

## CHAPTER I

### Conceptual Framework

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This first chapter will provide the essential conceptual background for the understanding of the questions of border security and migration in the geographical context of Mexico and the United States. The first of the three sections of this chapter will aim at the construction of a meaning of border security; I will briefly compile and analyze the notions of security and reinforce my study of the question of international migration. I will dedicate the second segment to the careful examination of the geographical and territorial composition of the Mexico-U.S. border as well as the governmental institutions involved in the policing of that area. I will highlight the most singular features of the border region, referring not exclusively to the territorial characteristics but to the governmental agencies that have been of fundamental importance in the process of border security escalation in the last decades. Thirdly, I will attempt to establish a connection between the perceptions of the intellectuals and the institutional arrangements of border policy makers to the subject matter of my analysis. By the end of this chapter I expect to have offered enough tools to cast an informed, focused evaluation on the security enforcement policies of the U.S.-Mexican border.

#### **1.1 Core Definitions: Border Security and Migration**

Defining security is probably one of the most complicated tasks among academics in the International Relations discipline. Generally speaking, the term security is associated with the avoidance of danger and/or fear. When taken to national and international

levels, the avoidance of a threat should encompass the priorities and principles essential for the state to defend itself even through the use of military force. As a result, security is a versatile, dynamic concept that will better suit this study if it is accounted as a pragmatic response to a certain phenomenon. In this case, I will parallel it to the study of international migration, another phenomenon of social sciences typically underpinned by economic or socio-demographic approaches.

### **1.1.1 The Question of Security**

Arnold Wolfers is the author of a very recognized piece of work regarding national security. He starts his work saying that national security “(...) may not mean the same thing to different people” and continues saying that it “(...) may not have any precise meaning at all.”<sup>1</sup> Wolfers argues however, that whenever some issue falls into the scope of interest of a nation, different alternatives to approach it arise. Then, the choice that decision-makers take to face that question can be defined as a national policy, or at least it can be identified as a trend that will eventually drive the nation to draw a guideline for policy approval. Thus, national interest and security are for the most part empirical in nature, as they are the outcome of geographic circumstances, political processes, historical developments, social aspirations, etc.

Assuming then, that we lack a precise, free-of-questions meaning to national security we can only go so far as saying that there are basic interests for nations in the international system –one of them being the preservation of the integrity of the State. In that sense, Robert Endicott contends that “[the] exact nature of the national self that must be preserved at all costs is opened to various interpretations, but, above all, it is the

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<sup>1</sup> Arnold Wolfers. “‘National Security’ as an Ambiguous Symbol.” *Political Science Quarterly*. (December Vol. LXVIII. No. 4, 1952), 481.

nation's territorial integrity, political independence, and fundamental governmental institutions." But national security, he argues, goes beyond the mere preservation of the State since "(...) [s]ecurity, in its broadest sense, is subjective; it is an absence of fear."<sup>2</sup>

Wolfers explains that the term 'national security' is often used to designate a specific policy objective, given that securing a nation, implicates also securing that nation's values. For Wolfers, security "(...) is a value, (...) for which a nation can have more or less and which can aspire to have in greater or lesser measure."<sup>3</sup> Furthermore, Walter Lippman, another well known author in the International Relations discipline, argues that "(...) a nation is secure to the extent to which it is not in danger of having to sacrifice core values, if it wishes to avoid war, and is able, if challenged, to maintain them by victory in such war."<sup>4</sup>

In that sense, Nation-States have often recurred to the securitizing of issues to legitimate their actions inside and outside their borders. But elevating just any matter to a range of a threat to the preservation of the State has many risks for the survival of the State itself and of its inhabitants. Bearing in mind the 'ambiguity' of security, the interests of the State can be elevated to a 'vital' status when they are believed to be important for the nation's wellbeing though not necessarily indispensable for the preservation of the State per se. "In this category one might place equal commercial opportunity, the protection of citizens and property outside the nation's territorial limits, *or the control of immigration.*"<sup>5</sup>

### **1.1.1.1 Human Security; a Step Forward in the Security Dilemma**

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<sup>2</sup> Robert Endicott. *Ideals and Self-Interest in America's Foreign Relations*. (Chicago and London: The University of Chicago Press, u/a) 5.

<sup>3</sup> Wolfers. "'National Security' as an Ambiguous Symbol." 484.

<sup>4</sup> Walter Lippman in Wolfers. "'National Security' as an Ambiguous Symbol". 484.

<sup>5</sup> Endicott. *Ideals and Self-Interest in America's Foreign Relations*. 5. (Cursive is mine)

When Wolfers published his notions of national security, the international arena was enormously different from the contemporary. Back in the 1950s, a bipolar system entrenched in a Cold War and economic depression and social reform at home were the steering axis of U.S. policy. For decades, security was eminently related to militarization, and moreover, the menaces to the safeguarding of the States were believed to come directly from other States. But the end of the Cold War propelled the remaking of international dynamics, and thus the remaking of security relations.

