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**Newport, R.I.**

**U.S. – MEXICO POLICY COORDINATION**

**AN ASSESSMENT OF THE TWENTY-FIRST CENTURY BORDER POLICY**

**COORDINATION EFFORT**

**by**

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**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

**Signature: \_\_\_\_\_**

**28 October 2011**

## **Abstract**

### *U.S. – Mexico Policy Coordination: An Assessment of the Twenty-First Century Border Policy Coordination Effort*

There is some concern in the United States with the ability of the Mexican government to address policy priorities, especially in the face of rising drug violence. Mutually beneficial topics such as border infrastructure, information sharing, and law enforcement coordination have not been effectively coordinated at the national levels of both governments leading to significant inefficiency on issues related to the border. In 2010, the United States and Mexico established a bi-national policy coordination process to address topics beyond security and law enforcement. The United States’ “Twenty-First Century Border” coordination process, a parallel and supporting effort to the Obama Administration’s “Beyond Mérida” effort, is the primary national-level effort to improve United States border policy coordination with Mexico. This paper assesses the effectiveness of the Twenty-First Century Border policy coordination process to determine if the bureaucratic structures, work identified, and work accomplished to date hold potential to increase the governance capability of the Government of Mexico. The paper concludes the Twenty-First Century Border effort will improve the governance capability of the Mexican federal government through increased and effective bi-national coordination, but more must be done.

## INTRODUCTION

Mexico and the United States are bound by close ties in economic, social, and security policies that transcend the physical border. Mexico's Ambassador to the United States has called this relationship "intermestic," meaning that policies, events, issues, etc. on either side of the international demarcation line have both domestic and bi-national/international impacts.<sup>1</sup> It is in the co-interest of the United States and Government of Mexico (GoM) to develop and implement supportive cross border economic and security policies but this requires a change in context from the border priority policies of the past decade.<sup>2</sup> In addition, there are questions concerning the ability of the Mexican government to address border policy priorities, especially in the face of rising drug violence. Since September 11, 2001 the United States-Mexico relationship has been focused on potential terrorist threats, drug violence, and immigration issues. Though important topics, such emphasis has failed to build upon areas of mutual benefit and progress; areas where the United States might support the foundations of governance within Mexico and not just its police and military capacity. Mutually beneficial topics such as border infrastructure, information sharing, and law enforcement coordination have not been effectively coordinated at the national levels of both governments leading to significant inefficiency on issues related to the border.<sup>3</sup> Considered in the context of the just-in-time nature of business and the competitiveness of the global economy, an effective and efficient border requires security, customs, and infrastructure policies that are streamlined, balanced, and coordinated.

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<sup>1</sup> Arturo Sarukhan. "The 21st Century Border Initiative by Mexican Ambassador to the United States ." YouTube. April 4, 2011. [http://www.youtube.com/watch?v=V\\_EEHJ-gLRA](http://www.youtube.com/watch?v=V_EEHJ-gLRA) (accessed September 4, 2011).

<sup>2</sup> Woodrow Wilson International Center for Scholars. *The United States and Mexico: Towards a Strategic Partnership*. Report of Four Working Groups, Washington, DC: Woodrow Wilson International Center for Scholars, January 2009.

<sup>3</sup> U.S. Chamber of Commerce. *Steps to a 21st Century U.S.-Mexico Border*. Report, Washington, DC: U.S. Chamber of Commerce, May, 2011, 11.

Efforts to improve coordination are ongoing as leaders and policymakers on both sides of the border have sought means to develop comprehensive and bi-national approaches to cross-border issues. The United States' "Twenty-First Century Border" coordination process, a parallel and supporting effort to the Obama Administration's "Beyond Mérida" program, is the primary national-level effort to improve U.S. border policy coordination with Mexico.<sup>4</sup> The Twenty-First Century Border effort is improving the governance capability of the Mexican federal government through increased and effective bi-national coordination with the United States, but more must be done.<sup>5</sup>

## DISCUSSION

Defining governance is the first step in evaluating the Twenty-First Century Border effort's potential to succeed. However, there is not a single agreed upon definition within the professional literature and articles on the topic of governance. The economist Stephan Bell provides a useful definition that incorporates the main points of many of the various definitions. In his book *Economic Governance and Institutional Dynamics*, Mr. Bell defines governance as the "use of institutions, structures of authority and even collaboration to allocate resources and coordinate or control activity in society or the economy."<sup>6</sup> Broadly examined, this definition has three components: (1) the ability to develop appropriate and collaborative policy; (2) the ability to coordinate the implementation of the policy; and (3) the ability to do so transparently and informatively to the public/citizens. When examined

