CSIS MEXICO PROJECT

# U.S.-MEXICO BORDER SECURITY AND THE EVOLVING SECURITY RELATIONSHIP

## RECOMMENDATIONS FOR POLICYMAKERS

A Report of the U.S.-Mexico Binational Council


Center for Strategic and International Studies (CSIS)
Instituto Tecnológico Autónomo de México (ITAM)
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# Preface

The U.S.-Mexico Binational Council is a high-level entity composed of distinguished citizens from both nations who share a commitment to fostering the U.S.-Mexico relationship. The publication of policy recommendations on the central issues dominating the binational agenda is the productive objective of the Council; at the strategic level, the Council reinforces the commitment of both nations to developing a collaborative agenda that addresses the challenges as well as the immense opportunities arising from the binational relationship.

The Council, cosponsored by the Center for Strategic and International Studies (CSIS) in Washington, D.C., and the *Instituto Tecnológico Autónomo de México* (ITAM) in Mexico City, convenes private working groups and high-level meetings designed to generate new ideas and specific recommendations on a range of issues that make up the bilateral agenda. The cosponsoring institutions then oversee the drafting of reports based on the working groups' ideas for the Council's consideration and input for inclusion in final reports, which are presented to key officials in both administrations and congresses.

Recognizing that boldness is often sacrificed in the pursuit of consensus, the reports of the U.S.-Mexico Binational Council are not consensus documents. Therefore, the ideas represented herein do not necessarily enjoy the support of all Council members and cannot be attributed to any individual member. Rather, the Council has set forth a broad range of policy options, leaving the task of developing consensus to the respective governments and congresses. Although not every member of the Council agrees with every idea in the report, all concur that these proposals deserve consideration.

The current report deals with U.S.-Mexico border security. The Council recognizes that, at a minimum, a certain degree of linkage exists between border security and U.S. immigration policy. The Council has opted to segregate these issues into two reports. A forthcoming U.S.-Mexico Binational Council report, entitled *Managing Mexican Migration to the United States: Principles and Strategies*, will comprehensively address immigration policy in the context of the U.S.-Mexico bilateral relationship. It should be noted that the omission of immigration-related considerations and recommendations from the current study is the result of a conscious separation of issues rather than a disregard for the linkage between border security and immigration policy.

# Acknowledgments

The cosponsoring institutions of the U.S.-Mexico Binational Council would like to acknowledge the support and input of many individuals in the conceptualization and drafting of this report. First, the Center for Strategic and International Studies (CSIS) and the *Instituto Tecnológico Autónomo de México* (ITAM) are grateful to the members of the U.S.-Mexico Binational Council, whose commitment to furthering healthy and constructive relations between its member countries has elevated the importance of many critical, bilateral issues in policy circles in Washington, D.C., and Mexico City. The importance these individuals place on U.S.-Mexico relations is to be commended.

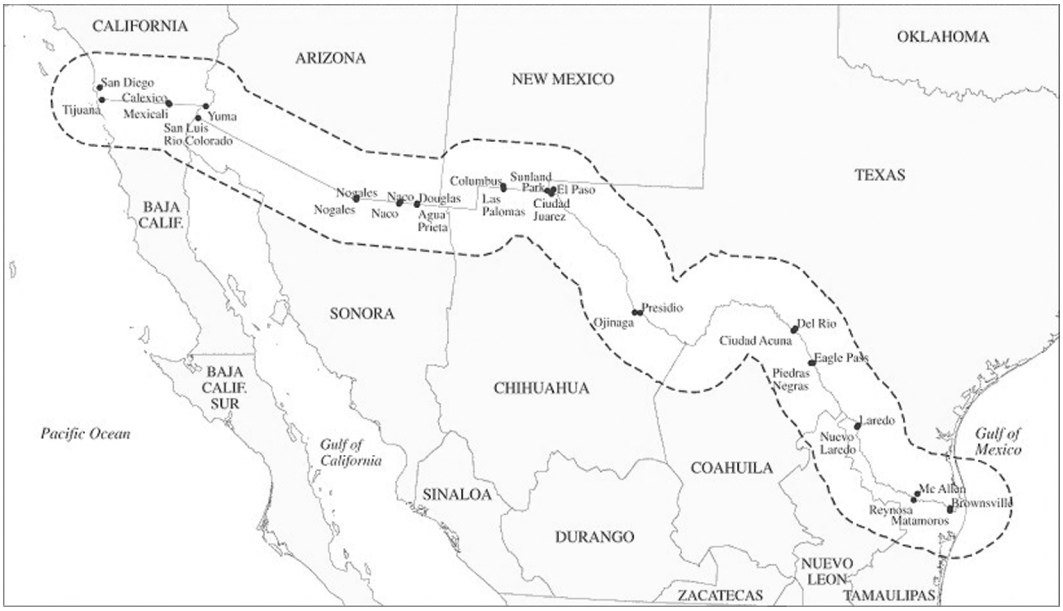
This report is the product of a series of working group sessions and a broad consultative process undertaken by CSIS and ITAM beginning in late 2002. We are extremely grateful to the participants in each of the working group sessions (see the appendixes). The report grew largely out of the discussions that took place in these sessions. We are particularly grateful to Guadalupe González and the *Centro de Investigación y Docencia Económica* (CIDE) for organizing and hosting a working group session in Mexico City.

The year-long consultative process relied on the insight of many current and former government officials on both sides of the border. CSIS and ITAM are grateful to all those who took the time to be interviewed, who reviewed drafts of the report, or who simply made themselves available for fact checking and research guidance throughout the process. Thank you.

This report was coauthored by Armand Peschard-Sverdrup, Sara Rioff, and Brian Latell of the CSIS Americas Program. The research phase benefited greatly from the help of several former CSIS Mexico Project intern-scholars: Hillary Thompson, Sara Pearce, and Kaley Johnson.

Lastly, we would like to acknowledge the CSIS Publications Department, specifically James Dunton, Roberta Howard, and Divina Jocson, without whose support this report would not have been possible.

# Map of the U.S-Mexico Border Region




Source: U.S. Environmental Protection Agency.

CHAPTER 1

# Introduction

Four watershed developments that have affected Mexico and the United States since the early 1990s have caused the historic special security relationship to intensify and expand in a number of important respects.

- The negotiation of the North American Free Trade Agreement (NAFTA) in the early 1990s, its ratification by the U.S. Congress in 1994, and its continuing smooth and mutually productive implementation during the following 10 years have raised bilateral exchanges and collaboration of all types to unprecedented levels.
- The election of Vicente Fox, Mexico's first president in modern times to emerge from the political opposition to the ruling Institutional Revolutionary Party (PRI), and his close personal relationship with President George W. Bush of the United States, has led to a strengthening of the bilateral relationship.
- The terrorist attacks on New York City and Washington, D.C., on September 11, 2001, have made North American counterterrorist cooperation an inarguable imperative for the United States, which has had a major impact on the flow of people and goods across the nearly 2,000-mile U.S.-Mexico border.
- The establishment in January 2003 of the U.S. Department of Homeland Security (DHS), which houses under single management 22 once-disparate agencies of the U.S. government, including all of those with responsibilities for border control and security. Since its creation DHS has implemented a large number of new programs in cooperation with its Mexican counterparts.[1]

Cross-border cooperation intensified during the 1990s for other, less dramatic, reasons as well. During this period there was a transformation from low-intensity, low-maintenance, and politically marginal activity throughout the border region to much higher-priority endeavors that required closer collaboration by the two governments.[2] Between 1993 and 2000, the U.S. Border Patrol doubled in size largely because of growing concerns about illicit drug trafficking. Increased public aware-

1. The two DHS directorates of primary interest to this study are Border and Transportation Security (BTS), which incorporates the former Border Patrol, Customs Service, entities of the INS, the Federal Protective Service, and includes the new Transportation Security Administration created after the September 11 attacks; and the Bureau of Citizenship and Immigration Services (BCIS), which replaces the long-familiar Immigration and Naturalization Service (INS) and is responsible for administering U.S. immigration laws.

2. Hillary Thompson, "Mexican Immigration to the United States Post–September 11" (unpublished student paper, Center for Latin American Studies, Georgetown University, Washington, D.C., December 2003).

ness in the United States of the large flow of undocumented workers and the frequent deaths of migrants trying to enter in dangerous circumstances also caused changes in border security.

The flow of people and goods is already enormous and, barring unforeseeable calamities that could provoke major and continuing disruptions along the border, it will steadily grow as both economies expand and integrate. Given the enormous number of people and volumes of goods that legally—and illegally—cross the border in this age of international terrorism against innocent civilian targets, the multifarious dimensions of cross-border security have been elevated to an unprecedented level of importance in the United States.