As the international community entered a phase of rapid globalization of economic and human activities, and of greater interconnectedness among States, the massive movement of people, capitals and goods became more frequent. Consequently, transnational organized crime, including the smuggling of people, arms and drugs developed into a more serious and complex problem. In addition, the political change in the international environment propitiated human rights violations, internal displacements, religious and ethnical turmoil to be accounted within the scope of security.<sup>6</sup>

Thus, the ‘human security’ approach –as it has been referred to since the mid-nineties- has taken the security of individuals as the point of reference and has taken over the State-centered vision on issues that enclose the development and good governance of free or freeing societies. This renewed focus of foreign policy objectives “puts people – their rights, their safety and their lives – first.”<sup>7</sup> Furthermore, this improved view of security has placed mass mobility, drug smuggling, money laundering or arms trafficking directly into the scope of interest of the public.<sup>8</sup> But more

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<sup>6</sup> The Ministry of Foreign Affairs of Japan. “What is Human Security?” *The Trust Fund for Human Security*. (For the "Human-centered" 21st Century.) Available from [http://www.mofa.go.jp/policy/human\\_secu/t\\_fund21/what.html](http://www.mofa.go.jp/policy/human_secu/t_fund21/what.html) Consulted March 14th, 2005.

<sup>7</sup> Canada’s Human Security Website. *Human Security Program*. Available from <http://www.humansecurity.gc.ca/psh-en.asp> Consulted March 15<sup>th</sup>, 2005.

<sup>8</sup> Canada’s Human Security Website. *Human Security Program*. Consulted March 15<sup>th</sup>, 2005.

importantly, I consider, the greatest step forward in the conception of security is that human security recognized the existence of non-state actors that are indeed a direct threat to the integer preservation of the State. Such are the cases of pandemic diseases, internal war, or more relevant to this study, transnational crime and international terrorism.

Several countries –Canada among them- with a multilaterally geared foreign policy, are contributing to the adoption of human-security-oriented policies to face the problems currently affecting the international community. Safeguarding individuals from poverty, environmental degradation, endemic diseases, illegal substances and criminality requires a remarkable amount of inter-institutional cooperation. Therefore, the key to accomplish the securitization of a nation’s citizens is the commitment to cooperate in the spheres deemed important to each other; this is precisely why human security circumscribes as a form of biopolitics.<sup>9</sup>

#### **1.1.1.2 What Is Border Security?**

In the Mexico-U.S. bilateral relation, there are driving forces that have gradually increased the amount of shared concerns. After the September 11 terrorist attacks, for example, the defense of the homeland fell rapidly into the scope of interest of the United States. At this moment of national crisis, policy makers, political analysts and just about every citizen of the United States realized the vulnerability of their territory and the lack of preparedness to respond efficiently to the defying challenge of international terrorism. Friends, allies and us, neighbors of the United States, were

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<sup>9</sup> Mark Duffield and Nicholas Waddel. “Human Security and Global Danger: Exploring a Governmental Assemblage.” (University of Lancaster, 2004.) Available from <http://www.bond.org.uk/pubs/gsd/duffield.pdf> Consulted, April 8th, 2005. 2.

driven to rethink our own concepts of security. Let us not forget that “[the] most important reality of international politics is the fact that the nation states are the major units of political life, which command the supreme loyalty and affection of the great mass of individuals in the civilized world.”<sup>10</sup>

Since then, there has been a strong consensus among experts that the threats posed to the United States have diversified and deepened in complexity. With the Cold War left behind and with an integrating process taking place, the prevailing sense post September 11 within the U.S.-Mexican bilateral relation was best expressed by Enrique Martínez y Martínez, Governor of the border state of Coahuila and pro-tempore chair of the Border Governors Conference, who said that “(...) [con] los nuevos términos de las exigencias de seguridad nacional y continental, la lucha contra el terrorismo reviste una de las prioridades globales y regionales, exigencia que se agrega al objetivo compartido de una frontera más segura.”<sup>11</sup>

Indeed, defending the U.S. homeland has become a shared task of North Americans; Anthony Cordesman, who conducts strategic assessments for the Center for Strategic and International Studies CSIS, has insisted precisely on that point. Cordesman’s conception of the homeland entails the defense of the U.S. soil, and of its borders. Contrastingly, Oscar J. Martínez, has defined border<sup>12</sup> as the “(...) line that separates one nation from another,” whose primary function is “to keep people in their own space and to prevent, control, or regulate interactions among them”<sup>13</sup> This does not necessarily mean that borders are set up to keep two countries apart, if that were to be so, borderlands –which are the regions lying adjacent to a border- would have minimum

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<sup>10</sup> Endicott. *Ideals and Self-Interest in America’s Foreign Relations*. 10.

<sup>11</sup> Enrique Martínez y Martínez “El desafío de la frontera México-Estados Unidos.” *Foreign Affairs en Español*. (Enero-Marzo Vol. 5. Núm. 1. México, D.F: ITAM, 2005), 54.

<sup>12</sup> It should be noted at this stage that in the English language *frontier* denotes “an area that is physically distant from the core of the nation.” Although the Spanish word *frontera* is used with either meanings.