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<sup>4</sup> Mérida is the U.S. State Department managed security assistance program initiated in 2008 between the United States and several Latin American countries, including Mexico, aimed at combating drug trafficking, transnational organized crime, and associated money laundering with law enforcement training, equipment, technologies, and intelligence support from the United States. In 2009, the Obama Administration sought to move beyond the technologic aspects of security assistance with a more holistic approach. This program is called Beyond Merida. Beyond Merida is supportive of the original Merida program but expands the bi-national efforts to address governance and institution building opportunities with Mexico.

<sup>5</sup> Described more completely later in this paper, the Twenty-First Century Border effort is a strategic policy coordination process that provides mutually agreed upon priorities related to the United States-Mexico border. This effort has resulted in better aligned federal policy coordination mechanisms within and between each of the governments. The Twenty-First Century Border effort is related to, but not part of, Mérida.

<sup>6</sup> Stephan Bell. *Economic Governance and Institutional Dynamics*. Melbourne, Australia: Oxford University Press, 2002.

using Mr. Bell's definition and these components, the Twenty-First Century Border effort is making substantial progress increasing the effectiveness of strategic policy coordination and implementation between the United States and the Government of Mexico (GoM), a key element in improving governance, but more focus must be placed on increasing transparency and openness in the policy process.

### **The Policy Coordination Challenge**

Bureaucracies on both sides of the border struggle to coordinate policies across and within various levels of government including federal, state, and local structures. However, the complexity and interdependence of bi-national issues means there is rarely a clear, single lead department or agency on any given issue on either side of the border. Complicating coordination efforts are the various and often duplicative authorities held by many U.S. and GoM institutions. In addition, the various bi-national interactions at the federal, state, and local levels are often not apparent to the other levels of government. The different government stakeholders often address issues directly and indirectly through bi-lateral institutions, commissions, and agreements.<sup>7</sup> The failure to coordinate efforts results in disjointed border policies and activities leading to increased levels of congestion, delay, higher border-crossing costs, and insufficient infrastructure planning.

One example of a disjointed effort can be found at coordination related to the establishment and management of land ports of entry (POEs).<sup>8</sup> The United States and Mexico have over seven federal departments within each national-level structure with POE-

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<sup>7</sup> Woodrow Wilson International Center for Scholars. *The United States and Mexico: Towards a Strategic Partnership*. Report of Four Working Groups, Washington, DC: Woodrow Wilson International Center for Scholars, January 2009, 4.

<sup>8</sup> A port of entry is a place where one may lawfully enter a country. Port of entries can be land based, sea ports, or international air terminals.

related responsibilities.<sup>9</sup> Each department and agency has distinct purposes and authorities that span issues ranging from law enforcement to commerce management. Sporadic and disjointed efforts result in departments working toward common end-states (i.e. improved POE development) but doing so in an uncoordinated and non-supporting manner. National efforts to synchronize a whole-of-government approach have been haphazard. Across the border, the GoM has its own bureaucratic structure but suffers from the same challenges. These federal-level challenges are both independent of and repeated within, the numerous state and local agencies that have their own policies and processes. Enhancing coordination among the stakeholders involved in the crossing process provides an opportunity to achieve many benefits including increased security, and reduced system costs through a predictable and coordinated policy structure.<sup>10</sup>

Prior to attempting bi-national coordination, obtaining consensus on priority efforts at the federal inter-agency level must occur. The United States' inter-agency policy and coordination processes focus on the development of whole-of-government approaches to issues. However, security-focused agencies, customs-focused agencies, and transportation-focused agencies each have different mandates and nomenclature. This can lead to confusion on which priority topic the federal agencies should be focused on: security, infrastructure, or throughput. Confused, disjointed, and unclear priorities interfere with efforts to get Congressional funding that promotes focused cross-border progress.

