industrial sites, transportation hubs, or dedicated pre-inspection facilities.

The first pilot project opened at the Laredo, Texas airport in 2012 (it was then officially inaugurated in 2015). Mexican SAT (customs) officers work onsite along with their counterparts from CBP to clear the export of cargo flights carrying autoparts, electronics and aerospace parts into Mexico. When the flights land in Mexico, the goods are immediately released to the owner without passing through a bonded facility. This project represents the first time that U.S. and Mexican customs officials have jointly operated out of a single facility.

The second pilot project was inaugurated in January 2016. Located very close to the port of entry at Otay Mesa (near Tijuana), the pre-inspection facility is the first site out of which CBP and SAT officers have worked together to inspect cargo in Mexico. This project allows C-TPAT certified companies shipping designated low-risk agricultural products to the United States to simultaneously meet export and import requirements, facilitating quick border crossings. For several years, this project was delayed by the fact that Mexican law did not permit CBP officers to carry a sidearm while operating in Mexico. In 2015, the Mexican Congress voted to change the law to allow the joint customs inspection projects to move forward.

A third pilot project is planned at San Jeronimo, just outside of Ciudad Juárez and across from Santa Teresa, New Mexico. The project is intended to allow electronics produced at the nearby industrial park—where FoxConn assembles a large volume of computers and other electronics—to be cleared for entry into the United States while exiting the factory complex.

“Implemented in conjunction with other technological and management advances, such jointly managed facilities truly represent the border crossings of the future.”

Though the pre-inspection component, meaning the processing of imports before they reach the physical border, of these projects is important and is certainly an advance towards the development of a 21st century border, it is the joint-inspection component that has the greatest potential to transform the way in which ports of entry at the U.S.-Mexico border are built and managed in the future. Currently, ports of entry are comprised of two (or even four) separate facilities, and a commercial border crossing involves first the export of a product and then, after crossing the physical border, its importation. Much of the process is duplicative, and the separation of the procedures makes U.S.-Mexico cooperation and information sharing more difficult. The three pilot projects discussed above open the door for the development of joint customs and immigration facilities that would make exit and entry a single, seamless procedure and would encourage U.S. and Mexican officials to share information in real time rather than at monthly meetings or through bureaucratic channels. Implemented in conjunction with other technological and management advances, such jointly managed facilities truly represent the border crossings of the future.

Tool 3: Interagency and Binational Cooperation

In this era of globalization, international flows are increasing, both in gross terms and in their importance as motors of national economies around the world. From 1992-2014, the ratio of the value of global trade to global GDP increased 63%. Trade between the United States and Mexico has grown even faster, with the ratio of bilateral trade to the size of the binational economy growing 167% during the same period.³ U.S.-Mexico trade is more important than ever to both countries, so it makes sense that securing and facilitating those trade flows has become more and more a cooperative undertaking and matter of joint responsibility.

“U.S.-Mexico trade is more important than ever to both countries, so it makes sense that securing and facilitating those trade flows has become more and more a cooperative undertaking and matter of joint responsibility.”

At the same time, those that seek to do harm to the United States and Mexico, whether terrorist or organized crime groups, are increasingly transnational in organization and operation. This means that in the protection of citizen and national security, again, cooperative approaches to identifying and halting international movements of dangerous goods and individuals has become a top-level priority for both the United States and Mexico.

In order to implement the cooperative strategies discussed above and in the other essays in this series, a robust mechanism to design, implement and coordinate joint border management projects was needed. At the same time, the complexity of border management, which involves issues of interest and jurisdiction of dozens of government agencies—including agricultural pest control, nuclear non-proliferation, tax collection, arms trafficking, immigration, and public health, to name just a few—required the development of strong systems of cooperation and information sharing within the U.S. and Mexican governments. To address both of these coordination challenges simultaneously, in 2010, as a part of the 21st Century Border initiative, the two governments created a binational Executive Steering Committee, led by the White House in the United States and Los Pinos in Mexico. Reporting to the Executive Steering Committee are three binational committees:

3 Calculated by the author with data from the IMF.

1. Corridor Security Working Group: Focuses on securing areas between official crossing points.
2. Secure Flows Working Group: Focuses on the operation of the official ports of entry and the management of commerce and travel flowing across the border, focusing on efforts to strengthen security and efficiency.
3. Infrastructure Working Group: Coordinates expansion, modernization, and the construction of new ports of entry at the U.S.-Mexico border, all of which improve capacity and security.

Beginning in 2016, in recognition of the vital importance of border management issues to the competitiveness of both countries, the 21st Century Border Executive Steering Committee has also been officially linked to the U.S.-Mexico High Level Economic Dialogue, which ensures regular cabinet-level attention to the border agenda.

“The restructuring of U.S. and Mexican governing processes and responsibilities with an explicit goal of designing a system to facilitate bilateral cooperation was an innovative and precedent-setting step.”

