



*North America:  
Managing our Borders and the Perimeter*

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# North America: Managing our Borders and the Perimeter

## Summary<sup>1</sup>

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*This study begins with an approach to the North American experience from the perspective of theories on borders, borderlands, identities and sovereignty. The discussion helps illustrate the importance of borderland communities in the region's land borders and highlights the need for a comprehensive approach to border management in North America.*

*The discussion is followed by an examination of how the three governments managed their borders before and after 9/11. The U.S. has been simultaneously building a perimeter of security around its territory and promoting a similar notion around the three North American countries. These two policies are contradictory. Actions undertaken to build Fortress America are undermining efforts to build a Fortress North America.*

*Border management policy needs to reconstruct a lost institutional framework for international cooperation. It should both include an agenda that goes beyond security as well as reintegration of borderland communities in the policy-making process.*

The US borders with Canada and Mexico are two operationally separate public policy challenges, but politically they may present surprising similarities. As with most other nations, border policy in all three North American countries is about projections of territorial power, the political affirmation and exercise of sovereignty and the nation-state's efforts for enforcement and surveillance.

Because of the history and present condition of the North American land borders, it is particularly important in this region to distinguish between the concepts of boundary and borderland when speaking of the land borders. Additionally, the terms "border control", "border security", "border management" and "border maintenance" reflect different public policy approaches toward border regions. Ultimately, the goal of all three countries is to assert territorial sovereignty by enforcing the boundary and to protect it through permanent surveillance.

Achieving these goals requires the capacity to conceive a broader definition of borders. It extends beyond the geographical boundary and considers all ports of entry and exit (official and clandestine) of people, goods and data. Border enforcement and surveillance include also the systems that allow the state to trace the movement and use of goods and data and especially the actions of people once they are in the national territory.

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<sup>1</sup> This paper is the result of research and reflections on diplomatic experience on the issue of border management in North America

The perceived need to survey not only the flow of goods and people, but also data, information and ideas makes the border ubiquitous throughout the continuous North American territory. This research concentrates on the land borders while keeping in mind these more ample conceptual definitions of the border for the purpose of management and surveillance.

The fact that the North American land borders are among the longest and most dynamic in the world has been a subject of innumerable studies, but not enough has been done to describe and define their social and economic characteristics as borderlands. The borderland communities of North America exist easily in the bifocal world that has been ascribed more generally to transnational communities. The added characteristic is that they share a continuous space in which there is an international boundary that becomes an integral part of their identity.

The porosity of the land borders is perceived by some as a danger and vulnerability, but for the borderland communities it is an essential part of their very mode of transnational existence, of their social and economic life and of the cultural uniqueness that conforms their identity and livelihoods. An indiscriminate attempt at closing up that porosity becomes a threat to the borderland form of life.

Additionally, border communities that are turned so much toward each other -and toward their common social, economic and cultural identity - can be perceived as a threat to the nation state's continuous efforts for territorial and social integrity. Consequently, the policies of all three countries are directed toward maintaining the national loyalty of their inhabitants of the borderlands. The latter, however, see no conflict between their borderland identity and their national identity and loyalty; this is part of their bifocal nature.

The dynamism produced by these borderland communities expands the challenges and demands of border management beyond the traditional issues of law enforcement and surveillance (border maintenance) and into the whole greater agenda of public administration: health, education, infrastructure, social and economic development, culture, arts, and most notably trade and transnational modes of production. The land borders are the hubs of the trade, exchange and some binational production systems among the countries of North America. Because of the high dependency of Canada and Mexico on their trade with the U.S., the flow of trade at the land border is essential to these nations. NAFTA has strengthened this role of the borders and has tightened the economic bonds of the borderland communities.

Before 9/11 the components of the greater border management agenda received marginal attention, but after the tragic events, they came to be included only if they were presented as part of a security concern. From that date, border management became synonymous with border maintenance. Policy was centered on the theme of enforcement and surveillance spreading out to cover and overtake all subjects of the agenda.

The most visible of the initial reactions to 9/11 was a de facto self-blockade imposed by the U.S. which severely threatened the economies of Canada and Mexico. Both countries moved

quickly to try to accommodate the U.S. enforcement and surveillance concerns in a manner that allowed them to best protect their international trade.