<sup>13</sup> Oscar J. Martínez. *Border People: Life and Society in the U.S.-Mexico Borderlands*. (Tucson and London: The University of Arizona Press, 1994), 5.

economic and social impact, evidently, not the case of the United States and Mexico, as it has been a source of wealth accumulation since the mid-sixties. But, the argument that follows Wolfers', Lippman's, Coderman's and Martínez' assertions is that security –in this case *border security, implicates the absence of fear and the protection of shared values at the region of convergence of two countries.*

### **1.1.2 The Question of Migration**

#### **1.1.2.1 Close Neighbors**

Mexico and the United States share a relationship of neighborhood that obliges them to be connected rather than divided by a territorial boundary. The border is the place of closest interaction of the two broad political entities; this is exactly the place where experts have found that interdependence originates. Accordingly, Martínez, who has gone further in the study of the border, claims that this type of multileveled connectedness “(...) exists when a border region in one nation is symbiotically linked with the border region of an adjoining country,” and continues, “[s]uch interdependence is made possible by relatively stable international relations and by the existence of a favorable economic climate that permits borderlanders on both sides of the line to pursue growth and development projects that are tied to foreign capitals, markets and labor.”<sup>14</sup>

Thus, interdependence requires *will* from both sides to be related, and to contribute to each others wellbeing. The Mexico-U.S. border is, undoubtedly, an interdependent one, however, the relation between the two countries is very

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<sup>14</sup> Martínez. *Border People*. 8.

asymmetrical due to the fact that the U.S. is significantly stronger than Mexico and therefore dominates the neighbor relation. The degree of interdependence depends then on the strength of the relation and on the policies pertained to the interests of both nations such as trade, immigration or smuggling across the border.

### 1.1.2.2 The Bond of Labor Migration

It is precisely the closeness of the two countries that helps us explain the other phenomenon relevant to this study, migration. Academics agree that borders are inexistent entities, but they are a manifestation of the relation between two or more territories.

[I]n the last four decades, the functions of international boundaries have been redefined...The most obvious change has been the shift from boundaries that heavily protected and militarized to those that are more porous, permitting cross-border social and economic interaction.<sup>15</sup>

The case of Mexico and the United States is somewhat contradictory. Indeed, starting in the post World War II era, the territorial boundaries have gradually become more porous and open to free trade. Meanwhile, the area is probably one of the most policed of the world.

Legal and illegal migration has been a natural outcome of two integrating nations. Moreover it is the outcome of one large and dynamic labor market divided by an international boundary.<sup>16</sup> Santiago Creel, the present Mexican Minister of the Interior has said that massive Mexican migration directed northward has deep and complex explanations; he recently commented that “(...) *al igual que otros movimientos*

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<sup>15</sup> Lawrence Herzog in Joseph Nevisn. *Operation Gatekeeper: The Rise of the "Illegal Alien" and the Remaking of the U.S.-Mexico Boundary*. (New York: Routledge, 2002), 6.

<sup>16</sup> Pia M. Orrenius. “Illegal Immigration and Enforcement Along the Southwest Border.” (Federal Reserve Bank of Dallas. June 2001), 34.



*similares ocurridos en los Estados Unidos y en otras latitudes, la inmigración se nutre de redes laborales, sociales, económicas y culturales que se retroalimentan por la vecindad geográfica y la asimetría histórica entre las economías de ambos países.”*<sup>17</sup>

Therefore, mobility from Mexico to the United States has been primarily motivated by the possibility of higher wages, and job availability in the United States. Contributing to this, are Mexico’s underdeveloped capital markets and U.S. policy backdrop as a receiving country.<sup>18</sup> It is only logical then, that both Mexico and the United States have engaged in actions geared at administrating and regulating the vehement interconnectedness of the border and adjacent borderland since early in the Twentieth century -and even before that. The *Bracero* Program, “(...) a guest worker program in effect between 1942 and 1964, brought in about 200,000 workers annually. (...) *Braceros* established thousands of networks with U.S. recruiters and employers.” However, when “(...) the *Bracero* agreement was abandoned, no legal worker exchange was put in its place. Hence, a new era of largely illegal immigrants ensued.”<sup>19</sup> The massive flow of Mexicans continued through the seventies, accelerated again in the mid-nineties and finally was put back on the bilateral agenda in 2001.

Other characteristics of Mexican emigration that also come as a result of geographical closeness are that the type of mobility is what experts call unidirectional, whereby 98% of Mexicans leaving the country go directly to the U.S. and that they only choose Canada as a second destination exclusively when they are given the chance to go as temporary farm workers.<sup>20</sup> We can infer then that Mexican migration to the U.S. is hardly informal. According to Jorge Durand’s studies people go where they have

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<sup>17</sup> Santiago Creel. “La migración y la seguridad entre México y Estados Unidos: Caminos diferentes, metas comunes, nuevos aliados.” *Foreign Affairs en Español*. (Abril-Junio Vol. 4. Núm. 2. México, D.F: ITAM, 2004), 4.

<sup>18</sup> Orrenius. *Illegal Immigration and Enforcement Along the Southwest Border*. 31.

<sup>19</sup> Orrenius. *Illegal Immigration and Enforcement Along the Southwest Border*. 31.