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<sup>9</sup> For the United States, departments with POE-related roles include, but are not limited to, the Department of State; Department of Homeland Security components Customs & Border Protection (CBP) and Immigration and Customs Enforcement, the Environmental Protection Agency (EPA); the Government Services Agency (GSA) and Department of Transportation (DOT). For the Government of Mexico, departments with POE-related responsibilities include, but are not limited to, the Economy Ministry, Finance Ministry, Ministry of Transportation and Communications; the Ministry of the Interior, and the Foreign Ministry each have responsibilities related to a land border POE.

<sup>10</sup> Mark Ojah, Juan Villa, William Stockton, David Luskin, and Robert Harrison. *Truck Transportation Through Border Ports of Entry: Analysis of Coordination System*. Research and Technology Report, Austin: Texas Department of Transportation, 2002.

The structure of the GoM's departments and agencies is similarly complex with border and national security responsibilities split between the president and eight cabinet departments. Efforts are often duplicated across agencies because roles, responsibilities, and authority are not clearly defined.<sup>11</sup> Ambiguous, shifting, and overlapping responsibilities have also led to uncoordinated efforts (and often animosity) between Mexican federal agencies. While overlapping roles in the GoM federal structure may provide some checks and balances across agencies, more often it leads to confusion in both the United States and GoM with regard to authority, roles, responsibilities, and which department should coordinate with what department.

One example of bi-national challenge involving domestic United States inter-agency impacts can be seen at the San Ysidro POE. At San Ysidro the number of southbound vehicle travel lanes are significantly lower than the number of lanes coming into the United States from Mexico. There are 24 lanes into the United States, and eight lanes into Mexico, a 3-to-1 ratio typical at United States-Mexico POEs. This lane disparity appears to be an example of uncoordinated bi-national policy and planning efforts where the GoM provided more lanes than the United States was willing, or might have been able, to provide. The result of the mismatch in vehicle travel lanes is an unnecessary choke-point for the free and efficient flow of commerce across the POE.<sup>12</sup>

The lack of outbound infrastructure presents a challenge for construction of the "exit" portion of the US-VISIT program. US-VISIT is a security related program that tracks when foreign visitors enter and leave the United States. Without sufficient lanes and

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<sup>11</sup> Agnes Schaefer, et al. *Security In Mexico: Implications for U.S. Policy Options*. Non-profit research, Arlington, VA: RAND Corporation, 2009, 15.

<sup>12</sup> California Department of Transportation. *San Ysidro Border Investment Strategy*. Government Report, CALTRANS District 11: California Department of Transportation, 2008.



accompanying infrastructure on the United States side of the border, U.S. law enforcement officials are pressured to reduce enforcement of the US-VISIT program in order to not unduly delay legitimate trade and travel. The result is that some foreign nationals are not identified when they are leaving the United States; the purpose of the program. In sum, the responsibility of U.S. Customs Border Protection, who manages US-VISIT, is impacted by the inadequate infrastructure managed by the Government Services Agency and federal and state Departments of Transportation. Of course there are undoubtedly other underlying reasons (i.e. politics and funding) that impact this installation of travel lanes at San Ysidro, but overall the lack of a coordinated process to focus efforts can decrease POE efficiency and impacted homeland security measures.<sup>13</sup>

### **Overcoming the Coordination Challenge**

Presidents Obama and Calderón sought a framework to overcome the lack of border policy-related coordination and sought to maximize resources and improve governance. Further, the Presidents desired a change in the bi-national context from a decade-long focus on security-related technology and equipment to a broader policy development, coordination, and implementation process.

In 2009, the Obama Administration identified an opportunity to develop synergies among the multiple, disjointed, sometimes competing federal and bi-lateral efforts by re-framing the “Mérida Initiative.” President Obama leveraged his National Security Staff-led strategic policy coordination process to institute a policy coordination mechanism to improve U.S. federal coordination, better align United States support to the GoM, and tacitly assist the GoM in improving its internal coordination and governance capabilities. The Administration

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<sup>13</sup> For additional information on U.S.-Mexico cross-border planning and governance see Sergio Pena’s “Cross-border Planning, What is it? Implications for the U.S.-Mexico Border.” This document can be found at: [aesop2005.scix.net/data/papers/att/152.fullTextPrint.pdf](http://aesop2005.scix.net/data/papers/att/152.fullTextPrint.pdf)

recognized that focusing only on security would not address the systemic challenges the GoM was experiencing with governance.