The result took the form of the two smart border bilateral agreements, signed with Canada in December of 2001 and with Mexico in March of 2002. Their stated goals are to achieve the secure flow of goods and people plus the development of infrastructure and intelligence sharing necessary to make these possible. Both accords share the same goals and the strategy of using advanced technology and intelligence sharing as the way to achieve tight enforcement and especially surveillance, without becoming an obstacle to trade and the legal movement of people across the boundaries.

Yet their implementation has very different degrees of specificity in their evaluation and possibly their success. Canada undertook an overhaul of its institutional framework to adjust to the new reality and allow itself to be better aligned with the U.S., thus facilitating bilateral cooperation on all security aspects including border management. In 2003 it consolidated Public Safety Canada, almost a full counterpart to the U.S. Department of Homeland Security. Public Safety Canada goes beyond the U.S. structure by placing under one Minister the agencies charged with border services, security intelligence, Correctional Service, The Parole Board and the Royal Canadian Mounted Police. It established the Canadian Border Agency and separated the service and enforcement sides of immigration policy institutions. Since September, 2001 Canada has spent over 10 billion dollars on anti-terrorism and increased security efforts.

Mexico does not have the resources or the internal political conditions to offer a similar response. The history and the reality of the U.S.-Mexico border are very different from the U.S.-Canada experience. A high level of trust aided by Canada's geography (surrounded by sea and the only land border with the U.S.) allowed for "...the longest common border between any two countries that is not militarized or actively patrolled."<sup>2</sup> On the contrary, the U.S.-Mexico boundary has a history of tension and increasing enforcement and surveillance. The border plays a much larger role in national sensitivities and concerns over issues of territorial sovereignty and control over who and what gets in, when and for what purpose. The element of trust that has traditionally lead border management policy in the U.S. northern divide has been visibly lacking in the southern boundary.

These differences led to separate approaches and results in implementing the smart border agreements. For the northern border it was possible to produce verifiable, regular reports with specific technical information on advances in the implementation of the agreement. In the case of the U.S. Mexico divide, there is rather a political language that speaks in generalities and points only to a few specifics. Yet, interviews with officials from both countries make evident that there are important advances in areas that do not require major financial investments, such as intelligence sharing.

Each of the two land borders present different enforcement and surveillance challenges. High and increasing levels of organized crime activity in the U.S.-Mexico border took place in a blatant and open manner that disrupted social life, damaging and alarming the

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<sup>2</sup> This is how the U.S. Embassy in Ottawa defines the common border between the two countries [http://ottawa.usembassy.gov/content/textonly.asp?section=can\\_usa&document=borderissues](http://ottawa.usembassy.gov/content/textonly.asp?section=can_usa&document=borderissues)

populations of both countries. This context made border enforcement and control the subject of political tension between the countries, creating an environment contrary to the one necessary for trust and cooperation.

Mexico faces a huge public safety challenge from organized crime, specifically drug traffickers, in many parts of its territory - including some border areas. The U.S., however, seems to be more worried about the perception that this organized crime activity represents increased vulnerability for a terrorist attack than about the direct consequences of the organized crime activity itself. This approach creates frustration among Mexican officials who are convinced that the threat of terrorists using the border is minimal compared to the huge challenge posed by drug related violence. To the Mexican officials it does not make sense to fight drug trafficking organizations with an ultimate anti-terrorist goal and strategy. The two countries did not share a diagnosis of the problem and its true threat.

Meanwhile, since 2001 U.S. public opinion and political elites have been engaged in a debate on how to tighten security at the borders. The events of 9/11 helped favor the arguments for creating a tight security perimeter around the U.S. Other voices, aware that the U.S. cannot become an insular hegemon in a globalized world promoted the idea of a security perimeter around North America.

The idea of a North American security perimeter had at best a lukewarm reception among policy-makers and elites in Canada and Mexico. Some recent polls indicate that the idea of the perimeter may have the approval of a majority in the populations. However those who disapprove are active and adamant about this belief and are often found among the military and legislators who have greater weight in determining policy. These governments did not want to give the U.S. the impression that they did not want to cooperate on security and anti-terrorism measures, but also made manifest old concerns over possible loss of sovereignty and control of their own border security, given their very asymmetric power relations with the U.S.

