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Border Cooperation: The Tijuana/ San Diego Region—A Three Models Case Study

LUIS HERRERA-LASSO

I. BORDERS IN THE NEW WORLD

In the 20th century we have witnessed many changes in the world system. There has been an unpredictable increase in the world population coupled with the emergence of the most unthinkable means of massive destruction. The daily interaction among people and economies have reached almost a point of no return and the pace of technological progress seems almost out of control.

The main challenge for international cooperation in this new age is to face threats that have no respect for political boundaries, ethnicity, religions, paradigms or philosophical approaches.

In the next century world catastrophes are more likely to come from famines, epidemics or environmental breakdowns, including nuclear terrorism. These catastrophes could lead to scenarios of political and social instability which are unintended by governments or states, but which have serious consequences for entire countries, regions or the whole world.

In this century, there are no longer territories for which to compete. The prevailing division of the world into sovereign and independent states makes the expansion of the power of the state with military conquest and colonial dominion a less attractive and more costly option than it was in the past. In any event, military threats are more likely to come from space or the open sea than from the land borders.

In this New World, isolation will fall far short of protecting our populations from these disasters. There won't be a shield strong enough to isolate a nation from the events of the outside world.

II. INTERNATIONAL BORDER REGIMES

Before the end of the century, the concept of defense and protection of the borders will be reformulated. One model is the total openness of borders adopted by the countries of the European Union. A second model, in the opposite direction, is the attempt to exercise increasing physical control over the border, as it is occurring on the border between Mexico and the United States. A third model is the prevailing situation in the regions of Africa, Asia and Latin America, where borders are not only difficult to control but in some cases also to visualize.

To this point, what we can learn from the European experience is that open borders do not necessarily mean a loss of sovereignty or territorial integrity. Even if some governments would like more control in regions of Africa, Latin America and some parts of Asia, most governments lack the means to achieve a tighter control of their borders. This situation is not likely to change in the near future.

The situation is not clear at the United States-Mexican border. Does the current policy reflect the beginning of a new age of isolationism in United States history? Is this a strategy to create a shield or a safety belt to avoid contact with the external world? Is it really a strategy or a consequence of political ups and downs related to temporary concerns, such as the entrance of drugs to supply the largest market in the world or the entrance of more people to the United States?

III. BORDER INTERACTION IN THE U.S.-MEXICO RELATIONSHIP

The historical border relationship between Mexico and the United States over the past 150 years has been comfortable and functional for the United States. This is because no real threat to the United States' security has ever come from south of the border. This border relationship has provided continuous challenges and opportunities for Mexico. Although Mexico is an independent state, it is very jealous of the United States' sovereignty and independence. Mexicans do not pretend to reshape history prior to 1848, but neither do they forget it.

In the first two decades of the 20th century, the U.S. government directly and unlawfully intervened in the internal affairs of Mexico, including the use of military force. Since that time, however, the relationship on the common border has been functional most of the time for the two countries.

Mexico and the United States share one of the longest frontiers in the world, with the added factors of being highly populated with an intense economic and social interaction. It is a border where the communities have become increasingly interdependent on each other.

The binational border agenda includes almost every possible aspect of the binational relationship. Across the forty-nine Ports of Entry (POE), more than 300 million people travel every year, and most of the merchandises that comprises the daily 500 million-dollar of binational trade is shipped.

Even with the use of the most advanced technology and the available human and financial resources dedicated to border control, the idea of isolating one country from the other at the end of the 20th century sounds at best naïve. Although most of the border movements are legal and for the benefit of the two countries, every day thousands of illegal crossings also take place along our 2,000 miles of border. There are smuggling activities that go in both directions—not to mention diseases that know very little of political boundaries, and water and wind that come back and forth without asking permission and move according to their own rules. In other words, it seems very difficult to stop with fences or other means the dynamics that exist in living border regions with large communities, which are highly communicated and increasingly dependent on each other, sometimes with more in common among them than with their own countrymen.

The interaction between the two countries in some areas of the border has reached a point where it would be very difficult to develop one side in isolation from the other side. This is not a common situation all around the world. With very few exceptions, in most countries communities tend to settle in the inner lands or by the coast and rivers, not in the border regions. The situation is different in our border region.