<sup>20</sup> Jorge Durand. “The Geographic Distribution System of the Mexican Migrant Population in the United States.” (University of Guadalajara. u/a), 3-5.

acquaintances; they move towards specific points of arrival and concentrate there, but as years go by, they begin to seek new opportunities. “Indeed, [-he says-] in the United States, geographic mobility is directly related to wage improvement, and a dynamic labor market contributes strongly to this.”<sup>21</sup>

The urge to cross the border is not exclusively about human crossings whether legal or illegal, for diverse reasons and variable periods of times. There are other transnational activities that have occupied the attention of policy-makers on both sides of the border. The U.S.-Mexico Bi-national Council has estimated that around one million people and three hundred thousand cars and trucks cross the borderline every day.<sup>22</sup> Therefore, goods and natural resources are also subject to policy compliance. Specifically, the illicit transfer of arms and narcotics has fallen into the span of interest of the United States and Mexico.

Evidently, cross-border activities become of the interest of governments when they fit the criteria to be considered potential threats to stability and/or tranquility. Such was the case of drug trafficking in the nineties and such is the case of immigrant smuggling today. But what becomes essential to elucidate is that during the eighties and nineties, when cross-border drug smuggling reached its apex, it was considered a crime on both sides of the border. There was consequently a mutual understanding of the problem and coordinated bi-national actions to combat it.

Nevertheless, Mexico and the United States view unauthorized migration in different ways. Peter Andreas has found that for the U.S. it is a matter worth the

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<sup>21</sup> Durand. *The Geographic Distribution System of the Mexican Migrant Population in the United States*. 2.

<sup>22</sup> U.S.-Mexico Binational Council. *U.S.-Mexico Border Security and the Evolving Security Relationship: Recommendations for Policy Makers*. A Report of the U.S.-Mexico Bi-national Council (Washington, D.C.: CSIS-ITAM, 2004), 3.

enforcement of law, whereas for the Mexican counterpart illicit migration is a matter of social and economic origins.<sup>23</sup>

Thus, the

(...) fundamental problem with U.S. immigration policy toward Mexico –and with U.S. immigration policy generally- is that it treats international migration as a pathological condition to be repressed through unilateral actions. In reality *immigration is the natural outgrowth of broader processes of market expansion and economic integration that can be managed for the mutual advantage of trading partners.*<sup>24</sup>

What results is that the crimes prosecuted on each side of the border are conceived differently; in other words, what could be targeted as an end in itself by the U.S. could be just a means to an end for Mexico.

Moreover, the disparities of the conception of threats make the target of border security initiatives even harder to envisage. For instance, human traffic and human smuggling are by definition two different things. International law defines human traffic as the smuggling of persons that are either forced to labor or sexually exploited.<sup>25</sup> For years, most, if not all policing escalation endeavors have focused on the deterrence of the smuggling of migrants, and very little has been done to stop the attracting forces induced by American employers. I have contended before that there are underlying economic reasons that propel the increased flow of people and goods across the border, I would like now to add that these groups of immigrants are particularly vulnerable to human traffic. It is so that, “(...) the fundamental paradox of U.S. immigration policy –

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<sup>23</sup> Peter Andreas. *Border Games: Policing the U.S.-Mexico Divide*. (New York: Cornell University Press, 2000), 6.

<sup>24</sup> Douglas S. Massey. “Closed-Door Policy: Mexico vividly illustrates how U.S. treatment of immigrant workers backfires.” *The American Prospect*. (July/August 2003), 28. (Cursive is mine)

<sup>25</sup> David Shirk and Alexandra Webber. “Slavery Without Borders: Human Traffic in the U.S.-Mexican Context.” *Hemisphere Focus*. (Vol. XII. Issue 5. CSIS, January 23, 2004), 1.

focusing on border apprehension of migrants rather than interior enforcement- (...) contributes directly to higher rates of human smuggling and trafficking.”<sup>26</sup>

Furthermore, “(...) undocumented persons increasingly rely on “professional” smugglers (coyotes), who are uniquely positioned to engage in both labor and sexual exploitation.”<sup>27</sup> So, policing measures are addressing only one of the many aspects embedded in the problem of uncontrolled immigration, and are leaving aside what could be the originating elements of the said problem. The conclusion thereof is that not only policies but the basic understandings of the problems of the border need to be reassessed, as the problem of illegal migration is growing and entangling with other illicit practices like drug and goods smuggling, document forging and corruption.

## **1.2 *La Frontera***

The 100 kilometers area of land north and south of the international boundary is typically known as the Mexico-United States border region. “(...) [C]onsisting of forty-nine rural and urban U.S. border counties and thirty-six rural and urban Mexican *municipios* (municipalities); this [2000 mile-long] corridor is the heart of the borderland.”<sup>28</sup> The southwest border, consisting of the states of Texas, New Mexico, Arizona and California on the American side, and the northern border of Tamaulipas, Nuevo León, Coahuila, Chihuahua, Sonora and Baja California on the Mexican side, will be referred to as the border or the border region.