There can be no doubt that the future of Mexico-U.S. relations will for the indefinite future be shaped to a large degree by how the two countries work together to manage, selectively inspect, and regulate cross-border traffic. One objective, which will perhaps be of equal importance in both countries, is that no attack on the United States be perpetrated from terrorist bases in Mexico or that no terrorists easily cross the border on their way to attacking U.S. targets. In the United States, it is highly unlikely that there will be any significant partisan political disagreements about these and related imperatives of border security.

In short, this bilateral relationship is among the most strategically important the United States has anywhere in the world. The long, porous border and the practical impossibility of ever establishing mechanisms that could reliably monitor all of the human and material traffic across the border create a harrowing dilemma for U.S. officials in Congress and the executive branch. Perhaps the only certainty in this context is that greater and greater border and security cooperation will be called for.

CHAPTER 2

# Border Traffic and Asymmetries

Mexico's economy is the thirteenth-largest in the world. It is the world's eighth-largest exporter of goods and services, the fourth-largest exporter of oil, the United States' second-largest trading partner, and third with respect to purchasing and supplying manufactured goods and agricultural products.

Especially in recent years, the bilateral relationship has witnessed extraordinary integration, which has transcended economics, as the number of Mexicans living permanently and working in the United States has grown to enormous numbers. About a million people and 300,000 cars and trucks cross the border every day. In fact, the flow is so enormous that at just one of the crossings—Laredo–Nuevo Laredo—the equivalent of more than half the population of the United States transits in a year. About 15 million freight containers are also carried across this one crossing annually, and this nexus is not even one of the two or three largest along the border.

The total volume of legitimate cross-border trade in 1994 was about $80 billion. Today it has more than tripled to about $270 billion annually—or approximately $638 million in trade a day[3]—and the numbers are destined to continue growing by large increments. Expressed another way, the value of U.S.-Mexico trade carried across the border just on trucks grew from about $3.5 billion in 1993 to approximately $14 billion 10 years later.

The documented flow of people across the border is larger by far than between any other two countries in the world. In 2002, approximately 277 million people entered the United States by land from Mexico. Daily crossings in both directions are estimated to be close to a million people conveyed by about 250,000 passenger vehicles and 12,000 trucks.

The San Diego–Tijuana crossing experiences a larger international flow of people than any other border crossing in the world. The El Paso–Ciudad Juarez crossing is not far behind in the volume of people crossing. Twelve million people live in the border regions, the largest percentage by far in the large twin border cities, and the population in that area is expected to double in the next 10 years or so. In the San Diego–Tijuana megalopolis, about 50,000 people live on one side of the border and work on the other. Their regular, documented crossings impose an enormous burden on U.S. and Mexican border authorities.

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3. Stewart Verdery, assistant secretary for border and transportation security policy and planning, U.S. Department of Homeland Security, testimony before the U.S. Senate Committee on Foreign Relations, March 23, 2004, at http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=March&x=20040323150501GLnesnoM8.335513e-02&t=livefeeds/wf-latest.html.

The undocumented flow, of course, is impossible to calculate. But, according to U.S. government estimates, an average of about 350,000 undocumented immigrants (the overwhelming percentage Mexicans) entered the United States annually during the decade of the 1990s. By 2000, Mexicans reportedly accounted for almost 70 percent of the undocumented immigrant population in the United States. At that time the Immigration and Naturalization Service (INS) estimated that there were 4.8 million unauthorized Mexican immigrants living in the United States, and this number is believed to have more than doubled from somewhat more than 2 million a decade before.[4] But largely anecdotal evidence also indicates that a growing flow of third-country nationals is illegally entering Mexico and then paying large fees to "coyote" organizations to illegally ferry them into the United States.

Some consider the large cross-border migration of undocumented workers and the flow of illegal drugs into the United States from Mexico as potential security threats. Criminal organizations, some of which are becoming progressively more powerful and wealthy, have developed considerable expertise in evading U.S. border controls, whether coming by land, sea, or air. In recent years, the influence of coyote organizations in Mexico has grown considerably, to the extent that today it is almost impossible for an individual to cross the border illegally without their assistance. Similarly, drug traffickers have sophisticated and diversified smuggling capabilities for entering the United States undetected. As a result, there exists the possibility that Mexican criminal trafficking entities of both types could smuggle terrorists and terrorist weapons—including weapons of mass destruction—into the United States just as readily as they move drugs and illegal workers. This possibility, however, should be kept in perspective. The logistics required to transport a weapon of mass destruction, for example, across the border into the United States probably surpass the capabilities of most Mexican criminal trafficking organizations.

So far, that potential seems to have been unrealized. One important factor that will continue to reduce the risk is that Mexico enforces much more restrictive immigration laws than either the United States or Canada. Yet, if terrorists were to successfully attack U.S. targets after being smuggled in from Mexico by coyote or drug-trafficking organizations, a powerful political backlash could be galvanized in the United States that would demand much tougher border interdiction policies. Such a reaction would adversely affect the flow of people and goods across the border, possibly creating huge bottlenecks, especially at the 12 major crossing points. Long delays would have serious economic consequences for private-sector firms and for the economies of both countries.

For these, and many other reasons, the U.S.-Mexico border is unlike any other in the world. It is not only that the flow of people and goods exceeds those crossing other international boundaries, but unlike the border between, say, France and Germany, Mexico and the United States remain at vastly different levels of economic development. The disparities in wealth and income, levels of industrial and commercial development, rates of unemployment and underemployment, and many other social and economic indicators are so large that the push and pull fac-

4. Thompson, "Mexican Immigration to the United States Post–September 11."

tors influencing northward legal and illegal border crossings are unique. From a security perspective, therefore, the huge flow of people and goods, combined with the economic and structural asymmetries between the two countries, create security issues arguably unlike those anywhere else in the world.

But the asymmetrical relationship, and Mexico's understandably strong sense of nationalism, cause many Mexicans to be reluctant, even strongly opposed, to tying their country even more closely to the United States on security issues. Many Mexicans believe that the problems of terrorism and cross-border security that affect the United States are uniquely U.S. problems and not ones that Mexicans should be as concerned about. Some even fear that, as Mexico cooperates more closely on border and security issues, terrorists might mount large-scale lethal attacks against Mexican civilians, as they did in March 2004 in Spain.

From this perspective, therefore, the increasing budgetary resources that the Fox government has devoted to border and security cooperation could be better spent addressing Mexico's pressing social needs. Debate about these issues is likely to intensify, moreover, as the United States pressures Mexican officials to increase spending on security personnel, infrastructure, technology, and cooperative mechanisms.

Opponents of close cooperation and fervid Mexican nationalists who want to loosen ties with the United States are likely to remain in a minority and will be unable to drive political changes that would fundamentally alter the bilateral relationship. The special security relationship of the Cold War and the years that immediately followed will in all likelihood continue to enjoy legitimacy in official and elite circles in Mexico.

In fact, developments in cooperation since the September 11 terrorist attacks demonstrate that the special relationship has already advanced to a new plateau. Mexico has agreed to receive terrorist interdiction training for its officials at all border crossings. The Mexican National Migration Institute (INM) has been diligently working toward networking all ports of entry to ensure continuity of information across localities. The INM has also been developing an integrated operational system that uses biometric identification on migration documents of frequent foreign and national travelers. In addition, bilateral cooperation in immigration and customs has resulted in steps toward database compatibility between the two nations.

CHAPTER 3

# The Border Partnership Agreement

## Developments and Prospects

The U.S.-Mexico Border Partnership Agreement, perhaps better known as the Smart Border Plan, is the most contemporary framework established by the U.S. and Mexican governments on the issue of border security. As such, it is a logical starting point for the discussion of progress and outstanding challenges in the bilateral security arena.

When Presidents Fox and Bush met in Monterrey, Mexico, on March 22, 2002, they endorsed a border partnership accord that was signed by Mexican secretary of government Santiago Creel and U.S. secretary of state Colin Powell. The agreement marked the culmination of negotiations that were conducted during U.S. homeland security director Tom Ridge's trip to Mexico earlier that month. The presidents announced a detailed 22-point agreement to collaborate in establishing a "smart border" for the twenty-first century—one that better secures and protects the border in this new age of global terrorism while also endeavoring to facilitate the flow of people and commerce in both directions. The 22-point agreement focuses on three general areas:

- Ensuring the secure and efficient flow of people;
- Facilitating the secure and efficient flow of goods; and
- Improving border infrastructure.

The two administrations pledged to make progress in these three areas through increased investment in border infrastructure, greater use of high technology, improved management of shipped goods through advances in container security and in-transit monitoring, creative public/private-sector collaboration in both countries, and increased information sharing by the two governments.

Clearly, the September 11, 2001, terrorist attacks on New York and Washington increased the urgency of designing new and better security controls. Mexican officials have cooperated closely in the smart border initiatives and have substantially increased federal spending on them, even though none of the 19 Islamic terrorists who participated in the September 11 suicide attacks are believed to have entered the United States from Mexico. None of the September 11 terrorists entered from our other land border, that with Canada, and a smart border agreement has been concluded with Canada as well.

