



FOREIGN POLICY RESEARCH INSTITUTE

E-NOTES

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HOW BORDERS WORK

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When conversation turns to borders at a policy conference or cocktail party, participants usually consider the subject only in relation to a more specific issue. “What we really need is a guest worker program,” declares one interlocutor, implying the border discussion revolves only around immigration reform. “We should just legalize marijuana and tax the profits,” says another, suggesting the fight against narcotics-fueled crime should drive border policy. These topics fill reams of papers and monographs, and as important social and geopolitical problems they certainly merit debate. But a singular focus on these challenges obscures a useful understanding of how borders in the 21st century operate every day. Knowing how borders work helps policymakers understand how governments manage international supply chains, maintain the global commons, and secure efficient flows of people and goods across time and space.

Humanity officially organizes itself into 196 countries, each of which maintain varying degrees of established, sanctioned boundaries between their political systems and those of neighboring nations. Physical borders are also present in unrecognized states such as Kurdistan, Somaliland, Northern Cyprus, Nagorno-Karabakh, and dozens of other informally partitioned regions around the globe. These lines on a map and barriers on the ground identify both a point of transition and a chosen process for transit. As borders change, the world also changes, and this evolution in movement between people and goods—both permissible and illegal—reflects the agreements or disputes of authorities on both side of the line.

As the place where one country ends and another begins, a border represents an informal nation unto itself. Since it has at least two stakeholders, this abstract region is most accurately defined as a borderland or border zone. The United States has two physical borderlands with Canada and Mexico, as well has a dozen maritime border zones with Cuba and other Caribbean countries. Island nations such as Iceland, Sri Lanka, Madagascar and the Oceanic nations may lack physical borderlands, but they enforce their sovereignty through strict control of sea and air transit, exchanging permissions with specific countries on what can and cannot pass through. In some cases, these borderlands are physically small; in others, the zone of geographic and cultural diffusion spreads wide. Through these border nations, humanity does its daily business.

A SPECTRUM OF SYSTEMS

Around the world, these options work in extremes. On one end of the spectrum lies the no man's land between North Korea and South Korea—a border zone with threats of weapons and barriers to prevent free movement, no trade whatsoever, and only the occasional orchestrated exchange of refugees from one side to the other. North Korea and South Korea jointly govern this zone in martial opposition, agreeing through sixty years of enmity to maintain a closed border policy.

Europe's Schengen Area occupies the spectrum's other end: an open commerce and transit zone managed through

shared responsibility among over twenty countries. These nations have agreed to outsource forms of security to one another, while permitting broad levels of information sharing and coordination between law enforcement agencies. For example, all French and German law enforcement agencies within twenty-five kilometers of their shared border must exchange radio frequencies and meet regularly to coordinate protocols. This openness has also provoked a backlash, as citizens of some countries distrust the capacity of other Schengen Area members to provide for their security. Greece in particular is seen as Europe's smuggling underbelly, and stricter northern Europeans blame the south for failing to stop illegal trafficking of both people and goods through their lands.

The United States borderlands sit in the middle of this spectrum. In the public mind, the US-Canada border seems more open and unguarded, closer to Europe's Schengen Area than the tense and combative US-Mexico border. In reality, both borders work in partnership with their mirror agencies. The volume of legitimate trade and travel on both borderlands would overwhelm U.S. authorities if the country did not collaborate with Canadian and Mexican partners to clear and process legal movement. This was a key lesson of 9/11, and provided the foundational experience for the joint border management structure.

JOINT BORDER MANAGEMENT

So what exactly is joint border management? And why does its theory and practice matter to U.S. foreign policy? The term reflects a union of multiple functions of screening and interdiction both at and between U.S. ports of entry. By unifying customs and immigration inspections at ports of entry with land, air, and maritime patrolling, U.S. Customs and Border Protection observes and orients onto potentially illegal and dangerous flows of people and cargo at a much faster rate than when these functions were separated.

On the morning of September 11, 2001, U.S. land, sea, and air ports of entry were ordered, for the first time in history, to Alert Level One, which required inspectors to screen all people and goods entering the country. By the next morning, traffic entering Detroit from Canada was backed up over 12 hours and trucks waited 24 hours to cross from Tijuana into San Diego. Executives from U.S. auto plants that relied on just-in-time deliveries frantically called the White House, warning senior Bush executives of the bankruptcy that could result from the massive lines.

The resulting risks and likely consequences left the Administration with a dilemma: how much was security worth relative to its potential economic impact? What measures could authorities use to prevent people prepared to attack the United States and the equipment they required to wreak havoc from entering the country? What cost was too high? Could inspections be increased without permanently damaging America's economic health? These questions implied a zero-sum relationship: the nation could only increase its security up to a certain point without damaging its economy. Even today, American citizens do not know exactly how homeland security professionals have determined the metrics which should and do drive such decisions, and officials themselves still do not know the most useful quantitative measures.