Perhaps inspired by the criticism that once was directed at Europe for allegedly constructing a "Fortress Europe," a debate arose on the nature of a U.S. policy of Fortress America. The issue is whether the U.S. should erect maximum enforcement and surveillance measures on its borders, or rather work with its two neighbors in building a fortress North America that would surround the region in a single security perimeter.

The U.S. has seemed to be trying to implement both fortresses at the same time. Increasing controls, enforcement and surveillance on its own borders began immediately after 9/11. The most important programs through which this was done are:

- U.S. VISIT. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 called for implementation of a biometric system for controlling every entry and exit of foreign nationals into U.S. Territory. The huge technical challenge and resources necessary had caused these provisions to be postponed, but the events of 9/11 made them once again part of the policy agenda. Since then, the U.S. has implemented biometric controls of most foreign entries, but not all. There are exceptions at both land borders, basically as a recognition of the damage the measure

could have for the livelihoods and daily existence of borderland communities. The technical difficulties and even larger disruption in borderland life has been the reason for non-implementation of biometric exit controls.

- Customs controls. The use of electronic manifests and pre-inspection techniques and technologies have not served to reduce inspections at the North American border, but to increase security while maintaining the same level of inspection practice. The percentage of vehicles that undergo physical inspection at the land borders has not decreased because of the new measures, and especially in the U.S. Mexico divide intensified physical inspection continues to be an inhibitor of trade growth.
- Western Hemisphere Travel Initiative. As part of the recommendations of the 9/11 Commission, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, which led to a policy change to now require nationals of the United States, Canada, Mexico and Bermuda to bear a passport or other accepted document of identity and nationality to re-enter the U.S. from within the Western hemisphere. A passport is now required for all such cases of air travel, and full land and sea enforcement is programmed for January 1, 2008. However, it is not yet clear if in the latter case a passport will always be required or if other documents will be accepted and if so, which ones.
- Secure Fences Act of 2006. Foresees the construction of 860 miles of double fence along the U.S. Mexico boundary and gradually increases by more than 30% the number of Border Patrol agents.
- In addition, the intelligence involved in border surveillance has increased on both borders.

Concurrently and despite the cold reception Canada and Mexico have given to the concept of a North American perimeter, the U.S. has in fact been constructing parts of what could be a fortress North America. Some of the elements of this effort are:

- The Security and Prosperity Partnership of North America (SPP). Initially it concentrated on security, based on the two bilateral smart border agreements, but has slowly been building on that and is showing signs of true trilateralism. Among the most notable achievements was the mandate given to all three foreign affairs secretaries to establish the hinge between the prosperity and security agendas. Another is the development of a new set of direct bilateral Canada-Mexico directives that contribute not only to the strengthening of the relations between the two countries, but also toward a trilateral approach to the security and prosperity agenda.
- Information sharing on air and sea travel has increased and tightened, creating a general sense of a regional air travel control mechanism.
- Visa policy harmonization. The U.S. has pushed for harmonization with Canada and Mexico on their policies for issuing visas. The very word “harmonization” brings out the traditional sovereignty concerns of both Mexico and Canada, especially since given the power asymmetries, “harmonization” really means aligning the other countries’ policies with those of the U.S. Nonetheless, the U.S. and Canada have

reached a very high level of visa policy coordination and they differ regarding less than 20 countries. Arguing immigration security concerns at its borders, Mexico has changed its visa policies with Brazil, Ecuador and South Africa.

- Military. As part of the post-9/11 reorganization of the U.S. military forces, in 2002 the Northern Command was established. This institution was conceived as symbiotically connected with the structural organization of the North American Aerospace Defense Command (NORAD), a U.S.- Canadian institution in existence since 1958. In addition, the U.S. has attempted to convince Mexico to join NORAD, thus effectively building a North American defense institution. Mexico has repeatedly declined.
- The U.S. has paid increasing attention to Mexico's southern border and presented it as a North American security vulnerability, thus confirming one of the many Mexican concerns regarding a North American security perimeter: the fact that the only land border of the perimeter would be Mexico's boundary with Guatemala and Belize, and the interest the U.S. might have in becoming directly involved in the control, supervision, enforcement and surveillance of that border.