In all three countries leaders recognized the need for border-infrastructure and border-management systems to facilitate the continued integration of the North American economic region. The systems are intended to protect the citizens of the three countries from terrorism, illegal drugs, and other dangers; facilitate and expedite legitimate cross-border travel and commerce; and allow governments to determine and document who crosses the borders. The specific measures that comprise the joint action plan with Mexico embrace technology and enhance bilateral cooperation to ensure a humane, efficient, and modernized management of the border that joins the American and Mexican peoples and economies.

Differentiating between the legitimate flows of people and goods that cross the border on a regular basis from those irregular flows that may present a higher risk is one key issue for implementers of the smart border agreements. One purpose is to alleviate bottlenecks that have often mired the border in long backups of trucks and other vehicles at major crossing points. These bottlenecks grew enormously after September 11. Another objective is to secure the border against terrorists, drug traffickers, and other smugglers.

Knowledgeable Mexican and U.S. observers have been impressed with the accomplishments of the new border partnership. They cite, for example, heightened and regular coordination between the Mexican Secretariat of Government (*Gobernación*) and the U.S. DHS in monitoring the progress of the 22-point plan. Binational working groups are operating and have helped assure that all Mexican agencies involved in border security matters remain in close contact with their U.S. counterparts. Separate working groups have been active in all three major areas of the Smart Border Plan.

## Ensuring the Secure and Efficient Flow of People

The secure flow of people "chapter" of the smart border agreement outlines the following priorities.

- Pre-cleared Travelers. Expand the use of the Secure Electronic Network for Traveler's Rapid Inspection (SENTRI) dedicated commuter lanes at high-volume ports of entry along the U.S.-Mexico border.
- Advanced Passenger Information. Establish a joint advance passenger information exchange mechanism for flights between Mexico and the United States and other relevant flights.
- NAFTA Travel. Explore methods to facilitate the movement of NAFTA travelers, including dedicated lanes at high-volume airports.
- Safe Borders and Deterrence of Alien Smuggling. Reaffirm mutual commitment to the Border Safety Initiative and action plan for cooperation on border safety, established in June 2001. Enhance authorities and specialized institutions to assist, save, and advise migrants, as well as those focused on curbing the smuggling of people.

- Expand Alien Smuggling and Trafficking Task Force. Establish a law-enforcement liaison framework to enhance cooperation between U.S. and Mexican federal agencies along the U.S.-Mexico border.
- Visa Policy Consultations. Continue frequent consultations on visa policies and visa screening procedures. Share information from respective consular databases.
- Joint Training. Conduct joint training in the areas of investigation and document analysis to enhance abilities to detect fraudulent documents and break up alien smuggling rings.
- Compatible Databases. Develop systems for exchanging information and sharing intelligence.
- Screening of Third-country Nationals. Enhance cooperative efforts to detect, screen, and take appropriate measures to deal with potentially dangerous third-country nationals, taking into consideration the threats they may represent to security.

Since signing the border partnership, the two countries have made significant progress in strengthening border security measures. Through cooperative efforts and based on sound risk management principles, Mexico and the United States are working to ensure safe, orderly, and secure travel for legitimate border crossers. These bilateral actions have been further enhanced by the merging of the U.S. agencies responsible for the border into the Department of Homeland Security. The new department facilitates interaction with Mexican government entities because, in theory, they now have just one point of contact.[5] (The reality, though, suggests ongoing difficulties in coordinating with DHS.)

## Secure Electronic Network for Travelers Rapid Inspection

Enhancement of the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) system—which leverages state-of-the-art technology to track and secure people flows—is one of the most important initiatives of the smart border agreement. It is intended to promote low-risk travel, both pedestrian and vehicular, through congested ports of entry. Initially, in 1994, SENTRI was approved by the U.S. Congress only for the Otay Mesa, California, port of entry. By October 2002 it had been expanded to include the San Ysidro–Tijuana and El Paso–Cuidad Juárez ports of entry. The SENTRI system identifies travelers who are believed to pose little risk to border security and allows them to cross in dedicated commuter lanes. Program participants, who are issued machine-readable cards and transponders for their vehicles, for the most part are frequent crossers who reside in the border region. As of January 2004, almost 70,000 such crossers were enrolled in the program.[6]

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5. U.S. Department of Homeland Security, "U.S.-Mexico Border Partnership Joint Statement on Progress Achieved," April 23, 2003.

6. Verdery, testimony before the U.S. Senate Committee on Foreign Relations, March 23, 2004.

SENTRI participants must submit to extensive background checks, fingerprinting, photographing, and registration. Participants and their vehicles are also screened each time they enter the United States. They typically wait no longer than a few minutes to be processed by U.S. officials, even at the busiest times of day. Critical information required in the inspection process is provided to inspectors in advance of the traveler's arrival at the check point, thus reducing inspection time.

The success of the SENTRI test program at the Otay Mesa border crossing led to the decision to expand the service to other, larger ports of entry. But demand for SENTRI cards has outpaced capacity to provide them to all interested crossers. Wait times of up to six months to register in the program and a cost of $129 annually have deterred some potential users. There is currently a 10,000-person waitlist for enrollment into SENTRI in the Tijuana–San Ysidro port of entry alone. Moreover, data collection about the program has been inadequate. For example, DHS apparently cannot estimate what percentage of frequent border crossers are enrolled in the program.

In addition, the system so far has demonstrated little flexibility because each car and passenger must be registered in order to pass through the designated fast lanes. And, registered users must use the same registered vehicle each time they cross the border in order to be facilitated. U.S. officials are also concerned that, as the program grows to include more and more registrants, the dedicated lanes at border crossings will get backed up by a high volume of cars. Finally, some of the border crossing points do not have sufficient infrastructure to permit the use of dedicated SENTRI fast lanes.

The eighth point of the March 2002 border partnership agreement promises a continued expansion of the SENTRI program. It is probably the best platform for developing the "fully automated and integrated entry-exit data collection system" that DHS is required to deploy according to legislation passed in 2000 (the Data Management Improvement Act).

DHS has worked diligently to equip the system for continued expansion. Since the signing of the border partnership, it has cut enrollment processing time in half (from 180 to 90 days), extended the enrollment period from one to two years, and recently announced plans to integrate SENTRI with the technologically superior NEXUS system in place along the U.S.-Canadian border. Plans to open eight new SENTRI lanes in six ports of entry that account for 90 percent of cross-border trade were announced at the March 2004 meeting between Secretaries Ridge and Creel.

## U.S. Visitor and Immigration Status Indicator Technology

The U.S. Visitor and Immigration Status Indicator Technology (US-VISIT) program was unveiled on December 31, 2003, by DHS. The objective of the program is to establish an automated entry/exit system that will enable U.S. Citizenship and Immigration Services (USCIS) to verify visitor identity and compliance with visa and immigration policies immediately upon arrival at a port of entry.

The Homeland Security Act of 2002 requires that the system be implemented at air and seaports by December 31, 2003 (the system is currently in place at 130 U.S. airports and seaports); the 50 most highly trafficked land ports of entry by Decem-

ber 31, 2004; and all ports of entry by December 31, 2005. This is a monumental challenge.

The program will collect, maintain, and share information, including biometric identifiers, on foreign nationals attempting to enter the United States. The information that will be provided to officials at ports of entry will enable authorities to determine, in a matter of seconds, an individual's immigration status and risk level. The technology will help expedite the processing of U.S. citizens (more than a third of the 440 million people who entered the United States in fiscal year 2002) and legitimate visitors, while also deterring falsification and forgery of entry and immigration documents. The biometric data collection and US-VISIT enrollment process is handled at the United States' overseas consular offices, further reducing the burden to on-the-ground agents and infrastructure.

In March 2004, President Bush unveiled a plan to equip Mexican border crossing cards (BCCs) with biometric identifiers and eventually integrate those cards into the US-VISIT system. A BCC (also known as a "laser visa") is issued to frequent crossers and allows the cardholder to enter the "border zone"—that is, the 25 miles of U.S. territory north of the border—for a period of 72 hours or less without a visa. A BBC presented in conjunction with a U.S. State Department–issued B1/B2 visa allows entry into the United States from outside of and beyond the border zone. Currently, approximately 6.8 million Mexican nationals utilize a BCC for limited entry into the United States. DHS has committed to integrating biometric data in the border crossing cards and installing US-VISIT–compatible inspection booth capability at ports of entry. To this end, DHS has announced plans to deploy BCC readers at the 50 busiest land ports of entry by June 2004. A joint working group charged with coordinating this process has met twice to date.