In mid-2010, President Obama, with the support of President Calderón, re-focused the Mexico portion of Mérida to incorporate border infrastructure policy issues with the legacy security-focused technical and technological support.<sup>14</sup> This program was coined “Beyond Mérida.” Beyond Mérida is built on four pillars that seek to disrupt the ability of organized crime to operate, strengthen institutions to sustain the rule of law and human rights, build a 21st-century border, and foster strong and resilient communities.

Addressing the U.S-Mexico border in a more comprehensive manner, the Presidents issued a joint statement in 2010 declaring: “the Twenty-First Century Border must ensure the safety and security of residents in communities along both sides of the border and affirm the mutual interest of Mexico and the United States to prevent entry into our countries of people who pose a threat to the national security of both nations.”<sup>15</sup> This bi-national vision recognizes the importance of facilitating lawful trade and travel alongside security and law enforcement challenges. The Presidents further determined the border must be developed in a more holistic, intermestic fashion with initiatives aimed at improving cross-border trade flows and surveillance. This more holistic approach, combined with increased openness and transparency in the development and purpose of border policies, seeks to increase public confidence in the federal institutions in both countries. Furthermore, this process affirms that

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<sup>14</sup> Personal knowledge of the author. The author was a member of the National Security Staff from 2009 to 2011 and participated in portions of the discussions and development of the Twenty-First Century Border effort.

<sup>15</sup> Mariko Silver. "House of Representatives." *House Committee on Foreign Affairs*. May 27, 2011. <http://www.hcfa.house.gov/111/sil052710.pdf> (accessed September 4, 2011).

building citizen trust in government agencies is important and can be achieved through greater transparency and accountability in government.<sup>16</sup>

The two governments immediately took steps to implement the Presidents' vision of a safe, secure, and prosperous twenty-first century border. To lead the effort, they established bureaucratic mechanisms to increase domestic and bi-national coordination efforts and directed the development of a bi-national action plan. The action plan seeks to systematically address common border issues and challenges such as security, legitimate travel, and trade.<sup>17</sup> The new approach is a significant change in the United States' partnership with Mexico, as it deepens the relationship with Mexico by strengthening GoM institutions and coordination between Mexican federal agencies and their U.S. counterparts.<sup>18</sup>

### **The Twenty-First Century Border Effort and its Potential for Success**

It is important to examine if the coordination mechanisms established by Presidents Obama and Calderón in the Twenty-First Century Border Executive Steering Committee (ESC) and the tasks they have chosen to address, have the potential to increase and improve the governance ability of the Government of Mexico.

Again, governance has three components: (1) the ability to develop appropriate and collaborative policy; (2) the ability to coordinate the implementation of the policy; and (3) the ability to do so transparently and informatively to the public. The Twenty-First Century Border effort has successfully met the first two components and part of the third and should result, eventually, in improved governance in Mexico.

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<sup>16</sup> Woodrow Wilson International Center for Scholars January 2009, 41

<sup>17</sup> Silver 2011

<sup>18</sup> Interview with U.S. Embassy-Mexico official with responsibilities related to the Twenty-First Century Border effort. The official requested to not be identified in this paper.

The first component, developing appropriate and collaborative policies, is ongoing and efforts to date appear to have had some success. The 2010 Joint Declaration of Presidents Obama and Calderón established the Twenty-First Century Border Bilateral Executive Steering Committee (ESC). The ESC is composed of high-level representatives from federal government departments and agencies with authorities and responsibilities related to the border. For the United States, this includes representatives from the Departments of State, Homeland Security, Justice, Transportation, Agriculture, Commerce, Interior, Defense, and the Office of the United State Trade Representative. For Mexico representatives are from the Secretariats of Foreign Relations, Interior, Finance and Public Credit, Economy, Public Security, Communications and Transportation, Agriculture, and the Office of the Attorney General of the Republic. This group was charged by the Presidents to make “progress in upgrading border infrastructure; implement innovations in port of entry operations that advance both citizen safety and global competitiveness; and increase our capacity to prevent and address violence and criminality in the border region.”<sup>19</sup>