The co-existence of these two policies is not completely an unplanned consequence of separate efforts. In fact, some agencies in the U.S. have advocated a "layered" approach to security. What is observable is the attempt to construct a series of concentric security perimeters. First, one perimeter around the immediate national territory; a second layer or security perimeter around the North American Region; a subsequent third perimeter around the rest of the Western hemisphere, Europe, Israel, Australia and New Zealand; then a fourth around Asia, leaving the rest of the world in the outer circle.

Concurrently advocating policies for a Fortress America and for a Fortress North America is turning out to be politically contradictory and contrary to what the U.S. claims it is trying to achieve. The policies used to protect the immediate borders of the U.S. are expressions of mistrust toward their neighbors, thus eroding the necessary political trust and will needed to jointly construct a regional perimeter.

It is a hard political sell for Canadian officials to convince their population and political elites of the benefits of building a common security area with the U.S. when the latter has manifested great mistrust and some disdain toward Canada in the manner in which the Western hemisphere Travel Initiative was implemented and while some elected officials in the U.S. continue to advocate the construction of a fence and similar measures to the ones already approved for the border with Mexico.

Similarly, Mexican officials could hardly garner any domestic political support specifically for the construction of a North American perimeter or generally for increased joint border enforcement and surveillance efforts, when the U.S. as a policy of both parties in Congress and with the approval of the President has decided to build a military style double fence at their common boundary.

The co-existence of the two sets of policies has placed the governments of Canada and Mexico once again into a balancing and juggling act in their relations with the U.S. Both countries are aware of the potential damage to their respective relations with the superpower

and therefore to their internal economies and stability if they refuse the U.S. on everything. At the same time, some of the demands could easily be construed as unacceptable requests for them to give up some degree of sovereignty in an arrangement in which the U.S. would cede none. The issue for the leaders and officials is how to cooperate enough so as not to anger the U.S. while tending to their own interests and at the same time how to maintain sufficient distance so as not to give ammunition to internal political opponents who may want to argue that their government is surrendering sovereignty. In sum, the policies toward building a Fortress America are becoming obstacles in the efforts to build a Fortress North America.

Despite administration changes in both countries, the governments of both Canada and Mexico are showing signs of frustration. This is evidence that the pressure is falling on the states and not only the governments. Some Canadian officials sense that despite all their efforts, resources invested and structural overhaul of their agencies, there are still many expressions of mistrust, disdain, and even fear from the U.S.

On the other hand the new Mexican Administration has made it clear that the most salient security issues that affect both countries are not receiving enough U.S. attention: demand for drugs and undocumented labor force, money laundering, weapons trafficking that strengthens organized crime and increasing organized crime participation in migrant trafficking, among others. The U.S. has been framing the security challenges at the common border around terrorism concerns, while in Mexico's view non-terrorist related problems continue to grow into unprecedented dimensions.

This frustration is easily exacerbated when considering the policy history that led to Mexico's huge challenge on organized crime. U.S. enforcement success in stemming the illicit drug flow from South America by air and sea into Florida in the 1970s had the unforeseen effect of diverting the flow through Mexico. In the 1990s new U.S. immigration enforcement policies at the border had the intended consequence of making illegal border crossing more difficult and dangerous, which in turn had the unintended effect of increasing migrants' demand for the "services" of smugglers, increasing the costs of smuggling and making this activity more palatable to gangs and organized crime.

Both these phenomena have strengthened criminal organizations in Mexico. The demand for their products and services in the U.S. produce a constant financial flow that feeds these criminal organizations in Mexico. By investing resources in fighting these growing organizations Mexico is not using them in development programs that alternatively might alleviate the social and economic woes that lead its citizens to illegal migration or to produce illegal crops.

For Mexico, the Canadian experience could represent an additional lesson. Canada has more resources and less cultural and political resistance toward security cooperation with the U.S. This has allowed it to undertake a major overhaul of its government and invest heavily in increased security. Yet Canadian officials express disappointment with the U.S. reaction to this effort. Why should Mexico go any further in that direction, sacrificing resources that are sorely needed for development, if experience shows that it too will receive the same disappointing response?