For the communities living in the border region, especially in some areas like El Paso-Juarez, to cross the border freely was previously part of the daily life of the citizens of the two countries. Fences, advanced technology and police control was not necessary to have a stable and peaceful border.

Due to the long distances between the border and the central governments of the two countries, border communities developed their own way of life with multiple interactions and little formal restrictions. With the new trends of increasing restrictions and physical control, local communities on both sides of the border complain about the multiple

barriers for their daily interaction. It should be said that many initiatives to control the border come from individuals who live thousands of miles from the frontier and who have very little knowledge or understanding of what a living border means. Some of these officials still believe in the old fashion dream of isolation as the formula for the best interest of the United States.

Many Mexican Nationals consider this approach difficult to accept, especially with the new era of the free trade agreement and the global trend to reshape the world by economic regions. Nevertheless, there are still many actors in the United States who believe that we can be good neighbors with a close and tight control at the border implemented without any agreement or consultation between the two countries.

Those actors are very powerful and it seems that we will enter the 21st century with more surveillance, physical control and unilateral actions along the common border. As this happens in North America, fifteen European nations will enter the new century with practically total openness of their frontiers. Which one is the right model? What are the gains of having the closed border model decided unilaterally vis a vis the open border model through negotiation among all the actors involved?

IV. THE SAN DIEGO-TIJUANA REGION: A CASE STUDY

The San Diego-Tijuana border region has two unique features. It is the busiest point of transit and interaction between two cities of different countries in the whole world and they are the most distant cities from their capital centers in the two countries.

Despite the physical and political distances from their capital cities, this region has become the microcosm of the bilateral relationship between Mexico and the United States. The dynamic of this region includes all aspects of the binational agenda, including the highest potential conflict and the largest requirements of cooperation. It is the only border region with a binational art festival, and it is also the region which poses the largest problem of drug trafficking between two countries. It is the only crossing point in the world with a daily movement of more than 200,000 people, and it is at the same time the most controlled and policed border in the whole world. It is the only region where the Mexican community spends more than two billion dollars a year in the United States. It is also the region where the United States Border Patrol employs 2,400 agents and operates seven detention facilities. The Border Patrol primarily detains and returns Mexican nationals who made unauthorized entries into the United States. How can cooperation fit into this complex scenario filled with many paradoxes and contradictions?

V. THE INSTITUTIONAL FRAMEWORK

The concept of international cooperation has different meanings in the political jargon. Cooperation is often understood as foreign assistance to those countries in special need. It is also used for a joint action of two or more actors to attain a common goal, especially in the global village era, where environment or variations in the atmosphere are considered a universal concern.

In a world of asymmetric powers, cooperation is also understood as the expectations of country A on country B, C or D, to do what is convenient and desirable for country A. In this approach usually country A is powerful enough to make prevalent its own perception of what is good for A, B, C and D. This is an asymmetric concept of cooperation.

Last but not least, cooperation can be considered a two-way interaction where all actors involved pursue a common goal. Under this definition, the sum of the abilities and possibilities of all actors are considered a common asset for the achievement of a shared benefit that can not be obtained otherwise. In all concepts, cooperation could imply to overcome conflict, to achieve a common benefit, or both at the same time.

Cooperation at any level requires at least three pre-conditions. First, there must be a shared perception that common action is needed to gain a common benefit. In other words, a true belief that one is better off with cooperation than without it. Second, the parties must have the political will to commit and work on that purpose. Third, institutional mechanisms should be put in place in order to negotiate the aims and the means, and to help the parties work on their achievement jointly.

The governments of Mexico and the United States accomplished those three pre-conditions only in recent years. After several crises in the seventies and early eighties, the governments of the two countries decided to start working on an institutional and permanent framework to talk and find solution to problems that require bilateral cooperation. In 1981, President Reagan and President López Portillo, agreed on the creation of the U.S.-Mexico Binational Commission, a mechanism at cabinet level envisaged to deal on a regular and formal basis with the different aspects of the bilateral relationship. As of this date, this Binational Commission envisages sixteen different groups that deal with practically all aspects of the binational relationship. They gather at cabinet level once a year, while the technical groups meet much more often. Among the sixteen groups there is one group for Border Issues

and another group for Bridges and Ports of Entry. Federal authorities chair all groups.