The ESC recognized that it must address policy issues that were of mutual benefit to each nation and would demonstrably improve cross-border trade facilitation without decreasing security. In May 2010, the Executive Steering Committee (ESC) identified bi-national issues for collaborative and coordinated action. These include programs focused on reducing congestion and delays in cross-border traffic; the creation, expansion, or mutual recognition of “trusted shipper” programs (programs allowing enforcement authorities to concentrate their efforts where they are most needed to stop illicit border flows); programs that permit pre-screening, pre-clearance, and pre-inspection of people, goods, and products

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<sup>19</sup> U.S. Department of State, Office of the Spokesman. *U.S. Department of State*. April 29, 2011. <http://www.state.gov/r/pa/prs/ps/2011/04/162245.htm> (accessed September 13, 2011).

prior to them arriving at POEs; and, improved bi-national coordination in planning, financing, permitting, designing, building, and operating POEs. National Security Staff representatives indicate there were nearly 21 priority projects identified with topic areas addressing infrastructure to information sharing. ESC members from both nations agreed to the list of priority projects and work is underway to address them. Overall, the bureaucratic structure formed by the Presidents appears to have enhanced the development of coordinated border policies, the first component of governance.

Regarding the second criteria, implementation, the Twenty-First Century Border effort has successfully established mechanisms to ensure the policy priorities are acted upon. In the United States, the National Security Staff used its established policy-coordination structure to manage the implementation and address emerging policy questions related to the ESC's priority areas. The National Security Staff established three working groups along specific lines of effort: Secure Flows (of commerce and people), Corridor Security (law enforcement focused), and Infrastructure Planning (focused on buildings, roads, etc.).<sup>20</sup> These working groups are co-chaired by the leading federal departments on given issues. The co-chairs are responsible for the coordination of federal efforts within the specific priority areas. For example, the Departments of Justice and Homeland Security co-chair the Corridor Security group. The co-chairs do not assume authority over the other members (i.e. the Departments of State, Transportation, Commerce, and Treasury) but they do convene appropriate meetings and conferences to ensure broad awareness on ongoing policy efforts. Further, they serve as single points of contact for GoM representatives on issues that fall under the purview of the working group. This coordination includes ensuring that there is a forum for open discussion and awareness between U.S. federal inter-agency efforts.

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<sup>20</sup> Technically these are sub-Interagency Policy Committees within the NSS process.

Similarly, the GoM has made progress in adjusting its coordination structures for greater effectiveness. The GoM established a five-group structure that aligns with the United States' structure. The five groups include an infrastructure planning subcommittee that aligns with the U.S. Infrastructure Planning group and a law enforcement and security subcommittee that parallels the U.S. Corridor Security effort. Further, it established three subcommittees that align very closely with the U.S. Secure Flows effort. These subcommittees address commerce facilitation, bi-national risk management, and pre-clearance and pre-inspection. State Department representatives have remarked this is a remarkable step forward in the GoM's inter-agency coordination and participation in cooperative policy-making.<sup>21</sup> It is also a strong indication of the GoM's commitment to ensuring bi-national approaches to important topics.

An ESC working group met in December 2010 and agreed upon progressive cross-border efficiency and effectiveness goals that would be accomplished within a 12-month period. To manage the implementation of these goals a bi-national, co-chaired structure was established. These groups should improve coordination and efficiency. The bi-national groups seek to address:

- Bi-National Infrastructure Coordination in order to coordinate planning, financing, permitting, etc., related to new ports of entry;
- Bi-National Risk Management to enhance information sharing and risk management strategies across the border;
- Bi-National Pre-Clearance, Pre-Screening, and Pre-Inspection to test concepts that will move inspections away from actual ports of entry to reduce wait times and allow more focus on at risk cargoes or people;
- Cross-border Business Resumption to create processes and procedures to expedite recovery from a port of entry closure;

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<sup>21</sup> Interview with U.S. Embassy-Mexico official with responsibilities related to the Twenty-First Century Border effort. The official requested to not be identified in this paper.

- Bi-National Law Enforcement Cooperation to augment law enforcement cooperation to disrupt criminal flows and increase public safety; and,
- Efforts to improve cross-border commerce and cooperation with actions targeted to reduce congestion and delays at ports of entry in order to build the foundation for an efficient border with expanded economic opportunity.<sup>22</sup>

The second component of governance appears to be satisfied by the establishment of these internal and bi-lateral working group structures. Further, the identification of specific opportunities and coordinated implementation of policies shows that the system is on its way to working.