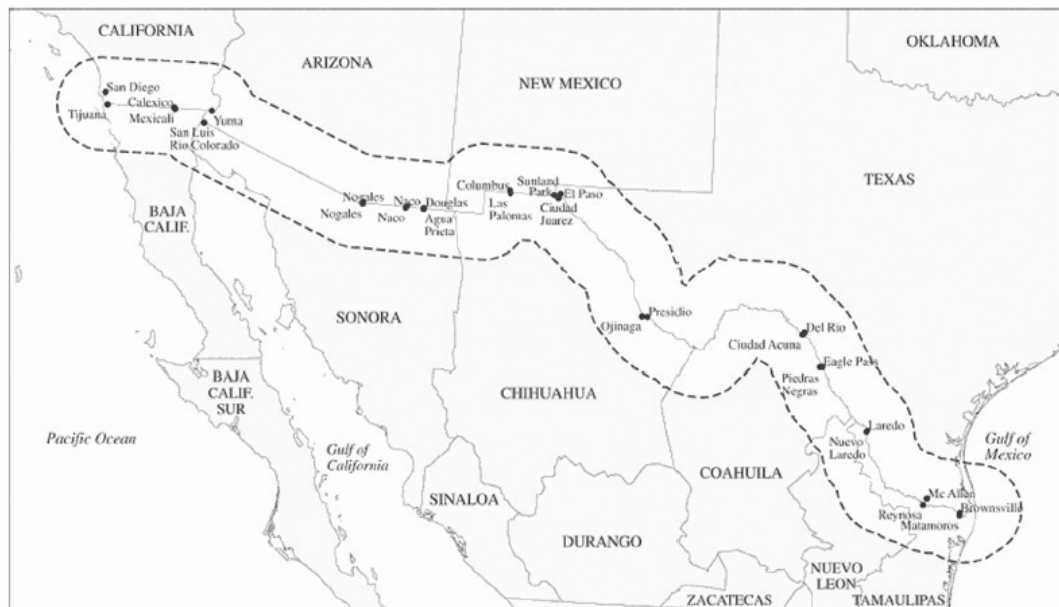
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<sup>26</sup> Shirk and Webber. “Slavery Without Borders.” 2.

<sup>27</sup> Shirk and Webber. “Slavery Without Borders.” 2.

<sup>28</sup> Martínez. *Border People*. 41.

**Chart 1. The United States-Mexico Border**



Source: U.S. Environmental Protection Agency.

Extending from the Pacific to the Gulf of Mexico, the border is one of the most populous, interdependent and dynamic of all borders in the world. It is estimated that 12 million people inhabit the area; there are 14 pairs of sister cities along the 3,152 kilometers territorial divide, and the largest U.S. state economy -California- and Mexico's fastest growing cities meet there. That is why the political economy of the border has been of enormous importance to both countries, especially after the 1950s. In fact, the economic activity of the border has been a trend setter for industrial, social and sustainable development in cities far away from the 100 kilometer borderland area. *La Frontera*, as it is referred to in Spanish, "(...) has been the target of two U.S.-sponsored recruitment efforts (during 1917-18 and 1942-64), and since 1986, at U.S. instance, it has undertaken a radical transformation of its political economy and entered the global market."<sup>29</sup>

<sup>29</sup> Massey. "Closed-Door Policy." 27.

For instance, whereas during the *Bracero* years Mexican migrants were employed mainly in agricultural activities, during the 60s, jobs were given to Mexicans in other fields like construction, manufacturing and services such as hotels and restaurants.<sup>30</sup> During the following decades, border cities experienced rapid growth, consolidating the industry and services sectors in their local economies. The economy of the border was booming as more men and women were employed in those sectors. It is worth noting that the Mexican government engaged in the financing of programs that promoted employment and investment opportunities on the Mexican side. The most successful feature of that time was the increase in commerce between border and sister cities.

More recently, the North American Free Trade Agreement NAFTA has been the driving force of economic development at the border with outputs worth millions of dollars in bi-national trade annually.<sup>31</sup> And although a lot of the industries have not radically changed over the years, they have consolidated in one transnational market.

### **1.3 Border Management**

Naturally, and due to the ever closer transnational connections, trouble has arisen. Crime rates have constantly increased, manifesting themselves more frequently in the form of drug, goods and immigrant smuggling; also, environmental degradation and precarious health conditions have come into view. Natural resources and environmental pollution have been a cause of disarray in the bilateral relation; the two countries have disputed the sovereignty of superficial and groundwater sources, but have managed to come to pacific agreements. For instance, Mexico has been punctual in its debt

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<sup>30</sup> David Lorey. *The U.S.-Mexican Border in the Twentieth Century: A History of Economic and Social Transformation*. (Delaware: Scholarly Resources Inc., 1999), 158.

<sup>31</sup> Massey. "Closed-Door Policy." 27.

payments for the use of water. As far as environmental degradation is concerned, the inexistence of shared data and control mechanisms has aggravated the problem. In recent years, only NAFTA has enabled a step forward in the protection of the border environmental conditions.

Criminality on the other hand, has remained a troublesome item on the bilateral agenda. Drug trafficking took stronger importance during the 1980s. Back then, it was a recurrent source of disagreement between the two central governments. However, Mexican and American authorities shared the responsibility of ending the increased levels of insecurity at the border and halting the proliferation of transnational networks of organized crime. Some analysts have argued that drug smuggling across the U.S.-Mexican border had a positive externality by bringing a more dynamic economic and commercial activity in some border towns and cities.

The truth of the matter is however, that combating drug smuggling was often cited a protocol to coordinate bi-national efforts, until very recently. New developments in the narco-business jeopardized the capacities of Mexican policing authorities to control crime. The U.S. government has repeatedly recognized the efforts of the Fox administration to fight organized crime. However, declarations from the U.S. ambassador alerting American incomers about a raise in violence rates at the border and statements from State Department officials delivered to Congress also highlighting the possibility of a troubling environment, generated discords between the two governments.