## Advance Passenger Information System

The Advance Passenger Information System (APIS) is an automated capability for performing database queries on passengers and crew members prior to their arrival in or departure from the United States. The U.S. Customs Service, in cooperation with the Immigration and Naturalization Service and the airline industry, initiated development of APIS as a voluntary program in 1988. U.S. law now requires that all commercial and sea carriers operating inbound and outbound electronically transmit APIS data on all passengers and crew to the new DHS Bureau of Customs and Border Protection. The data is then checked against combined federal law enforcement databases—the Interagency Border Inspection System (IBIS). In February 2002, fines of up to $10,000 were issued to operators that fail to electronically submit the required data.

For its part, Mexico has had difficulty in implementing parallel regulations. This in part has been due to the inability of Mexican airlines and sea carriers to acquire the necessary computers and software to maintain and transmit electronic crew and passenger data (this is partly a result of legal barriers, which were amended in 2002). Not all immigration inspection booths in Mexico's international airports, for example, have the computer systems to fully and effectively process the information provided by APIS and consequently take the necessary measures in those instances where a passenger is "red flagged." This capability is particularly

important to develop in some of the airports at resort destinations, such as Cancun's international airport, which services an estimated 20 percent more international flights than even Mexico City's busy international airport. Mexico has received funding and assistance from the United States to acquire these capabilities, and in November 2003, Mexican customs began collecting and, as of February 2004, actually exchanging this data with U.S. counterparts.

### Other Measures to Secure the Flow of People

Several other points of the March 2002 border partnership agreement also apply to the flow of people. These include the INS Border Safety Initiative, first announced in June 1998 and now under the direction of the DHS's Bureau of Customs and Border Protection. It identifies four priority areas in the establishment of a safe border region for migrants, officers, and border residents alike: prevention; search and rescue; identification; and tracking and recording.[7] The Border Safety Initiative has enhanced public safety in the border region. By definition, however, it is geared more toward safety in the immediate border region than toward broader homeland security.

Another initiative covers the need to explore methods to facilitate the movement of NAFTA travelers and maintain regular and frequent binational consultations on visa policies and visa screening procedures. Joint training in the areas of investigation and document analysis to detect fraudulent documents and disrupt alien smuggling groups is also covered in one of the bilateral accords. Presidents Bush and Fox agreed as well to develop systems jointly for exchanging information and sharing intelligence. Finally, they resolved to enhance cooperative efforts to detect, screen, and take appropriate measures to deal with third-country nationals who violate the law or pose a threat.

## Facilitating the Secure and Efficient Flow of Goods

Both governments and most observers acknowledge that progress in managing the secure flow of goods has been easier to achieve than progress toward secure human flows across the border. This is in part due to the fact that Mexican and U.S. customs had already advanced many of these trade-facilitating initiatives prior to September 11 and were therefore closer to implementation. In any case, the following action items in securing trade flows were outlined in the border partnership agreement.

- Public/Private-sector Cooperation. Expand partnerships with private-sector trade groups and importers/exporters to increase security and compliance of commercial shipments, while expediting clearance processes.
- Electronic Exchange of Information. Continue to develop and implement joint mechanisms for the rapid exchange of customs data.

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7. U.S. Citizenship and Immigration Services Fact Sheet, June 26, 2000, at http://uscis.gov/graphics/publicaffairs/factsheets/Fsheet.htm.

- Secure In-transit Shipments. Continue to develop a joint in-transit shipment-tracking mechanism and implement the Container Security Initiative.
- Technology Sharing. Develop a technology-sharing program to allow deployment of high-technology monitoring devices such as electronic seals and license-plate readers.
- Secure Railways. Continue to develop a joint rail-imaging initiative at all rail-crossing locations on the U.S.-Mexico border.
- Combat Fraud. Expand the ongoing Bilateral Customs Fraud Task Force initiative to further joint investigative activities.
- Contraband Interdiction. Continue joint efforts to combat contraband, including illegal drugs, drug proceeds, firearms, and other dangerous materials, and to prevent money laundering.

Several existing programs govern the secure flow of goods across the 2,000-mile, 43-port-of-entry border. U.S. Customs and Border Protection (CBP) and the General Customs Administration of Mexico (GCAM) serve as the lead agencies on the majority of these initiatives. An inventory of some current projects follows.

## Customs-Trade Partnership against Terrorism

C-TPAT is a joint government-business initiative to enact procedures that expedite customs processing at ports of entry by shifting some of the responsibility for secure shipments to the private sector. This voluntary program requires that participating businesses ensure the integrity of their shipments throughout the supply chain and undertake a self-vulnerability assessment under the direction of U.S. customs. The burden is on these shippers to communicate security practices to their business partners within the supply chain. C-TPAT–certified shippers enjoy expedited processing through dedicated lanes at ports of entry. Currently, approximately 60 importers are enrolled in the program, including charter members BP America, DaimlerChrysler, Ford Motor Company, General Motors Corporation, Motorola Inc., Sara Lee Corporation, and Target.[8] Hundreds more applications are pending.

The target goal of U.S. and Mexican customs is to certify 300 major companies by the end of 2004. These companies account for about 50 percent of bilateral trade. The registration and certification processes are a joint undertaking between Mexican and U.S. customs officials and have thus enhanced interaction and cooperation among these agencies. The C-TPAT lends itself to risk management by enabling a limited number of inspectors to focus more attention on shipments from less-known shippers and manufactures, who on that basis represent a greater risk. Continued expansion of the program will only further enhance customs agencies' ability to manage risk.

8. See http://www.itsa.org/ITSNEWS.NSF/0/75a670bbf07a2f3e85256ba000623ac9?OpenDocument.

Notwithstanding the progress made to date, the U.S.-Mexico Binational Council recommends that consideration be given to increasing the number of inspectors overseeing the registration and certification process. Moreover, it recognizes that the future of C-TPAT will depend to a certain degree on the results of ongoing "surprise" inspections, which will give an indication of whether registered companies can be relied on to uphold the security practices the partnership binds them to.

## Business Anti-smuggling Coalition

The Business Anti-Smuggling Coalition (BASC) is an international business-led alliance in existence since 1996. It was created primarily to combat smuggling via commercial trade. Unlike C-TPAT, BASC is a program whereby companies establish self-imposed standards on packing and shipping to reduce or eliminate the use of legitimate business shipments to smuggle drugs or weapons into the United States. Although the program does not ensure the integrity of the entire supply chain, as does C-TPAT, BASC compliance has made it easier for companies to meet C-TPAT requirements (BASC predates C-TPAT). It is important to note, however, that BASC-compliant companies will not be able to take advantage of the FAST lanes designated for C-TPAT-compliant companies (see below).

Mexico currently has three operational BASC chapters: Guadalajara, Monterrey, and Ciudad Juárez.

## Free and Secure Trade

The Free and Secure Trade (FAST) initiative will enable expedited processing of shipments through the use of dedicated "FAST" lanes. In order for companies to be eligible for FAST treatment, manufactures, importers, carriers, drivers, and brokers will have to be certified in the C-TPAT program. FAST technology involves a radio frequency transponder that is assigned to eligible carriers, facilitating early verification of the security of shipments before the carrier reaches the port of entry, thus alleviating wait times and reducing bottlenecks.

The first FAST lane at a port of entry along the U.S.-Mexico border was unveiled in El Paso, Texas, on December 4, 2003. In February 2004, Secretary of Homeland Security Tom Ridge and Secretary of Government Santiago Creel announced the installation of six FAST lanes at five additional land ports of entry over the remainder of the 2004—Laredo, Texas; Otay Mesa, California; Calexico, California; Nogales, Arizona; Pharr, Texas; and Brownsville, Texas.

## Electronic Exchange of Information

In an attempt to combat contraband and fraudulent trade practices, the United States and Mexico agreed under the smart border agreement to implement an electronic system to collect and cross reference data on all northbound land border transactions. The four core data elements that are cross referenced through the bar code assigned to exports or entry documents are tariffs, quantity, origin, and volume. As of March 1, 2004, all U.S. ports of entry have real-time exchange of information on northbound trade flows.

Cross-checking of information on southbound flows lags behind the information exchange on northbound flows. Such southbound informational exchange would allow the United States to ensure that goods scheduled to leave its territory do indeed leave and would also ensure the integrity of information about the origins of outbound shipments. Exploiting the information exchange on southbound flows is particularly important for the maquiladora and other just-in-time manufacturing companies that could benefit greatly from expedited traffic flows both northbound and southbound.

Real-time electronic exchange of information is also key to ensuring the security and integrity of in-transit shipments.