The third component of governance is the ability to develop and implement policies in a transparent and informative manner that is informative to the citizens of each nation. Recognizing that the border is as much a federal issue as it is a state, local and business area of concern, the two governments established the Bi-National Stakeholder Interaction Mechanisms group. This focus area seeks to address community concerns about security and efficiency through regular interaction with local stakeholders, interested parties, and the entities with a stake in the global supply chain. This effort includes local-level operations and seeks to initiate reforms to the municipal and state police forces of the GoM with supporting community-based social programs. The Department of State website notes both nations continue to seek ways to engage border communities to develop collaborative and effective border management processes.<sup>23</sup> This collaboration is occurring at border communities, state, local, and tribal governments through bi-national strategy development and communications efforts. The establishment of a specific group to engage other-than-

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<sup>22</sup> Personal knowledge of the author. The author was a member of the National Security Staff from 2009 to 2011 and participated in portions of the discussions and development of the Twenty-First Century Border effort.

<sup>23</sup> U.S. Department of State, Embassy of the United States-Mexico. Embassy of the United States-Mexico. 2011. *A 21<sup>st</sup> Century Border Vision*. <http://mexico.usembassy.gov/eng/ata glance/merida-initiative.html> (accessed October 13, 2011)

federal entities is a step in the right direction but it is unclear if there are actions and tasks associated with this topic. Though the Department of State web site mentions engagement is desired, there is no information on specific efforts and advancements in this area. The bi-national effort begins to address the third component of governance, however, more work needs to be done in increasing transparency in the bi-national processes and efforts. The forthcoming one-year review, due to be completed in December 2011, might be the basis to notify stakeholders of progress to date and future efforts. If effectively communicated to public and private stakeholders, this would help achieve the third governance component.

### **Are the Processes Working?**

Though a full accounting of the progress made in accomplishing the goals of the 2010 ESC meeting is not yet available, the U.S. Department of State website indicates that progress is being made.<sup>24</sup> To examine if the process is working it is useful to look at the progress made related to ports of entry, risk mitigation, and law enforcement coordination.

POE issues are challenged by bureaucratic inefficiencies. However, the ESC properly recognized that POE efficiency is a critical cross border issue and, as such, provided direction that certain POE projects were to be expedited. This resulted in a consolidated effort both within each federal structure and bi-nationally that led to the eventual opening of three new ports of entry in 2010: the Anzalduas International Bridge, a commercial crossing between San Luis, Arizona and San Luis Rio Colorado, Sonora and the Donna-Rio Bravo International Bridge. The ESC designated these ports of entry as priority areas and provided political leadership to overcome bureaucratic and process impediments that had delayed

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<sup>24</sup> U.S. Department of State, Embassy of the United States-Mexico. *Embassy of the United States-Mexico*. 2011. <http://mexico.usembassy.gov/eng/ataglance/merida-initiative.html> (accessed October 13, 2011) Definitive evidence of success in the Twenty-First Century Border effort is difficult to come by as the effort is only a year old and the first United States government progress report is not due to be released until December 2011.



completion.<sup>25</sup> The ESC's attention resulted in these important cross-border facilities being opened to trade and tourism.

A second example of progress is found in the development and expansion of bi-national risk mitigation efforts related to illicit cargoes, people, terrorists, weapons, etc. Department of State representatives indicate the United States and Mexico are expanding the Global Entry Trusted Traveler program to passengers and airports in both countries. This is a significant step forward as the GoM had previously been reticent regarding the United States-security program. Global Entry allows expedited clearance for pre-approved, low-risk travelers. Further, the ESC has been reviewing potential locations for cargo pre-clearance with the goal of moving some inspections away from the physical border to relieve congestion at crowded crossing points and intercept threats as far from the physical border as possible. Related trusted-shipper-type programs that are also being expanded include the Customs-Trade Partnership Against Terrorism (C-TPAT) and the establishment of expedited travel lanes through POEs. The bi-national acceptance of these processes allows for fewer delays and greater efficiency while effectively balanced with security.