Besides the wide media coverage on this controversy, the declarations of neither governments affected their interest in keeping the border safe and free of crime. In the past, the bilateral response to drug trafficking consisted of military control forces that were employed at the border to halt illicit drug crossings. Nowadays, this scenario is

becoming more difficult to be repeated. Military action against drug trafficking was terminated a decade after it was started, responding to severe criticism from both sides of the border; indeed, most reports made on the subject showed a significant decrease in crimes related to drug smuggling. Unfortunately, this does not seem to be the case today. Immigrant smugglers have mixed the two activities into one major crime by making the attempter illegal crosser carry a certain amount of drug to be delivered or distributed once they enter U.S. soil.

Thus immigrant smuggling is set to be within the scope of interests of policy-makers and practitioners in the coming years, as it is becoming a negative externality of U.S. border law enforcement measures. The main point to be noted here is not that there have not been enough measures taken, but quite the contrary. Nonetheless, border security policies and efforts to reduce criminal rates, particularly in those that related to migration and border crossings have focused primarily on the border itself and have left aside the rest of the elements embedded in this network of transnational law offenders. Certainly, *coyotes* are perniciously profiting from border control escalation. Therefore, truly controlling immigrant smuggling requires an assessment of both intra and intergovernmental efforts that target the bi-national problem in a more ample scope, that foresees the specialization of the smugglers and that takes into account the causes and effects that lead to the transgression of the law. The U.S. Border Patrol and the Mexican Federal and Local Police, themselves, need to reevaluate their performances and then, seek collaboration.

In Mexico, the *Secretaría de Gobernación* is in charge of designing and implementing migratory policies, of overseeing the entry and exit points at the northern and southern borders, and of procuring the stay of foreigners on Mexican soil. The National Institute of Migration (INM), which depends directly on *Gobernación*, is the



fundamental governmental tool in charge of the study, and administration of border crossings and additional transnational affairs such as admissions and expulsions from national territory. The INM is enabled to detain foreigners that come in illegally or that are being prosecuted for a violation to the Mexican migration laws.<sup>32</sup>

Law enforcement, vigilance and policing operatives are taken care of by both local and federal agencies, dependant of their respective Executive branches. The Mexican military, the *Procuraduría General de la República* (PGR), and the *Policía Federal Preventiva* (PFP), and local police corporations collaborate with the INM in the task of apprehending and keeping undocumented migrants, coming from Central America and Asia in custody. But only the INM can resolve the migrants' legal status.

Attending the need for the protection of the physical and patrimonial integrity of people attempting to cross the border, legal or illegally, the Mexican authorities recently created the 'Beta Groups'. Six of those groups were deployed at the northern border, and have similar functions to those of the U.S. Border Patrol.

The American counterpart in migration control has recently been reorganized from the Department of Justice (DOJ), to the newly created Department of Homeland Security (DHS). The U.S. government has concentrated the tasks originally assigned to more than 20 different agencies, most of them traditionally decentralized, to one federal department. The Border Patrol, originally dependent of the DOJ is now a dependency of the U.S. Citizenship and Immigration Services USCIS -the former Immigration and Naturalization Service INS- that reports directly to the Department of Homeland Security.<sup>33</sup> Thus, the redesigning of U.S. institutions can be easily related to the new conception of security –of the homeland and the border that is- that has somehow

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<sup>32</sup> These norms are contemplated in the *Ley Genral de Población*. Migrants are held in the local delegations of the INM temporarily, until their migratory situation is defined; then their cases are turned to the concerning authorities. Leonel Pereznieta and María E. Mansilla. *Manual práctico del extranjero en México*. (México: Oxford University Press, 1999), 140.

<sup>33</sup> Creel. "La migración y la seguridad entre México y Estados Unidos." 6.

elevated criminality at the border and illicit crossings to the dreadful realm of terrorism, as policy-makers and a wide part of the public opinion fear the infiltration of external terrorist cells through terrestrial borderlines.

It is evident that controlling the border is not a simple endeavor. It requires the coordination of two national bureaucracies and two sovereign governing apparatus. Following September 11, the DHS was enacted to procure and oversee the overall securitization of the American soil and borders. Tom Ridge, DHS appointee commented,

*Nuestra solución fue crear el Departamento de Seguridad Interna, (...). El presidente vislumbró este departamento como una forma de “unir dependencias esenciales que deben trabajar en estrecha coordinación”. Se fusionaron 24 dependencias y se reunió a más de 180 000 empleados. El nuevo departamento sería ágil y adaptable ante una amenaza que cambia de manera constante, y no letárgico y cargado de reglas burocráticas. El propósito, dijo el presidente, no era incrementar “el tamaño del gobierno, sino incrementar su capacidad de acción concentrada y su efectividad.”<sup>34</sup>*

In Mexico, *Gobernación*, is also in charge of national security, the protection of the homeland and, along with other dependencies of the Executive branch, combat of terrorism and organized crime. In the year 2001, following the terrorist attacks to the United States territory, Mexican President Vicente Fox created a National Security Cabinet integrated by the secretaries of Defense, Marine, Treasury, *Función Pública*<sup>35</sup>, Public Security and the Attorney General. *Gobernación*, through the Center for Investigations and National Security (CISEN), is commanded to set the agenda and

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<sup>34</sup> Tom Ridge. “Dos patrias, una misión: Cómo la seguridad interna y la respuesta estadounidense al 11-S han unido a México y Estados Unidos.” *Foreign Affairs en Español*. (Abril-Junio Vol. 4. Núm. 2. México, D.F: ITAM, 2004), 14.