## Container Security Initiative

The Container Security Initiative (CSI), a major Customs and Border Patrol initiative to ensure the integrity of inbound sea cargo, was unveiled in January 2002. Sea cargo accounts for almost 50 percent of the value of all U.S. imports. CSI has led to the deployment of U.S. Customs and Border Protection inspectors in 17 ports around the world (the 20 highest-volume ports process 70 percent of U.S.-bound sea cargo). Cargo is screened and labeled by these U.S. officials according to risk level. This has greatly reduced the burden on customs officials at ports of entry by conducting pre-screening and risk analysis of cargo containers and transmitting that information to ports in advance of arrival.

A mere 5 percent of Mexican exports to the United States are conveyed via sea, however. CSI therefore has a minimal impact on U.S.-Mexico trade. Nonetheless, since October 2002, Mexico has been exchanging maritime cargo manifests electronically.

## Other Programs to Ensure the Secure Flow of Goods

Aside from the U.S.-led initiatives such as C-TPAT, Mexican customs (SAT) has also enacted its own Compliant Importer/Exporter Program (*Empresas Certificadas*), though that program is primarily intended to verify that companies are tax and trade compliant. To date, over 260 Mexican companies are participating in the program.

Mexico will also be unveiling its own "Southbound Express Lanes" (*Exprés*) as a benefit to those Mexican companies that are participating in the Compliant Importer/Exporter Program. The first dedicated lane is scheduled to be inaugurated on April 15, 2004, and an additional seven dedicated lanes are scheduled to open by the end of 2004.

Another initiative outlined in the partnership deals with securing railway crossings along the border. Mexico has installed gamma ray machines for all working rail crossings (although there are a total of 19 rail crossings on the border, only 7 are actually used). Among the principal goals set out by both customs administrations is to verify the integrity of the contents of rail cars without forcing them to stop. The gamma ray machines transmit radiological images to customs officials in both the United States and Mexico, enabling officials to cross-reference images with manifests to verify that shipments have not been compromised. U.S. DHS officials

view the gamma ray capability primarily as a way to detect weapons of mass destruction, whereas Mexico views it as a useful tool to detect contraband.

Gamma ray machines have also been installed at more than half of the 19 truck crossings that exist between the United States and Mexico. Mexico anticipates that by December 2004 it should have gamma ray capabilities installed at 10 to 14 truck crossings. There is also discussion about installing gamma ray machines along Mexico's southern border.

## Improving Border Infrastructure

The 2002 border partnership plan outlines the following action items in terms of developing and maintaining "infrastructure that keeps pace with travel and commerce."

- Long-term Planning. Develop and implement a long-term strategic plan that ensures a coordinated physical and technological infrastructure that keeps pace with growing cross-border traffic.
- Relief of Bottlenecks. Develop a prioritized list of infrastructure projects and take immediate action to relieve bottlenecks.
- Infrastructure Protection. Conduct vulnerability assessments of trans-border infrastructure and communications and transportation networks to identify and take required protective measures. (This point will be dealt with later, in the section on critical infrastructure protection.)
- Harmonize Port-of-entry Operations. Synchronize hours of operation, infrastructure improvements, and traffic-flow management at adjoining ports of entry on both sides of the U.S.-Mexico border.
- Demonstration Projects. Establish prototype smart port-of-entry operations.
- Cross-border Cooperation. Revitalize existing bilateral coordination mechanisms at the local, state, and federal levels with a specific focus on operations at border-crossing points.
- Financing Projects at the Border. Explore joint financing mechanisms to meet the main development and infrastructure needs.

The infrastructure chapter of the smart border accords is focused primarily on maximizing the utility and efficiency of existing border infrastructure. One important achievement in this area is the execution of joint U.S.-Mexico infrastructure assessments at each port of entry along the border. These assessments have assisted the U.S. and Mexican customs agencies in creating profiles of each port. The profiles contain information on common users and practices at each port, such as busy hours, processing times at various times of day, main products shipped, main manufacturers using the port, heavy people flows versus heavy truck flows, etc. This information has facilitated traffic management within the existing border infra-

structure and among the various ports of entry with the effect of improving overall planning.

For example, suppose that the customs profile shows that the port of Laredo experiences such a heavy volume of shipments of, say, toys between the hours of 1:00 p.m. and 3:00 p.m. that a major backup consistently results. With this information, the port director can approach manufacturers or shippers and offer expedited processing if the industry can reorient a majority of toy shipments to the morning hours. Such traffic management maximizes the efficiency of ports without requiring additional investments in infrastructure.

The joint profiles have proven to be major enablers of expedited processing at ports of entry. They are also invaluable in the development of a long-term infrastructure plan in the border region. This long-term plan is widely recognized as an instrumental component of a forward-looking and sustainable border security policy.

## Policy Recommendations: The Smart Border Accords

- Build on existing pre-clearance systems. Expansion of the SENTRI program in the area of flows of people and the FAST initiative in the area of flows of goods would enhance the ability of immigration and customs agents on both sides of the border to practice risk management. Greater numbers of registrants to these programs will increase the time and attention that can be devoted to lesser-known and therefore higher-risk traffic. The enormity of cross-border flows and the obvious inability to inspect every person and conveyance dictates that risk management be pursued to the greatest extent possible.
- Engage local authorities in the self-risk assessment processes required for participation in the C-TPAT program. On-the-ground agents, from both border and law enforcement agencies, have arguably the best understanding of the risks to supply chains and shipments conveyed across the border. Involving these professionals in the risk assessments both increases the accuracy and effectiveness of the assessments and fosters greater interaction among the customs and trade communities. The Council recommends that the administrators of the C-TPAT program explore pilot projects in which local law enforcement and border officials assist in the necessary vulnerability assessments.
- Continue to update, expand, and exploit port-of-entry profiles, including infrastructure assessments, to alleviate bottlenecks and inform long-term infrastructure planning. The Council commends the progress made to date.The shared efforts of the U.S. and Mexican customs communities are an example of effective, low-level, and politically palatable cooperation. The information contained in the profiles should be key to infrastructure planning efforts and should determine the allocation of funds for infrastructure projects along the border.

- Streamline existing border infrastructure planning efforts. There are currently numerous, yet for the most part uncoordinated, efforts to develop a sustainable long-term infrastructure plan for the border region. The Council recommends that consideration be given to compiling all the existing border infrastructure feasibility studies into a definitive master plan for border infrastructure. Such a roadmap could then be used to garner the political will to implement border infrastructure projects.
- Appropriate additional funds for the installation of fully automated inspection booths at all Mexican airports. Assisting Mexico in developing a systemic capability to participate in APIS would enhance security and provide technological advancements to Mexico's INM.
- Examine ways to clarify channels of communication with DHS both from within the U.S. government and from Mexico. While one intended consequence of the formation of DHS was to create a single entity with which to coordinate on homeland security matters, there still exists a degree of confusion and lack of institutionalization of coordination with DHS. DHS and the U.S. State Department, for example, have on occasion communicated somewhat haphazardly on particular issues. In the case of Mexican coordination with DHS, the Council urges relevant agencies to more clearly identify the DHS counterparts to various Mexican agencies and officials. The Council acknowledges that this preliminary confusion is consistent with the creation of a new agency of this size and criticality.

CHAPTER 4

# The Terrorist Threat

## Managing Cross-border Responses to Catastrophic Events

Before the September 11 and anthrax attacks in the United States in the fall of 2001, the potential for major terrorist attacks in North America was not considered to be high. But those lethal surprise attacks on innocent civilians, and many developments since then, have continually elevated the level of threat that the American people now confront. The retaliatory war waged successfully against the Taliban regime in Afghanistan, the continuing military occupation of that country by coalition and other forces, the U.S. invasion and subsequent occupation of Iraq, and other developments in the war against terror have greatly elevated awareness of the need to prepare for a possible future attack.

### Managing Binational Bioterrorist Threats

The threat of biological terrorism continues to be one of the gravest concerns of U.S. authorities at the national, state, and local levels. These concerns have led to the perception that there is a potential risk that Al Qaeda or other Islamist terrorist groups could attempt to exploit the long and porous U.S.-Mexican border to infiltrate terrorists and biological weapons of mass destruction into the United States. The relative ease with which illegal immigrants and illicit drugs are transported into the United States from and through Mexico, and the wealth, skills, and experience of trafficking organizations, indicates that the threat of biological terrorism through Mexico deserves sustained and serious attention. Moreover, the threat can only be addressed seriously through extensive and increased collaboration by intelligence and law enforcement agencies on both sides of the border.

Increasingly, too, Mexican authorities have recognized that coordinating a response to a cross-border bioterrorist attack must involve national, state, and local authorities in public health and other fields in both countries. For example, the high migratory flows and generally long incubation periods of some biological pathogens would make it nearly impossible to isolate communicable diseases within either country if a dangerous outbreak of disease occurred. Because of the enormous flow of people back and forth along the border, public health calamities on either side inevitably would soon affect large populations on both sides. Responsibility for anticipating and preparing for such disasters must be shared.

Cooperation among medical, public health, emergency preparedness, and first response organizations in both countries must be developed.