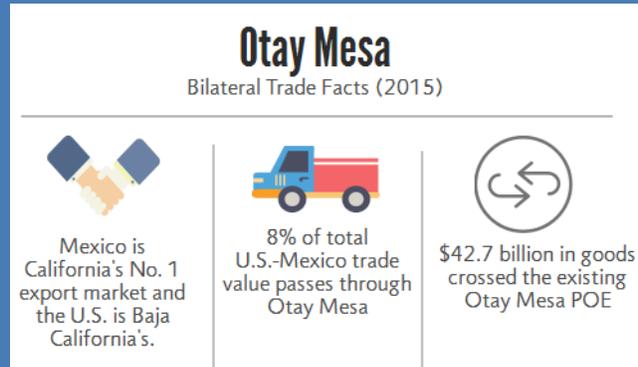
The restructuring of U.S. and Mexican governing processes and responsibilities with an explicit goal of designing a system to facilitate bilateral cooperation was an innovative and precedent-setting step. It validates the value of U.S.-Mexico partnership at the border and sets an example as a solution for the simultaneous challenges of cross-border and interagency coordination that are commonplace in an intermestic relationship such as the one between the United States and Mexico. Though political and budgetary constraints still limit the pace of progress, the new structure has institutionalized a cooperative approach to managing the border and moved the United States and Mexico toward a jointly-managed border.

Innovation at the Border

A Look at the Otay Mesa East Project⁴

Christopher Wilson and Andrea Conde*

Existing crossings at the California-Baja California border are not sufficient to meet growing demand, causing billions of dollars in foregone economic output annually. In order to address this issue, a binational multi-agency group is working on the construction of a new border crossing and related transportation infrastructure. This project seeks to bring together many of the tools of the 21st century border discussed in this essay, and, if successfully implemented, could serve to create a new model for jointly built and jointly managed U.S.-Mexico border crossings.



The **State Route 11/Otay Mesa East POE Project** is ongoing initiative led by the San Diego Association of Governments (SANDAG), the California Department of Transportation (Caltrans), U.S. federal agencies, the City of Tijuana, state of Baja California, and several Mexican federal agencies. The project is located two miles east of the existing Otay Mesa POE. The Presidential Permit was obtained in 2008 and construction of roadways that will link the new POE to existing highway systems is underway. Some of the important and innovative aspects of the project are highlighted below.

1. Joint-Planning Process

- *Binational cooperative approach*: the project integrates federal, state and local governments from both sides of the border to ensure the creation of a well-designed transborder system of connectivity. Projects to build new border crossings are often designed and implemented as two separate projects, despite the fact that the U.S. and Mexican segments are only useful when both are finished, connected, and functioning as a single system. When funding, design, and construction are all handled separately, the risk of mismatches and system inefficiencies rises—the multi-agency and binational approach to this project seeks to mitigate these challenges. California and Mexico signed a memorandum of understanding in 2014 to expedite the construction of the project and jointly monitor its progress.



⁴ Thanks to Christina Casgar of SANDAG and the other project partners for providing the authors with information about the Otay East project. Any mistakes or misrepresentations, however, are the responsibility of the authors alone.

2. System-wide approach

The project aims to begin linking together the management of border crossings within the greater-San Diego-Tijuana area so that they can effectively function as a system. The goal of such an approach is to smooth out demand at each individual border crossing, so that trucks utilize the least crowded of the region's POEs and are therefore able to cross the border as quickly as possible. In order to design and implement such a strategy, several tools are required:

- *Border Wait Times Detection:* Bluetooth and Wi-Fi technologies will be installed to accurately measure border wait times and to provide travelers with advanced information to help them make better decisions about when and where to cross the border. Ultimately, in order to be successful, similar technology that can generate accurate and real-time data regarding the length of queues to cross the border will need to be installed at all regional POEs. Much has been learned about effectively using technology to improve border wait time measures through pilot projects underway in Texas and Arizona.
- *Advance traveler information:* Travelers will need to be able to access information regarding regional POEs' status prior to arriving at the POE in order to decide when and where to cross the border. Project partners are designing an advanced traveler information system to inform border crossers about toll rates, border wait times and incidents at all regional POEs, so they can better plan their trips and select which POE best suits their needs. This information will ideally be available through a website, app, and electronic highway signs.
- *Variable toll system:* The new POE will use tolls not just as a tool to finance the project, but also as part of a system to manage demand for Otay East and other regional border crossings (principally Otay Mesa POE). Toll rates will adjust throughout the day as demand rises and falls, essentially encouraging use through low toll rates when traffic is low and slowing demand through high tolls when traffic spikes.
- *Binational traffic management:* Project partners are planning an integrated traffic management system that will link traffic operations in Tijuana with those managed by SANDAG and Caltrans. To do so, Caltrans, SANDAG, the City of Tijuana, and Mexico's Secretary of Communications and Transportation are developing a Regional Border Management System (RBMS).