<sup>35</sup> In charge of procuring good government and with the mission of “*Abatir los niveles de corrupción en el país y dar absoluta transparencia a la gestión y el desempeño de las instituciones y los servidores públicos de la Administración Pública Federal.*” Secretaría de la Función Pública. Available from <http://www.funcionpublica.gob.mx/index1.html> Consulted March 16th, 2005.

follow up the issues dealt by the National Security Cabinet.<sup>36</sup> The restructuring of the Mexican security bureaucracy was not only a means of preventing and deterring the spread of terrorism in the country. It was a step forward in the securitization of the North American hemisphere as Canada engaged in similar actions.

It was precisely Mexico's National Security Cabinet that subscribed to the "Alliance for the Border" together with the U.S. Department of State, to face the challenges presented by terrorism and organized crime –this last one, more persistent in the border region over the years. Additional to memoranda and concurrent meetings of high level government officials, the alliance consisted of a Plan of Action that set the specific goals pursued by both countries in the border region. The plan accounts 22 commitments divided in three sections, each one dealing with either safer infrastructure, safer transit of people or safer flow of goods.<sup>37</sup>

Eduardo Medina Mora Icaza, who is the director of Mexico's CISEN, argues that developing institutions like the Plans of Action or enhancing the border infrastructure does not end with the sources of conflict. Nevertheless, institutions like these allow the two governments to process their duties while avoiding unneeded worries and controversies that could lead to situations of crisis. Institutions then, make the problems of the border easier to overcome.

### **1.3 Assessing Border Security and Migration**

Although Mexican national interest concerning hemispheric affairs has remained under the auspices of a solid protection of national sovereignty and non-intervention, the integration of North America is projected to continue over the years, and though it is not

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<sup>36</sup> Creel. "La migración y la seguridad entre México y Estados Unidos." 6.

<sup>37</sup> Creel. "La migración y la seguridad entre México y Estados Unidos." 6.

surprising that trade, immigration and security policies derive in the most part from the United States, both Mexico and Canada are circumstantially bound by them. Mexico and the United States are two neighbors whose national interests in terms of security policies have differed in the past. “(...) As a result, policies adopted by each government can become a source of discord and tension with the other, since they are often formulated without due consideration of the other country’s interpretation of its own national interests.”<sup>38</sup>

Nevertheless, Mexico is experiencing a genuine period of democratization, with gradual economic and governmental redesigning. Accompanying that is a shift to multilateralism and legitimate preoccupation for hemispheric affairs. Noting for instance that

(...) [a] stable Mexico (...) is essential both to [U.S.] (...) deficit-reduction strategy and for social tranquility. (...) It is very much in (...) [the U.S.] interests, therefore, that Mexico’s institutions of law and order function effectively and also that their domestic capacity to employ their people begins to keep pace with their burgeoning labor force.<sup>39</sup>

Therefore, for the sake of each nation, the three countries that compose the North American block must be willing to cooperate to the existing stability in the trilateral relation. For Canada and Mexico, that means yielding to the United States the undertaking of unraveling comprehensive policies.

Indeed, comprehensiveness is the most important feature a multilateral security and immigration policy needs to have. The Mexico-U.S. border is unlike any other in the hemisphere. At no other boundary do two countries with the economic asymmetries Mexico and the U.S. have, meet and share such a remarkable amount of interests and

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<sup>38</sup> John Bailey and Sergio Aguayo-Quezada, (eds.) *Strategy and Security in US-Mexican Relations beyond the Cold War*. (San Diego, CA.: Center for US-Mexican Studies, 1996), 2.

<sup>39</sup> Bailey and Aguayo-Quezada. *Strategy and Security in US-Mexican Relations*\_81.

affairs. Therefore, when asserting a national security policy that is also pertained to immigration control, the United States must bare in mind that

[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* factors influencing northward legal and illegal border crossings are unique<sup>40</sup>

and are part of a more complex deed than the mere unlawful practice of crossing the border illegally.

Now, as I contended before, the discipline of International Political Economy provides us with a model that better explains the phenomenon of migration. Certainly, migration can be viewed as a matter of supply and demand, or, as it is commonly referred to, push and pull. The *push and pull* model relies on the existence of factors of economic, social or political nature that push the departure of massive volumes of people, whereas competitive advantage and a favorable economic environment pull and direct the flow of people to a certain place.<sup>41</sup> My thesis specifically argues that in the case of Mexico and the United States “(...) [e]mployer demand has been the primary force driving the increase in unauthorized migration.”<sup>42</sup> My analysis does not remain there. I consider it important to clarify that “(...) whatever social factors reinforce it, Mexican migration is ultimately economically motivated.”<sup>43</sup>

The push and pull theory has often been discredited for not taking enough elements embedded in the question of migration into consideration. However, experts on the matter like Wayne Cornelius and Jorge Durand have based their studies on this

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<sup>40</sup> U.S.-Mexico Binational Council. *U.S.-Mexico Border Security and the Evolving Security Relationship: Recommendations for Policy Makers*. A Report of the U.S.-Mexico Bi-national Council. (Washington, D.C.: CSIS-ITAM, 2004), 4-5. (Cursive is mine)

<sup>41</sup> Alejandro Portes and Ruben G. Rumbert. *Immigration America: A Portrait*. (Los Angeles: University of California Press, 1994), 78.