That said, the joint border management architecture represents an important step forward by framing the question as inclusive, rather than exclusive. Rather than separating threats into discrete categories—shunting aside terrorism into one corner, narcotics into another, counterfeit goods into a third, and so forth—a single security framework compels the agency to build public-private partnerships to tackle all threats both at, and between, U.S. ports of entry. In most countries—and in the United States before March 1, 2003—customs officials reported to departments of treasury or finance, immigration inspectors reported to interior or justice ministries, and border security officials acted, in part, under national defense authorities.

With the Homeland Security Act of 2002, U.S. Customs and Border Protection became the world's first joint border management agency, uniting the functions and structures of these three agencies into one organization. For the first time in human history, a nation integrated customs and immigration clearance at U.S. ports of entry and border security between ports of entry into a single federal agency. This legislation represented the largest restructuring of the federal government since the National Security Act of 1947, and at 60,000 employees, created what is now the largest federal law enforcement organization in the U.S. government.

RESULTS AND CHALLENGES

Joint border management has resulted in better intelligence, which generates faster and more accurate targeting

information. This integration has also developed agents and officers both at and between ports of entry who appreciate the economic significance of speeding legal flows of trade and travel quickly into the United States. This is an important human shift, since Border Patrol agents and Customs officers were not taught historically to appreciate the value of the other's function. Fusing the agencies at the border states an important and practical truth: the safe, legal movement of people and cargo is equally important to the prevention of illegal flows and contraband.

Reorganizing for joint border management can be complex and expensive, which may be one reason few countries have converted their existing systems. Over time, joint border management offers a beneficial payoff: a single national security agency held responsible for expediting all legal trade and travel into a country while also preventing illegal entry. But in the long term, managing borderlands in collaboration with international partners both at and between ports of entry enables the United States to balance security and efficiency, hitting the proverbial sweet spot on the border spectrum.

In October 2011, Commissioner Alan Bersin of U.S. Customs and Border Protection delivered the clearest statements to date on the evolution and theory of the modern shifts to joint border management, which happened in the United States with the Department of Homeland Security's creation. "The trauma of 9/11, inflicted by al Qaeda on the world through the United States, assured that we would never view cross border movements the same way," Bersin said, describing the theory behind the mechanisms and structures resulting from the Homeland Security Act of 2002 at a Brooklyn Law School keynote address. "Expediting trade and heightened security are neither antithetical nor are they mutually exclusive. To the contrary they are part and parcel of a single process."¹

FOREIGN POLICY IMPACT

This shift to joint border management impacts foreign policy in two ways. First, the United States gains greater security and economic efficiency as other nations shift to joint border management. Canada, Australia, New Zealand, and the United Kingdom have adopted various degrees of joint border policy with their own structures. This increases the level of fidelity, speed, and confidence with which U.S. agencies can exchange intelligence and evaluate risk and potential threats. Second, this gives law enforcement a model to work from when building capacity with other countries. Most of the developing world maintains the dispersed structure of border management; impoverished countries cannot afford to build the technical architecture to support joint border management. For many of these countries, border security is an army mission, and maintaining the perimeter is a matter of national defense, not law enforcement. This mission changes from defense to law enforcement as countries increase their own capacity and develop trust, confidence and partnership with their neighbors.

So what is next? Joint border management represents a valuable and enduring shift in U.S. policy, both for overall security and economic efficiency. The shift has largely been sustained by civil servants, who have shaped U.S. Customs and Border Protection absent a Senate-confirmed leader for almost 40 percent of its existence. Thus far, career government employees have risen above the political tempests that seem to overcome appointed officials and policymakers engaged in the border discussion. Nevertheless, strong, moderate leadership will be necessary to streamline and maintain these gains into a lean budget cycle, and the nation needs political will to see the experiment through into the expected budget cuts.

U.S. Customs and Border Protection—indeed, the entire Department of Homeland Security—towers over Washington as an incomplete project, perhaps as the scaffolding of the unfinished Capitol Dome did throughout the 19th century. Completing the structure will require leaders who can transcend politics and make a tangible, clear investment case to the American people. We will know we have turned the corner when U.S. policymakers and citizens describe how their borders work with confidence, seeing the functioning of their borderlands as sources of national pride rather than as zones characterized by fear from smuggling and violence.

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¹ Bersin, Alan D. "Lines and Flows: The Beginning and End of Borders." Ira M. Belfer Lecture, Brooklyn Law School, October 6, 2011.