In spite of this historical step oriented to institutionalize the administration of the binational relationship, until 1992 the only binational institution that we had at the border was the International Boundaries and Water Commission ("IBWC"), a technical agency created in 1889 in order to solve matters related to limits and water between the two countries. All aspects concerning the living border were handled from Washington and Mexico City. In this framework, the reaction to an event at the border tended to be slow and timeless. As a result, a local crisis often escalated into a binational conflict.

It was not until 1992, after 146 years of sharing a common border, that the Binational Commission agreed on the creation of the Border Liaison Mechanisms ("BLM") integrated by federal authorities of the two countries to be in charge of the administration of the daily movements across the border. Their main purpose was to account with a federal mechanism to deal with border incidents on a local basis, so that not everything that happens in the frontier would necessarily be handled in Washington and Mexico City.

The BLM for the San Diego-Tijuana region was established in October 1993. Integrated by federal authorities from both sides of the border and co-chaired by the Consul Generals in the two border cities, it is expected to meet on a regular basis to review the border situation and to handle incidents or the potential of conflict between the two countries at a regional level.

In 1995 two important decisions were taken concerning the San Diego-Tijuana BLM. The first decision was to invite state and local authorities to participate on a regular basis. The second important decision was to use this mechanism not only to solve incidents or conflicts, but also to work in their prevention and for widening the spectrum of cooperation.

However, a formal mechanism was a precondition, not a guarantee for achieving higher levels of cooperation. Despite having already achieved the three basic pre-conditions for cooperation mentioned above, in practical terms to achieve effective border cooperation requires further structural actions: 1) The creation of an atmosphere of confidence and clear mutual benefit among the players; 2) The maintenance of permanent and timely communication; 3) The definition of a clear and realistic agenda; and the assurance of accurate coordination among all actors involved, including a good coordination with federal authorities in the capital cities, and a good system to follow up that cooperation.

One basic question deals with the prevailing concept of cooperation in this relationship. One possibility is for Mexico to accommodate the

plans and strategies of the United States, accept its leading role and proposals, and work within the guidelines offered by the U.S. delegation. This model is very much favored by conservative American politicians, especially those with little knowledge of Mexico and the border. In their perspective, the United States should exert the necessary pressure to shape Mexican responses to American expectations.

To some more conservative American politicians, Mexicans have neither the will nor the ability to work in cooperation in accordance with American core values and interest. Hence, to these politicians, threats and pressures become the only possible means to achieve their desired goals.

The second possibility is to work with a more balanced approach; identifying common problems, searching for compatibility of interest; and working jointly in accordance with the real capacities and assets on each side, taking into consideration the asymmetries of resources and means.

In the real world we have a combination of the two models. No matter how powerful one of the two parties is, it is impossible to control and administer a border region based only on unilateral actions. No matter how much infrastructure is developed on one side, it is impossible to have total success without having at least a similar amount on the other side. A border region is the best example where desirable goals can only be attained through common purposes and coordinated actions. Political pressures and threats can have very little effect if the other party does not find it attractive and in its own benefit to develop border cooperation. Hence, one party will always have a significant margin to sabotage the actions of the other party. In the end, a great power can choose to have more or less presence in a country located beyond the oceans. There is no way, no matter how powerful, to withdraw from their own frontiers.

In the daily life the chances to move between the two models will depend to a good extent on the issues at stake, the perceptions and prejudices of the actors involved, and the ability of each party to accommodate cooperation to one or the other model.

VI. THE BORDER COOPERATION AGENDA

The extent and nature of the border cooperation agenda at local bases will depend on at least four variables: the more apparent challenges; the perceptions and particular interests of the players involved; the

guidelines and support that each party receives from its central offices; and the institutional margin of maneuver acquired in each particular jurisdiction.