<sup>42</sup> U.S.-Mexico Binational Council. *Managing Mexican Immigration to the United States: Recommendations for Policy Makers*. A Report of the U.S.-Mexico Bi-national Council. (Washington, D.C.: CSIS-ITAM, 2004), 1.

<sup>43</sup> U.S.-Mexico Binational Council. *Managing Mexican Immigration to the United States*. 1.

model have and made very significant contributions to it. For example, Cornelius has considered temporary worker programs –a control of immigration measure that is considered extremely political these days, as a pulling factor.<sup>44</sup> On the other hand, Durand<sup>45</sup> has included economic elements like wage rates or job opportunities in his immigrant distribution models. Accordingly, not only do immigrants concentrate in certain destinations because of the social and cultural links to that community, but because of the services, facilities and job opportunities they find, more so, they have built a community out of a labor market.

Finally, patterns of migration are also noteworthy for my study. Traditionally, Mexican migration to the United States, either regulated or not, used to be circular, or as others would call it periodical. In other words, once the migrant had a certain amount of money, returning home was the next thing to do. But the driving forces of those migration patterns have changed, for once, the level of integration facilitates the legal transit of commuters. On the other hand, the securitization of the border crossing points has inhibited the usual ‘back and forth’ practices and made the stays everything but temporary.

The U.S.-Mexico Bi-national Council reports that

(...) In the past, migrants opted to work for short periods and then return, but U.S. border enforcement has made it more difficult and expensive to cross into the United States, so today many unauthorized workers opt to stay. (...) Doubtless then, the level of circulation has decreased, and as many observers argue, border enforcement may well have fostered that process.<sup>46</sup>

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<sup>44</sup> Wayne Cornelius, Martin, Philip L. (et. al) *Controlling Immigration: A Global Perspective*. (Stanford: Stanford University Press, 1994)

<sup>45</sup> Durand. *The Geographic Distribution System of the Mexican Migrant Population in the United States*. 6-10.

<sup>46</sup> U.S.-Mexico Binational Council. *Managing Mexican Immigration to the United States*. 2.

As a result, border enforcement has caused a shift in the permanency of migration patterns at times when U.S. employer demand acts as a magnet that attracts migrant workers in a context of integration. The former is precisely the point of collision between two phenomena –security and migration- traditionally studied by different disciplines, that, if joined in one single line of analysis can provide a wider range of public policy assertiveness.

Recalling what I argued at the beginning of this chapter I can conclude that the United States' national interest has driven its national security policies and have recently placed homeland security as a priority in the bilateral agenda with Mexico. Furthermore, the recent changes in the American governmental structure can be compared to the creation of the Central Intelligence Agency CIA in 1947. Therefore, the new concept of homeland security, that entails the preservation of the territory through the safeguard of coastal and territorial boundaries “(...) *es un fiel reflejo de la nueva manera en que Estados Unidos ha decidido adecuar sus políticas e instituciones para hacer frente a la amenaza que representa el terrorismo.*”<sup>47</sup> And following that trend, Canada, Mexico and the United States are engaged in an interdependent relationship that forces them to cooperate for the sake of the security of the North American block.

Indeed, the creation of the Department of Homeland Security was a response to a direct threat but it requires cooperation since “(...) *la seguridad en el territorio nacional [estadounidense] se ve realizada por la seguridad colectiva de (...) amigos y vecinos, [debiendo] construir barreras contra los terroristas sin quemar los puentes de nuestra comunidad global del siglo XXI.*”<sup>48</sup> That is why security ideals have driven policy makers to deal with illegal immigration, as economic interdependence is driving

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<sup>47</sup> Creel. “La migración y la seguridad entre México y Estados Unidos.” 8.

<sup>48</sup> Ridge. “Dos patrias, una misión.” 18.

immigrants northwards and even though they are not a direct threat to their security it is a part of a lesser extent of concern for they incur in infractions to the law and elevate the risk of the border with criminal activities.

Nevertheless, border security goes beyond the physical features that define and separate the two national territories. *“La seguridad de la frontera, más bien, abarca una continuidad de transacciones e interacciones terrestres, marítimas y aéreas. No tiene lugar sólo en una línea definida en el mapa, sino a través de millones de líneas de información en una computadora y de millones de decisiones humanas diarias.”*<sup>49</sup>

Combating criminality at the border cannot be set upon a linear, unilateral line of defense. Without building a fortress either national or of the block, comprehensive border security policies must be multilaterally agreed and *“contener un sistema que funcione “de fuera hacia adentro” mediante asociaciones globales efectivas que garanticen el movimiento seguro y eficiente de personas.”*<sup>50</sup> And foresee the many aspects surrounding, provoking and resulting from these massive movements across North American borders.

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<sup>49</sup> Ridge. “Dos patrias, una misión.” 18.

<sup>50</sup> Ridge. “Dos patrias, una misión.” 20.