Moreover, the level of awareness and fear of biological terrorism has reached unprecedented levels in Mexico as well as in the United States. Despite the fact that there were no real anthrax attacks in Mexico in the aftermath of those in the United States in the fall of 2001, Mexican public health officials were required to respond to a number of hoaxes. At the peak of the anthrax crisis in the United States, the Mexican Ministry of Health received over 200 phone calls daily from worried citizens. And, in August 2002, a bioterrorist scare in the border town of McAllen, Texas, required 70 people to be evacuated and forced officials to close the main thoroughfare between Mexico and the United States.

Mexico has entered into several bilateral and multilateral initiatives to enhance its preparedness and response capabilities. At the multilateral level, Mexico is a member of the G-8's Global Health Security Action Group (GHSAG), which was created in 2001. In that capacity, Mexico has engaged in information sharing with member countries—Canada, France, Germany, Italy, Japan, United Kingdom, United States, and Russia—and has participated in multilateral exercises to test international bioterrorism response mechanisms, such as the Canadian-led Exercise Global Mercury, which simulated a smallpox outbreak.

Bilaterally, Mexico's efforts have focused on developing enhanced disease surveillance capability along the U.S.-Mexico border. The U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC), the Mexican Ministry of Health, and border health officials collaborated on the Border Infectious Disease Surveillance (BIDS) project. The BIDS project was initiated in 1997 in response to binational consensus among public health officials on the need for a system for surveillance of infectious diseases along the border. The initiative has led to the development of a network of selected clinical sites that conduct surveillance for infectious diseases along the border region. Mexico's participation in the BIDS project has led to greater interaction among public health officials on both sides of the border.

More recently, Mexico demonstrated its commitment to improving cross-border preparedness and response capability by offering to host the U.S. Office of Naval Research conference on infectious disease and bioterrorism.

Although government agencies on both sides of the border have undertaken steps to prepare for biological attacks, the discussion of how government at various levels should prepare and be able to respond remains arguably more theoretical than practical.

## U.S.-Mexico Critical Infrastructure Protection

The threat of catastrophic terrorism has prompted U.S. homeland security officials to undertake a series of measures to secure the nation's critical infrastructure: food, water, agriculture, and health and emergency services; energy sources (electrical, nuclear, gas and oil, dams); transportation infrastructure (air, roads, rails, ports, waterways); information and telecommunications networks; banking and finance

systems; postal and other assets; and other systems vital to our national security, public health and safety, economy, and way of life. The resultant protective measures, however, cannot be undertaken in isolation if they are to effectively protect the U.S. homeland. The intense integration and geographical proximity of Mexico and the United States makes bilateral cooperation on critical infrastructure protection an imperative. As such, the secure infrastructure chapter of the smart border accords committed the two governments to cooperation on surveying and protecting critical infrastructure in the border region.

Critical infrastructure in Mexico—both in the northern border region and elsewhere in the country—could be targeted by terrorists attempting indirectly to do harm to the United States. Mexican infrastructure critical to U.S. interests includes a diversity of strategic sites, ranging from oil and natural gas production facilities and pipelines, water supplies, power generating stations and grids, and other facilities that, if destroyed or incapacitated for any length of time, would have significant adverse effects on both the United States and Mexico.

Perhaps the single most essential Mexican installation for the U.S. economy is the Cantarel oil field in the Gulf of Mexico. Over 50 percent of Mexico's oil production comes from this one field, and all of it passes through the small port of Dos Bocas. Both could be targeted by terrorists intending to disrupt the U.S. and international economies. Furthermore, in 2000, Mexico exported approximately 1.4 million barrels per day of petroleum to the United States, representing 76 percent of Mexican crude exports and almost 15 percent of U.S. imports. PEMEX, Mexico's national oil conglomerate, maintains eight natural gas connection points with the United States. They have the capacity to transport about 1 billion cubic feet of gas daily. In addition, there are 13 electrical interconnections between Mexico and the United States. All of these could be vulnerable to terrorist attacks.

The dependence of large populations in both countries on the same water supplies and infrastructure could be tempting to terrorists who could opt to cause panic on both sides of the border by attacking in Mexico. Population projections used by the Rio Grande Water Planning Group estimate that the population of the eight Texas border counties between Laredo and the mouth of the river will more than double by 2050.

Before September 11, the potential for an attack against critical infrastructure targets, such as energy pipelines, water supplies, nuclear reactors or nuclear storage facilities, was not thought to be high. The U.S. Nuclear Regulatory Commission (NRC) suggested that large-scale terrorist acts on those installations did not fall within the realm of "reasonably foreseeable events." But, then, hijacked planes being flown into skyscrapers was not a reasonably foreseeable event either.

In response to the threat of another major attack on the U.S. homeland, DHS is in the process of creating a database of all existing critical infrastructure in the United States that could become terrorist targets. Once completed, probably by late 2004, the list will be prioritized so that the department will be able to develop tools, processes, and methodologies for identifying potential terrorist threats against fixed installations of strategic importance. Such a database of critical Mexican infrastructure could be an essential tool in the Fox administration's planning as well.

There are a handful of challenges that may frustrate efforts toward a joint inventory of U.S.-Mexico critical infrastructure. First, 90 percent of infrastructure in the United States is privately owned, whereas the majority of Mexican infrastructure is owned by the government. This discrepancy may complicate efforts to coordinate responses to an attack on critical infrastructure. Second, a joint inventory would require Mexico and the United States to expose vulnerabilities in a binational framework. Both countries might recoil from an open discussion of their respective vulnerabilities. Despite these impediments, it is clear that Mexico-U.S. cooperation on critical infrastructure, at the very least that which is located in the immediate border region, is an inevitability. National efforts undertaken in isolation will simply not produce the necessary level of preparedness nor the response capability to deal with an attack on critical infrastructure in a region as deeply integrated as the U.S.-Mexico border.

In recognition of this reality, DHS's Information Analysis and Critical Infrastructure Protection (IAIP) Directorate and Mexico's Center for Research on National Security (CISEN) organized the creation in January 2003 of six interagency working groups devoted to critical infrastructure protection. The working groups, which are presided over by a bilateral steering committee, are organized by sector: energy, transportation, health, agriculture, water, and telecommunications. It should be noted that the purview of these working groups is for the most part limited to critical infrastructure located along the border and that which has the potential of impacting border communities.

Due to the distinct nature and characteristics of critical infrastructure within the six separate sectors, the individual working groups have been advancing at different rates. Thus far, the working groups have been focusing on defining the criteria by which each country can compile an inventory of critical infrastructure, which in turn would enable them to configure a joint inventory. Compilation of such an inventory would position the governments to seek the necessary appropriations for implementation of a shared critical infrastructure protection strategy.

Despite progress at the working-group level, however, there is as yet no comprehensive, detailed roadmap for managing cross-border catastrophic events. Some specific gaps need to be addressed in a complex collaboration among local, state, and national officials and institutions on both sides of the border. Policy recommendations follow.

## Policy Recommendations: Managing Binational Responses to Terrorist Attacks

- Develop a bilateral "roadmap" to deal with cross-border terrorist possibilities. There has been some cooperation with respect to responses to natural disasters but no established lines of command to deal with a major terrorist strike. The Council recommends that the U.S. and Mexican governments undertake a comprehensive joint study to identify advance protocols for responding to catastrophic events in the border region.
- Establish a contingency plan for resource distribution in the event of an attack. There is currently no protocol (nor is there a precedent) for sharing vaccines and other emergency resources across national boundaries. In the event of a chemical or biological attack on the border region, distribution of these resources, vaccines in particular, would be critical to containing an outbreak. Vaccine allocation is an extremely contentious issue and should be addressed in advance to avoid preventable loss of life.
- Continue joint efforts to develop a transborder disease surveillance system. Previous efforts under the BIDS initiative proved very useful in addressing the need for an effective, coordinated response to a catastrophic event in the border region. Since early detection of a biological or chemical agent is widely recognized as the best hope for containing an outbreak, particularly in the context of a large, mobile, transnational population, surveillance capabilities should continue to be a focus of bilateral efforts.
- Establish a clear protocol for coordination among and between state and local governments on both sides of the border. Effective channels of communication between U.S. and Mexican authorities at the state and local levels are inhibited by the complexity of legal and jurisdictional purviews in the border region. Clarifying lines of authority, identifying counterparts, streamlining communications among municipal authorities in the twin border cities, and most importantly, establishing communication and jurisdictional protocols for emergency situations will significantly enhance preparedness and response capability.
- Staff a joint Mexican-U.S. incident command and operations facility. Such an installation could be brought on line, at least through teleconferencing, immediately after the onset of a crisis affecting both countries. The facility would have direct communication channels with relevant public health, emergency response, law enforcement, military, and transportation authorities and would be an invaluable tool in coordinating the response to an attack. Such a command center could also manage communication regarding the opening and closing of facilities to ensure continuity of services in the event of closures following attacks. The command center would act as the on-the-ground, enforcement-level counterpart to the recently announced "hotline" between Secretaries Ridge and Creel to be used in the event of an emergency.