3. Binational Project Financing

SANDAG has estimated a total cost of USD \$900 million for the construction of facilities on both the U.S. and Mexican sides of the border. There are three main components of funding: the Mexican and U.S. governments, as well as debt issue to be repaid by binational toll collection.

- *Single financing vehicle:* As a single project, this project will be concurrently financed on both the U.S. and Mexican sides of the border, avoiding cases in which the funding materializes much earlier on one side or the other. Further, the financing of the POE will likely require accessing bond markets, an innovation in its own right given the completely binational nature of this project.
- *Binational toll collection:* Project partners are planning a single toll collection point, rather than having two (one in the United States and the other in Mexico). Tolls would mainly be collected electronically, but other payment options are also being considered. The funding stream would help pay for the infrastructure and operation of the POE on both sides of the border, including the repayment of any debt issued to finance the project.



4. Smart Lane Management

- *Segmentation of traffic flows:* Dedicated lanes are being planned to adequately direct traffic that requires different levels of inspection. For example, trusted travelers enrolled in C-TPAT, FAST and SENTRI will have dedicated lanes. Additionally, lanes could be further segmented into *laden, empty, Ready lanes*, and other special categories. Signage ahead of the POE will guide cars and trucks to queue in an appropriate lane for inspection and clearance by border officials.
- *Active lane management:* The number of lanes dedicated to the aforementioned categories could change in order to meet demand. This would involve dynamically opening and closing dedicated lanes to effectively manage traffic congestion. The strategy will necessarily involve electronic signage prior to arriving to the POE to direct traffic.
- *Flexible lanes:* the project is exploring the possibility of having reversible north/south bound lanes, which would change direction to match peak traffic flows.

5. Possible Joint Inspection Programs

Project partners are analyzing the possibility of including joint-inspections between U.S. CBP and Mexican SAT officers. This would likely involve the construction of a single facility at the border, staffed and managed by both U.S. and Mexican officials. Rather than having two completely separate inspection points—which is inherently partially duplicative—the project partners are assessing how to create binational joint inspection facilities. If achieved, this would be the first facility spanning U.S. and Mexico sides of the border with joint-inspection: a potential model for future U.S. and Mexico border crossings.

* Andrea Conde is a graduate research intern at the Mexico Institute and Fulbright-García Robles scholar pursuing her Master's Degree in Foreign Service at Georgetown University.

Tool 4: Intelligent Targeting and Risk Management

At both official crossing points and the expanses between them, law enforcement officers have taken steps to make more efficient use of limited resources. One of the most important ways of doing this is moving away from random inspections and a relatively uniform and static deployment of resources across the border. Instead, border management strategy is increasingly relying on tools (i.e. data analytics, surveillance technology) to first identify high-risk individuals, vehicles and geographic spaces and then target inspection and enforcement activities and resources based on the risk assessment. Given the huge volume of cross-border traffic each day at the ports of entry, the vast expanses (approximately 2,000 miles) of space between them, and the massive size of the agencies being tasked with becoming more nimble and responsive, this strategic shift, while well underway, has proven difficult to implement in many respects. A quick look at the relationship between trends in Border Patrol staffing and the routes of unauthorized migration into the United States makes clear how, traditionally, reality has been more dynamic than the capacity of border law enforcement to respond to it. In the early 1990s, the San Diego sector of the border routinely saw large number of migrants—approximately a half-million per year—illicitly crossing the border. In response, the Border Patrol doubled its presence in the area, hiring more than a thousand new agents from 1992-1997. Since then, apprehensions in the San Diego sector have declined precipitously, reaching just 26,000 in 2015, while other sectors, such as Tucson (1162% growth in apprehensions from 1990-2000) and the Rio Grande Valley (433% growth from 2011-2014), experienced surges in levels of unauthorized migration. Staffing levels do adjust to these trends, but much more slowly and in the context of significant hiring in all sectors. San Diego, for example, had 32% fewer agents in 2005 than it did at its previous peak in 1997, although current staffing levels are even higher than the 1997 levels. In the Tucson sector, apprehensions have dropped by 90% since the year 2000, while staffing continued to climb to its peak in 2012 before experiencing a modest 4% decline from 2012-2015. The combination of unattainable measures of border security and the resource-based approach to border security that dominated in the years following 9/11 created a situation in which the Border Patrol needed ever greater resources across the board even as activity levels were declining.⁵

“Risk must be managed, which means finite resources must be strategically deployed in order to mitigate the most overall risk and particularly the most dangerous scenarios possible.”