In a third area of progress, bi-national law enforcement coordination, the U.S. Department of Homeland Security (DHS) and the GoM Secretariat of Public Security (SSP) recently signed a Declaration of Principles directing coordinated law enforcement action in certain sections of the border.<sup>26</sup> This declaration assigned more law enforcement officers to critical regions. In addition, it included the placement of liaisons in certain command posts of each other's nations to deconflict operational issues. These efforts are aimed at increasing

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<sup>25</sup> Personal knowledge of the author. The author was a member of the National Security Staff from 2009 to 2011 and participated in portions of the discussions and development of the Twenty-First Century Border effort

<sup>26</sup> Interview with U.S. Embassy-Mexico official with responsibilities related to the Twenty-First Century Border effort. The official requested to not be identified in this paper.

the effectiveness and combining bi-national resources to address mutual law enforcement priorities.

The above examples show the United States and Mexican governments have launched a range of initiatives that challenge the traditional view of border management and security. Each nation has reinvigorated their policy-setting processes to realize the new vision of collaborative border management and appear to be making significant progress in improving coordination and implementation.<sup>27</sup>

This new structure is ambitious and demands a significant, long-term commitment and policy consistency across United States and GoM administrations; this commitment is not guaranteed. The efforts and effects sought in the Twenty-First Century Border effort are much harder to deliver than military supplies and money, as has been the focus of the Mérida Initiative. Successes in developing and then addressing long-term issues that comprise the best parts of the border--trade, legal immigration, cooperation--should go far in bolstering the legitimacy of the GoM.

## **CONCLUSION AND RECOMMENDATIONS**

In the Twenty-First Century Border effort the United States and GoM have paved the way for a continued partnership that moves beyond physical security and recognizes the intermestic nature of the bi-national relationship. Though the specific policy action items that the United States and GoM choose to address are important, they are not the most beneficial issue in the bi-national relationship. Rather the benefit is found in that the United States can engage with the representatives of the GoM, in a coordinated and structured policy process, and draw them to the negotiating table to achieve a whole-of-government policy approach. Some in the United States, including National Security Staff and State Department

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<sup>27</sup> U.S. Department of State, Office of the Spokesman 2010

officials, have maintained that the success of Beyond Mérida may be measured by a general increase in bilateral cooperation.<sup>28</sup> As examined using Mr. Bell's definition and the three components of governance, the governments are on the right course to increase their governance capability, though more can be done to inform the public and incorporate other stakeholders.

It is unclear if there is sufficient action underway focused on improving the transparency of the policy making and implementation efforts. Though mentioned as an area of effort on the Department of State website there was no additional information readily available, in any open source location, on what specifically was being done. This component of good governance is critical to gaining the public's confidence and trust. Mexican citizens who may see their government's ineffectiveness in the battle against drug cartels need proof that their government is developing and implementing policies that will improve the welfare of Mexicans. Transparent processes revealed through effective strategic communications can help ensure oversight by the citizens of both nations. Combined with actual accomplishments, such communications can help build confidence in the governance capacities of both nations. Strategic communications strategies showing progress in the Twenty-First century effort should be developed by United States and Mexican officials. Though some strategic communications is occurring, this is likely an area in which greater improvement can occur.

Similarly important, the United States and GoM should seek means to better integrate other-than-federal stakeholders into the policy making process. There are legal and policy challenges within each government in doing this but the integration of other stakeholders in

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<sup>28</sup> Interview with U.S. Embassy-Mexico official with responsibilities related to the Twenty-First Century Border effort. The official requested to not be identified in this paper.

local and state government and the commercial stakeholders would lead to better policy decisions on both sides of the border.

A final recommendation, for the United States portion of this effort, is to attain congressional support for this improved policy coordination effort. Though Administration representatives have testified before the Congress on “Beyond Mérida”, there is not much evidence of a coordinated effort to include the United States Congress in the Administration’s change of focus. The Congress could choose to coordinate their fiscal support of bi-national infrastructure projects to areas that would garner the largest benefit. Coordinated funding of long-term infrastructure efforts will support the policy-making process with benefits to the legitimacy and governance of both governments.

Interdependence is a key aspect of the intermestic United States-Mexico relationship and there is much at stake for both countries. Uncoordinated and misguided policies can have significant economic costs and/or security implications. Sound and sustainable bi-national policies can enhance the management of shared resources in the border region and go far in improving governance in Mexico. The Obama and Calderón Administrations have taken a significant step forward in changing the context of the United States-Mexico border from a security-first issue to one of economic opportunity. This is an important effort and it needs to continue.

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