- Develop radio interoperability among first responders. One straightforward way to facilitate cross-border coordination in the event of an attack would be to equip designated first responders on both sides of the border with interoperable radios. The Association of Public-Safety Communications Officials project (APCO 25), which sets forth a voluntary standard for communications interoperability, is recognized in public health and safety organizations as the superior technology for uniform two-way radio communications.[9] The Council supports efforts to identify and equip first responders with APCO 25–compliant equipment. Such an investment would have added benefits in other areas of border security.
- Form a public-private partnership to improve binational response capability. The partnership could examine, among other things, ways to ensure the availability and accessibility of essential stocks of materials and emergency supplies in the event of a terrorist attack. The partnership could also develop plans to mobilize resources to bolster surge capacities in hospitals in the event of mass casualties. The environmental, health, and agricultural sectors would be logical participants in such a partnership. The Council notes the success of public-private partnerships in other areas of U.S.-Mexico security cooperation.
- Consider existing binational institutions as models. There are numerous models for on-the-ground, cross-border collaboration that could be brought on in response to a terrorist attack in the border region. The Texas-Mexico Binational Health Group and the "10 Against TB" initiative are two examples. National governments have an opportunity to capitalize on the experiences of these binational mechanisms at the state and local levels.
- Consider matching funds for investment in public health facilities in the border region. Such investments would strengthen public health systems, including improvement in cross-border medical communications and disease surveillance capabilities, with the added benefit of improving public health services in noncrisis situations. Specifically, the United States and Mexico should allocate funds to build epidemiological and laboratory capacity and the ability to coordinate efforts across borders.
- Establish bilingual public communication strategies to ensure coordinated timely messages at times of crisis. The ability to communicate clear messages to the public in the event of an emergency may be a key component of an effective response. Particularly in the instance of a threat to public health, inability to convey consistent messages in both Spanish and English can derail coordinated response efforts. The Council therefore recommends that potentially life-saving bilingual public service messages be prepared in advance, covering the range of possible attack scenarios. This process could benefit from

9. "Making Appropriations for the Department of Homeland Security for the Fiscal Year Ending September 30, 2004, and for Other Purposes," U.S. House of Representatives, Report 108-280, September 23, 2003.

advance compilation of research and identification of experts on various biological and chemical agents.

- Expand the purview of the six bilateral working groups to include critical infrastructure located beyond the immediate border region. The extent of U.S.-Mexico economic interdependence necessitates a systemic approach to critical infrastructure protection. The Council encourages DHS and CISEN to consider an expanded scope for the six working groups.
- Mexico should undertake an inventory of critical infrastructure in and beyond the border region. The U.S. DHS has committed to completing an inventory of all U.S. critical infrastructure by December 2004. Compilation of a joint U.S.-Mexico inventory of critical infrastructure, which the Council recognizes as a logical next step, could be expedited if a Mexican inventory has already been compiled. DHS's openness to eventually creating a shared database of critical infrastructure will be conditional on its perception that Mexico is equally engaged and has taken preliminary steps.
- Conduct cross-border bioterrorist attack simulation exercises. Catastrophic event simulations have proved extremely useful to the U.S. government in identifying weaknesses in response and recovery capabilities. The Council recommends that the U.S. and Mexican governments explore conducting a joint simulation of a biological or chemical attack in the border region as a means to test existing binational response mechanisms.

CHAPTER 5

# Public Safety and Security in the Border Region

Enhancing the security of the U.S. and Mexican homelands through improved security at the border is to a certain degree conditional on the rule of law applicable to the border region. A host of challenges largely unique to the U.S.-Mexico border have complicated efforts, both unilateral and bilateral, to provide not only security to national territories but also safety to the millions of people who live in the border region. A comprehensive approach to security must also address public safety.

The disparate conceptual frameworks through which Americans and Mexicans view security should not be overlooked. The U.S. view of border security is largely focused on controlling unauthorized immigration flows as a means to protect the homeland, whereas the Mexican perspective is more focused on public safety. In other words, the United States tends to view border security as a means to the end of homeland security. In contrast, a majority of Mexicans view border security as a means to the end of safety in the border region. One literal explanation for these different points of view is simply that the Spanish word for security is the same as the word for safety: *seguridad.*[10] An average of approximately 300 people per year lose their lives attempting to cross the Mexican border into the United States. The official U.S. and Mexican data varies, primarily due to differences in the counting methodologies of the various agencies. It is clear, though, that even a single death is one too many.

The Council sincerely laments the tragic loss of life of the economic migrants seeking to enter the United States through desolate and hostile terrain along the U.S.-Mexico border, and it encourages federal, state, and municipal governments from both nations to continue to work together to reduce the number of injuries and fatalities. Unfortunately, the factors that cause so many Mexicans to risk their lives to gain entry into the United States cannot be addressed in the short term. Policies in the immediate term are therefore best directed at lifesaving measures such as water stations and enhanced border patrol presence in the most threatening expanses of the border.

It is encouraging that in the past few years, awareness levels have been raised and great strides have been made to address safety in the border region through a series of unilateral and bilateral initiatives, which have been implemented by federal governments on both sides of the border. The following is a list of bilateral initiatives that have been implemented in the past six years:

10. Deborah Waller Meyers, "Does 'Smarter' Lead to Safer? An Assessment of the Border Accords with Canada and Mexico," *MPI Insight*, no. 2 (June 2003), p. 11.

- Border Safety Initiative (June 1998);
- Memorandum of Understanding on Cooperation against Border Violence (February 1999);
- Plan of Action for Cooperation and Border Safety (June 2001);
- Plan of Action for Cooperation and Border Safety (February 2004); and
- Memorandum of Understanding on the Safe, Orderly, Dignified, and Humane Repatriation of Mexican Nationals (February 2004).

The 2004 Plan of Action for Cooperation and Border Safety not only strengthens many of the efforts undertaken by the preceding plan of action, it also establishes additional actionable priorities. The objectives of the 2004 plan are to:

- Enhance media campaign and prevention programs to better inform potential migrants of imminent dangers presented by illegal border crossings;
- Combat human smuggling and trafficking by dismantling and prosecuting smuggling/trafficking and criminal organizations;
- Combat border violence by preventing assaults against migrants and U.S. border authorities and prevent vigilantism;
- Coordinate search and rescue responses to emergencies in the border region, as well as training of special migrant rescue groups such as the Border Patrol's Search Trauma and Rescue (BORSTAR) and Grupo Beta;
- Ensure secure and orderly repatriation of Mexican nationals, particularly from high-risk zones and during the heat of the summer season, to avoid injury or loss of life of migrants;
- Strengthen consultation mechanisms between Mexican consuls and DHS authorities; and
- Strengthen the border liaison mechanism.

In order to ensure the coordinated implementation of the present plan of action, the two governments have created a binational coordinating commission. This commission, which is to be cochaired by the Mexican Government and Foreign Relations Ministries and the U.S. Departments of State and Homeland Security, will meet every six months (more frequently if deemed necessary), alternating locations between Mexico and the United States.

The Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals that Secretaries Ridge and Creel and Undersecretary Gerónimo Gutiérrez signed in February 2004 establishes a general framework by which the repatriation of Mexican nationals can be coordinated bilaterally and in accordance with preestablished, transparent guidelines. The purpose of repatriating Mexican nationals is twofold: to safeguard the wellbeing of migrants, and to strive to break the vicious circle of the coyote industry (the fees charged by coyotes cover a preset number of border-crossing attempts). The challenge facing the Mexican government is how to reach a balance between protecting

the welfare of Mexican nationals by repatriating them safely (i.e., to non-remote, non-coyote penetrated areas) and respecting the migrants' constitutional right to freedom of movement within their national territory. To repatriate migrants without violating their constitutional rights, Mexican authorities would need to obtain the permission of the migrant to relocate to a specific area, hence making the repatriation a voluntary process. The matter of repatriation is another in which Mexican and U.S. conceptual approaches differ and may preclude reaching a mutually acceptable agreement in the near term.

The March 2004 arrest by Mexican authorities of 44 Mexican nationals allegedly involved in human trafficking activities is evidence that the Mexican government is committed to identifying and prosecuting these networks. The range of the individuals involved and the fact that arrests were made in 12 states throughout Mexico underscore the complexity of this challenge. Of the 44 individuals arrested, only two were thought to be actual traffickers; the remainder were corrupt federal and local government officials and law enforcement officers who aided the trafficking networks either by looking the other way or, in some cases, actually facilitating the trafficking. Officials from the Mexican INM, municipal police, and federal preventive police were charged with a range of criminal activities, including theft and forgery of official documents, extortion, influence peddling, and abuse of authority.