5 Robert Schroeder, *Holding the Line in the 21st Century*, Washington, DC: U.S. Customs and Border Protection, 2014, https://www.cbp.gov/sites/default/files/documents/Holding%20the%20Line_TRIOLOGY.pdf.

Risk-based strategies begin with the realization that eliminating risk (in this case preventing all attempted illicit border crossings) is impossible, particularly at an acceptable level of cost. Instead, risk must be managed, which means finite resources must be strategically deployed in order to mitigate the most overall risk and particularly the most dangerous scenarios possible. With its 2012-2016 strategy, the Border Patrol has begun to employ such an approach, with intelligence tools and surveillance technology used to assess risk (in addition to using them operationally), priority targets chosen based on a risk-matrix and resources deployed at a local level to either dismantle designated high-risk criminal organizations or make a target area as hostile of an environment for criminal activity as possible.

At the official crossing points, the challenge is one of finding a few needles in mountain-high haystacks. With nearly a million people crossing the U.S.-Mexico border ports-of-entry each day (northbound and southbound), only a tiny fraction of which are involved in illegal activities, two principle approaches are used to identify risk levels and apply an appropriate level of inspection. The first, described above in the section on trusted traveler and shipper programs, involves engaging citizens and businesses in a process of self-identification as low risk border crossers. These programs, in addition to the construction and deployment of databases that can analyze border crosser characteristics to generate a risk score, allow border officials to effectively shrink the haystack by applying a lesser degree of inspection to those crossers that represent a very small level of risk.

“Intelligence is increasingly being used both to assist officers in decisions about the level of inspection to apply to a specific crosser and to make broader, strategic decisions about the deployment of resources and training.

The other approach is to develop better needle detectors. There are two main categories within this approach. The first is the same type of risk scoring described above. License plate readers are in use by U.S. officials in both northbound and southbound lanes and have begun to be deployed by Mexican officials for use in tracking southbound travel. As databases of vehicular movement across the U.S.-Mexico border grow (and are hopefully eventually merged once proper safeguards for data protection are in place), they are being mined for crossing patterns associated with high levels of risk and connections to individuals that have been flagged as high risk. With these and similar types of tools, individuals, vehicles, ports of entry, and broader geographic areas can be flagged as high-risk for various types of trafficking activities. This intelligence is increasingly being used both to assist officers in decisions about the level of inspection to apply to a specific crosser and to make broader, strategic decisions about the deployment of resources and training.

Conclusion

Overcoming the false dichotomy between border security and the facilitation of trade and travel has become the defining challenge of border management in this era of globalization. Slowly but surely, the speeches and declarations of top U.S. and Mexican officials have come to reflect the realization that securing and facilitating international flows are two sides of the same coin—that we do not have to give up one in order to gain the other. This, in and of itself, has been a huge step forward from the security-at-all-costs mindset that ruled in the years immediately following September, 2001, especially given the fact that the broader political debate about the U.S.-Mexico border is still firmly rooted in an antiquated vision of borders as *lines in the sand* rather than systems to manage international flows.

As big an advance as the rhetorical shift has been, it is obviously insufficient. The technology and processes to make the vision real needed to be first developed and then implemented. Many of the needed technologies and management systems (trusted traveler programs, pre-inspection, etc.) have been developed, but we are still (with some exceptions) in the very early stages of implementation. Of course, implementation requires funding, and there has been a perennial shortfall in funding infrastructure and staffing at (rather than between) the official crossing points along the U.S.-Mexico border. Recent legislative changes have spurred an increase in public-private partnerships to help fill some of the infrastructure and staffing deficit, but private industry and local governments will never be able to relieve the federal governments of their responsibility to invest in the management of the border. Fortunately, the tools of the 21st Century Border allow for a more efficient use of limited resources, and while they often require upfront investment, the long-term payoff in both budgetary terms and economic growth throughout the region is very strong. The tools to manage the U.S.-Mexico border for the 21st century finally exist, but now we need to use them.

Christopher Wilson

Christopher Wilson is Deputy Director of the Mexico Institute at the Woodrow Wilson International Center for Scholars, where he leads the Institute's research and programming on regional economic integration and U.S.-Mexico border affairs. He is the author of *Working Together: Economic Ties between the United States and Mexico* (Wilson Center, 2011) and coauthor of the *State of the Border Report* (Wilson Center, 2013). Chris has testified before the United States Congress and is regularly consulted by national and international media outlets regarding U.S.-Mexico relations. He has written opinion columns for the *Wall Street Journal*, *Politico*, *CNN*, and *Reuters*, among others. Chris previously worked as a contractor doing Mexico analysis for the U.S. military and as a researcher at American University's Center for North American Studies. In Mexico, he worked briefly with the international trade consultancy IQOM, *Inteligencia Comercial*, and with American students studying regional political and social issues. He completed his M.A. in International Affairs at American University, focusing on U.S. foreign policy and hemispheric relations.