The more apparent challenges that define the particular agenda at the San Diego-Tijuana region begin with the complexities of the busiest international port of entry in the whole world. For both countries it is important to have the optimum administration of traffic management in a region with more than 100 million people and 50 million vehicles crossing on a yearly bases. Despite the fact that the greatest majority of these crossings are legal movements, it is well known that this is the most attractive point for the smuggling of drugs and people along the Mexican-U.S. border.

Endless discussions take place on both sides about the origins and nature of the phenomena that are behind this border situation: consumption of drugs and unauthorized movement of labor force. In the meantime, the main challenge for the agencies which are responsible for the border administration is to be effective in deterring illegal movements while facilitating the legal crossings.

On those border issues the respective national agendas will provide the framework and the limits of the border cooperation. In accordance with the importance and the approach that each nation has on every particular issue, we can speak of three general models of border cooperation. The selected criteria to define these models include coincidence of views, potential of conflict, potential of common gain with effective binational cooperation and potential of common loss without binational cooperation.

A. Low Conflict Cooperation Model

In September 1995 it was possible for the first time to have a special group to coordinate actions at the San Ysidro Port of Entry with a truly binational approach. As a result, it was possible to reduce waiting times from more than two hours to an average of 20 minutes. As an unpredicted outcome, from 1996 to 1997 vehicular traffic increased 17 percent. Today more than 100,000 vehicles cross in both directions at the Port of Entry of San Ysidro/Puerta Mexico. Further actions are being taken. In early 1999 there will be two automatic lanes to enter to the United States in that POE. It has been proven that major cooperation in this field is necessary and possible. With a long-term vision, in January 1998 authorities of the two governments decided to establish the Ports of Entry Council for the San Diego-Tijuana-Tecate Region for the discussion and planning of major changes to give response in advance to the future necessities of transit of this region.

In this process, most agencies involved reached the conclusion that more cooperation was not only desirable but also possible, and that higher levels of cooperation are attainable. However, this can be hardly achieved with solely unilateral actions.

A sounding innovation in this model is the participation not only of the governmental agencies at the three levels of government, but also of the actors of the local communities. The Ports of Entry Council has an advisory committee chaired by the San Diego Dialogue from UCSD and the Economic Development Council of Tijuana and it is integrated by economic, academic and social actors from both sides of the border.

In this first model, the potential for cooperation is high and the level of conflict can be reduced. Another feature of this model is that low levels of cooperation do not necessarily result in higher levels of conflict. The successes of cooperation in this model can be measured in accordance with the common gains and benefits rather than with the conflicts generated by the absence of deeper cooperation.

Both cities, San Diego and Tijuana, have to face a common challenge of water supply for the first decade of the next century. Working together can result in cheaper, more effective and timely solutions. With this perspective in mind, a Regional Water Council was created in January 1998 which encompasses federal, state, county and city authorities. As well as the other binational special groups of this region, this Council is under the umbrella of the Border Liason Mechanism. The water agenda is the typical case of cooperation where there is high potential for gain and little risk of conflict if cooperation is not achieved. It also fits on the low conflict cooperation model. There are other areas where cooperation can be deeper with this model such as health, education, environment and telecommunication.

B. Medium Conflict Cooperation Model

There are some areas in the border regional agenda where cooperation is highly needed. It is complex and difficult, but the consequences of an absence of cooperation can result in a worse scenario for both sides. Public Safety is the typical case in this model.

The Port of Entry of San Ysidro is still the most attractive scenario for the smuggling of drugs and people and illicit traffic by nature produces high levels of violence and corruption. The two governments have a common goal of fighting criminals on both sides of the border. However, there are differences in the methods and expectations. These

differences can lead to low levels of cooperation. Nevertheless, in the end, cooperation in this area is absolutely necessary for both sides. The cost of failure to achieve reasonable levels of cooperation can become unaffordable.

In September 1995, the law enforcement agencies on both sides of the border reached an agreement to coordinate actions in order to improve public safety for every person who crosses, lives or works at the border region. To reach this point, it was necessary to make a clear joint statement that public safety would be provided to anyone in the border region regardless of their nationality or migratory status. In other words, it was necessary to separate public safety from the actions directed to control unauthorized immigration to the United States. For political and practical reasons, to mix immigration policies and public safety, would have made it almost impossible to work on a effort jointly.