Consequently, Mexico is concentrating on those aspects of shared concern –and antiterrorism is certainly a major one- in a manner that prioritizes its own national security interests, and that should be no surprise. When it comes to border enforcement and surveillance, for Mexico the threat presented by organized crime is the most damaging and demands the highest priority.

This analysis points to the fact that with the exception of the U.S. efforts to build a North American security perimeter, approaches to border management in general and border enforcement and surveillance in particular have been bilateral. There are no serious discussions that may lead in the short term to trilaterally agreed-upon border management policies.

There is the inertia created by the long standing histories of Canada-U.S. and Mexico-U.S. border management disputes and arrangements. They are separate histories with their own paths. The two land borders are very different in their characteristics and especially in their recent history. Canadian officials would like to keep this difference in mind in order to try to keep the U.S. from applying to their border the same policies it applies to its boundary with Mexico. They often stress that the two borders have very different characteristics, and for this reason reject the idea of a trilateral approach.

However, Canada and Mexico have recently embarked on a new bilateral dynamism that has included cooperation on border management issues from the perspective of two nations that face similar bilateral challenges in their relations with the U.S. A notable example is their series of joint attempts to try to influence U.S. implementation of the Western Hemisphere Travel Initiative. Under the umbrella of the programs resulting from the Canada-Mexico Alliance, both governments are undertaking bilateral efforts to promote development in two Mexican cities located at the border with the U.S. The project includes the participation of private Canadian investment.

Whereas the approach to the management of the North American borders continues to be a combination of unilateral and bilateral measures, the issue has gained salience in the internal and international agendas of the three countries. The reality of borderland communities, their livelihoods and the importance of border flows to their way of life has had the strongest effect of all in limiting the growth of police and military control over border management policies. Nonetheless, such an approach has been able to overtake all other views and possible interpretations of how the three countries should manage their border regions and their shared boundaries.

NAFTA was responsible for the exponential growth in the dynamism of the communities at the land borders of North America. However, the post 9/11 policy approach to security concerns has slowed down this process. Especially in the case of the U.S.-Mexico border, there has been a weakening of the bilateral institutional framework that since the early 1990s had produced great advancements in joint border management. The working groups of the Binational Commission and the Border Liaison Mechanisms undertook a comprehensive approach that considered not only security, but also the greater agenda and made the leadership of the borderland communities an integral part of the process. That institutional framework is now being replaced by very centralized policies limited to enforcement and

surveillance. They are determined at the nations' capitals on grounds that treat the borderland communities' interests as secondary.

This approach is not working and is reversing some of the three countries' integration achievements. Canada and Mexico recognize that it is in their interest to cooperate with this enforcement and vigilance-only approach to border management. They have shown clearly that they understand and are ready to confront the true nature of the terrorist threat. However, they are more concerned with the U.S. perceptions and reactions about security than about the threat itself.

The three governments need to strengthen the trilateral –rather than dual bilateral- approach of SPP. This will require further bilateral projects between Canada and Mexico and more U.S. willingness to give equal footing to the prosperity parts of this North American vision, rather than continuing to view it as simply a trilateral security agreement. Embracing the greater security agenda will mean implementing the greater border agenda, thus moving from a simple concept of border maintenance through enforcement and surveillance to a wider policy approach of border management that embraces the borderlands as seeds of integration.

The key remains in the borderland approach, the view of the borders not only as boundaries, but also as regions where integration is taking place at a much faster pace. By living an increasingly bifocal existence, these communities have shown that it is possible to integrate without losing sovereignty or sacrificing national loyalty, a concept that the non-border inhabitants of North America are yet to grasp.

To achieve this, the three governments would also have to engage in building more institutions to manage the borders and the borderlands. Experience has shown that in the North American experience this does not necessarily mean the creation of more bureaucracies, but rather linkages between the existing ones across the borders working with well defined and clearly specified goals and a system to verify the advances. Such institutions already existed and, especially in the U.S.-Mexico case, have been all but dismantled. With the weakening of these mechanisms, trust among the countries has eroded and cooperation has become more difficult. To build a trusting relationship the U.S. would have to accept the idea that threats to the security of the borderlands of North America are not limited to those coming from terrorism and that they require a multidimensional approach. The challenge, then, is to recover the trust and the capacity for international cooperation that delivers an improved quality of life for all of North America.