The Mexican federal government is to be commended for this latest push to dismantle human trafficking networks operating in the border region. Because of the transnational nature of trafficking organizations, Mexico will require the cooperation of U.S. authorities in targeting and apprehending U.S.-based trafficking operatives.

## Policy Recommendations: Public Safety and Security in the Border Region

- Build on the successes of Mexico's intelligence agency in combating smuggling/trafficking and organized crime rings. The Council commends the Fox administration's progress in this area and calls for the continued support of the Mexican Congress in allocating resources to the CISEN for identification and prosecution of these criminal organizations.
- Provide full and transparent information to U.S. and Mexican media to enable them, according to their own professional standards, to inform potential migrants of the dangers of illegal border crossings in remote and hazardous border regions. This education campaign is ongoing, but it could perhaps benefit from greater information sharing, transparency, and oversight. An effective campaign might deter unsafe and illegal crossings with the ancillary benefit of weakening coyote organizations, which rely heavily on these inhospitable expanses for their operations.
- Implement regular and clear cross-border communication channels. The Mexican and U.S. governments must enact regular and clear communication channels between the Mexican agencies operating on the border and the

U.S. Border Patrol. In practical terms, this would require that there be interoperability in radio communications, which can be achieved by adhering to the same standards and frequencies. The APCO 25 is a set of voluntary standards to achieve radio communication interoperability. APCO 25 is recognized by many as the preferred uniform digital two-way radio technology for public safety organizations on the basis that it allows for backward compatibility with existing digital and analog systems and interoperability with future systems.

- Install and maintain emergency stations in remote areas of the border. U.S. and Mexican immigration agencies have already deployed several such stations in the desert, which can be used by migrants in danger to signal rescue teams. The Council recommends that more resources be devoted to the upkeep of these stations.
- Address U.S. immigration policy. The Council notes the opinion expressed by some members that it is not the number of border agents or how technology is deployed that will enhance the safety of would-be border crossers, but rather amendments to U.S. immigration policy. (See preface.)

CHAPTER 6

# Conclusions

## Obstacles and Opportunities in U.S.-Mexico Cooperation

When newly elected Presidents Bush and Fox met in Guanajuato, Mexico, in February 2001, the nations seemed on the verge of a new chapter in U.S.-Mexico relations. The relationship would be guided by shared values, mutual respect, and especially warm friendship. An ambitious bilateral agenda took shape. But, as former U.S. ambassador to Mexico Jeffrey Davidow points out, in the context of the Bush-Fox friendship, "February 2001 was much more than only three years ago."[11] September 11 derailed the bilateral agenda. The Fox-Bush relationship foundered. Visible, high-level cooperation and goodwill receded. However, the security imperatives implemented in the aftermath of September 11 had a proportional, positive effect on practical, low-level cooperation on U.S.-Mexico border security.

At present, we are somewhere in between the initial euphoria and the souring that followed Mexico's decision not to support the war in Iraq at the UN Security Council. The gradual recovery of the Bush-Fox relationship, combined with the low-level cooperation that has been advancing all along on the security front, constitutes an opportunity to recast the debate on U.S.-Mexico security cooperation. The following observations might serve to inform such a debate.

The Council recognizes that one of the principal challenges that Mexico has encountered in its relations with the United States since September 11 has been the rapidly unfolding new homeland security paradigm. Mexico has had to adjust to the swift and extensive reorganization of major agencies of the U.S. government into the Department of Homeland Security and as a result has had to develop new channels of interaction with this mega-bureaucracy. Such a major undertaking is not easy for a nation that has had simultaneously to contend with its own dramatic political transformation and the accompanying tribulations of democratic governance.

For the United States, one of the challenges inherent in its security relations with Mexico has been that modern-day Mexico has never clearly defined its own national security. Mexico has not faced a serious external threat since the late nineteenth century. As a result, Mexico has not been called on to define its own national security, much less develop a national security doctrine. This partially explains the

11. Jeffrey Davidow, "The Bush-Fox Meeting: A Different Ranch, A Very Different Time," *San Diego Union Tribune*, March 5, 2004, at http://www.signonsandiego.com/uniontrib/20040305/news_lz1e5davidow.html.

conceptual divide that exists between Mexico and the United States in terms of how security is viewed.

The lack of a national debate over Mexico's national security has resulted in the prevalence of the historical notion that security threats are simply being exported by the United States and protective measures imposed on Mexico. A contemporary debate in Mexico might address this perception. The arguments for shared benefits through security cooperation are numerous and compelling. Bringing these arguments into the public realm, "popularizing" them, might contribute to a societal rethinking of Mexico's traditional objection to security cooperation. Furthermore, a sustained national debate would help legitimize the emergent security paradigm and contribute to its ability to sustain public scrutiny.

The absence of a national security doctrine in Mexico is not exclusively the result of a historically peaceful external environment; it is also rooted in Mexico's constitution and the structures of its federal government. Mexican law, for example, does not define national security or national security interests. Further, the structure of the executive branch does not lend itself to decisiveness on matters of national security. Lastly, under the current framework of divided government, the executive and legislative branches of government are essentially void of mechanisms through which to work together on national security matters.

The advent of international terrorism and its proven ability to do harm has led to a rethinking of national security in many countries around the world, most notably in the United States. This juncture is an important one for Mexico to note. It presents a unique opportunity for Mexico to undertake a debate over its national security that would reflect the new security realities of Mexico's partner to the north. This is not to suggest that Mexico's definition of national security should mirror that of the United States, but rather to emphasize that there is a rare opportunity to develop synergies for the long-term benefit of both countries.

In response to the new security realities, the Mexican Congress drafted, and in October 2003 formally presented, a National Security Law (*Ley de Seguridad Nacional*). The Fox administration has also been capitalizing on the momentum generated by congressional activity on national security to make some inroads in the strengthening and professionalization of Mexican customs, immigration, law enforcement, and intelligence institutions. This has involved a sustained effort to target corruption within these institutions. Eventually, Mexico will also have to establish mechanisms by which the executive and legislative branches can better communicate on matters of national security. In practical terms, this might involve the institutionalization of an oversight function comparable to the U.S. House of Representatives' Permanent Select Committee on Intelligence (HPSCI) or the U.S. Senate's Select Committee on Intelligence (SSCI).

Despite the conceptual and structural challenges to a collaborative approach to security, the Bush and Fox administrations and their respective legislatures have made considerable progress in securing the shared border against terrorism, the trafficking of drugs and people, and fraudulent trade practices, while ensuring the free flow of legitimate travel and trade. This progress is all the more remarkable in light of the urgency with which both governments have had to react to the new security environment.

Perhaps more significant than the actual progress itself is the manner in which it has been accomplished. The unprecedented level of bilateral cooperation and coordination may be attributed to some extent to the friendly personal relationships between Presidents Bush and Fox and between Secretaries Ridge and Creel. Friendship only goes so far, however.

The Council recognizes that the commendable level of U.S.-Mexico cooperation and coordination on border security is perhaps more aptly attributable to the fact that the relationship has been established on the basis of mutual respect and awareness of each other's sensitivities. Furthermore, bilateral cooperation has, by and large, been perceived as mutually beneficial, an aspect of the relationship that the Council feels must not be overlooked by either partner, particularly if it is to be sustained.

Bilateral mechanisms and joint efforts at the operational level have served as useful confidence-building exercises. The mechanics of a cooperative relationship are often as important as the deliverables. This is particularly true in the U.S.-Mexico case, since a longstanding sense of mistrust is among the greatest impediments to cooperation. The existing binational cooperation mechanisms should serve to institutionalize and fortify the relationship well beyond the friendship between principals in the years ahead.

With U.S. presidential elections nearing and Mexico's on the horizon, the Fox and Bush administrations have a fixed opportunity to make their mark on the U.S.-Mexico security relationship, regardless of presidential successions in either country. The chief executives should not shy away from this opportunity. Their close personal friendship, while it has its limitations, has aroused a spirit of cooperation that no sensible, principled future administration will reverse. The cooperative relationship, after all, remains rooted in the shared values of democracy, the rule of law, and civil liberties—values that define the shared life the United States and Mexico wish to secure. These underlying ideals will sustain cooperation as both countries work to nurture, support, honor, and deepen these shared principles in the years and decades ahead.

As the global security agenda evolves, the U.S.-Mexico relationship will continue to be an important and unique one. In no other place in the world do shared values and interdependence converge to present an opportunity for cooperation of this magnitude and potential.

APPENDIX A

# Working Group Meeting

## October 28–29, 2002
## CSIS, Washington, D.C.

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APPENDIX B

# Working Group Meeting

## February 4, 2003, CIDE
## Mexico City

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