After several success stories, in July 1997 a Special Group for Public Safety was formally established in the San Diego-Tijuana region. This group gathers every two months and includes authorities from three levels of government on both sides of the border.

This model of cooperation is characterized as medium because there is a common interest and a potential for cooperation. But, if cooperation does not work, the potential for conflict can be very high as well as the consequences for the communities on both sides of the border. Despite the common goal and the expected common gains, the difficulties to achieve high levels of cooperation in this realm differentiates this model from the low conflict model. Joint efforts against drug trafficking can be considered the most typical case of this model.

C. High Conflict Cooperation Model

The third model of border cooperation refers to an area where there is little common ground between the two parties. Notwithstanding, there is a necessity of cooperation in order to avoid more drastic consequences and a major conflict between the two countries.

The typical example in this realm is the required cooperation between authorities of the two countries on immigration issues. The model is qualified as high conflict because of the serious differences that exist related to the diagnosis and the responses on the United States side to the migration of Mexican Nationals to the United States. While for the Mexican authorities this is a phenomenon of economic and social nature, for the U.S. authorities those entries are illegal entrances to the United States that have to be controlled by police forces and deterred by severe judicial actions. The potential for conflict in this realm is very high and it is an issue that can easily contaminate as a whole the working agenda

between the two countries. The Riverside story is one of the most recent examples.

The United States immigration policy is not in the bilateral agenda since it is considered by congressional members and politicians exclusively as internal matter of the United States. Nevertheless, every day thousands of unauthorized Mexicans are apprehended in the United States and taken back to the Mexican border. That situation results in a daily interaction between Mexican and U.S. authorities, especially between the Consular representatives, Mexican Migratory authorities, Border Patrol and INS. A good relation at the operational level, despite of the structural differences, results in a better treatment of undocumented Mexican Nationals, their orderly and safe repatriation to Mexico and protection of their human rights. It is a scenario of operational agreements despite political disagreement.

This is one of the most difficult models of cooperation. The main purpose, on the Mexican side, is to lessen the negative consequences for its nationals. The Mexican and the United States governments severely disagree on immigration policies. If U.S. authorities would cooperate in lessening the negative consequences of its immigration policies, the U.S. would reduce obstacles in cooperation and interaction for other policies—policy areas where there is a common interest, a shared benefit and an expectation for higher cooperation.

VII. THE FUTURE OF U.S.-MEXICAN COOPERATION AT THE BORDER REGION

Cooperation at the U.S.-Mexican border is necessary, desirable and possible. Population growth in the border communities on both sides increases the economic interaction through a major interdependence dynamic between the two countries. Thus, border cooperation is one of the crucial pillars of the bilateral relationship.

We can derive several conclusions from our experience at the busiest border region at the end of the century:

- a) Interaction in the border regions will grow and with it the necessity of deeper and more consistent cooperation grows.
- b) Unilateral measures for the border region development become less effective because such measures are outdated and an obstacle to reach common gains.
- c) The border agenda is as diverse as the binational agenda. Therefore, the three different models mentioned above are

necessary in a parallel fashion in order to be effective, to avoid waste of effort and resources, and to create a better atmosphere in the binational relationship as a whole.

- d) A policy of tight control of the border, which focuses on law enforcement, produces continuous potentials for conflict between the two countries. Other ways to handle immigration of Mexican Nationals should be found in a joint fashion in order to avoid a foreseeable and major conflict.
- e) More involvement and commitment of local actors and communities on border planning and administration is not only desirable but necessary to achieve better schemes of development and understanding along the frontier.
- f) Strengthening the institutional mechanism for border cooperation is crucial for achieving long-term objectives. Much more time and attention should be devoted to border issues by central authorities of the two countries.

What is the U.S.-Mexican border that we want for the next century? A shared border region binationally operated and jointly planned and developed? A tight control system to isolate one country from the other with all the foreseeable negative consequences? Much more should be done on bilateral bases—or the consequences will be paid by the following generations.