

Corruption at the Border: Violence and Security Concerns

By

Jorge Manuel Aguirre Hernández (Universidad de Monterrey)

Jeremy Slack (University of Arizona)

Scott Whiteford (University of Arizona)

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Abstract:

International borders throughout the world are spatial divides that create the conditions for corruption, especially when they separate countries with very different economies and levels of development. This article examines the different forms and impacts of corruption that occur along the Mexico-U.S. border by using ethnographic methods to highlight the voices of the people that are impacted the most by corruption but are rarely acknowledged in debates held in Washington and Mexico City. We conclude by offering policy recommendations in the areas of transparency, training for border officials and local participation and oversight in the decision making process.

Introduction:

In the spring of 2009 President Barack Obama and Secretary of State Hillary Clinton visited Mexico, an indication of the gravity of the common security problems related to the fight against organized crime and its component flows (weapons trafficking, people trafficking/smuggling, money laundering, and drug trafficking). The second Bush administration drastically increased border surveillance and built hundreds of miles of fences to protect the border and a military aid package to combat drugs and crime called the Merida Initiative. In light of the past two decades of attempted economic integration through the North American Free Trade Agreement (NAFTA), these attempts to restrict the flow of people and commodities have led to unforeseen problems and new possibilities for corruption.

The Obama administration has acted quickly, spurred by the media attention that resulted from a special report prepared by the Joint Operating Environment think tank that accused Mexico of becoming a failed state (United States Joint Forces Command 2008). The administration explicitly acknowledged that it is taking co-responsibility with Mexico for the problems and solutions to crime and violence, especially on the border. President Obama named Janet Napolitano head of the Department of Homeland Security Secretary and Alan Bersin the new Border Czar, giving new importance to border security in the strategic agenda. Yet, at the time of publication there has been no declaration that explicitly details this cooperation. While it is very likely that greater cooperation is forthcoming, it is unclear what forms this collaboration will take.

In this paper we are combining ethnographic accounts based on many years of research on the border with a public policy perspective. In the following sections we will

outline the impacts of corruption within the unique border context, showing the differences of corruption involving drugs, undocumented migration and local crime. Because of the clandestine nature of the topic there is little hard data on corruption so we are focused more on its damaging potential and actualization along the border. Then we will proceed to give recommendations about how to best address corruption, namely, making policies to improve transparency, increase public participation and address the important local context of the border. But first we will give an overview of what corruption is and how it fits within the bi-national context of the border.

Border Corruption Overview:

The United States is the major market for Mexican drugs; in return, the U.S. supplies the arms to the drug cartels that have fueled the recent escalations in violence. It is estimated that more than 2000 weapons are illegally trafficked from the U.S. into Mexico everyday (Felbab-Brown 2009). Given the scale of the drug trade and the power of the cartels it raises questions about the complicity of government agencies and individuals at those agencies. This issue is particularly pronounced with employees at terrestrial border crossings, seaports, and airports. There are several implications from these statements:

The first is that participation by at least some government agents on both sides of the border is necessary given the massive scale of the drug and arms trade. In this sense, one can understand the statements issued by several high government officials in the United States about the necessity of attacking factors that facilitate drug traffic. U.S.

officials have begun to address some of the factors that aid the drug business but originate in the U.S. such as weapons trafficking and smuggling money back into Mexico.

The second implication is that sophisticated supranational coordination exists between Mexican and U.S. based cartels. Drug trafficking and contraband generate cycles of violence, but the logistics process itself creates corruption and violence. Despite the conflicts over territory, it is clear that some criminal organizations work together closely. State agencies prosecuting them need to collaborate at multiple levels as well (Naím, 2007). If there are any useful lessons to take away from the more than 10,000 drug related deaths between 2006 and the end of 2008 in Mexico, it is that the isolation of the majority of this violence in Mexico is proof that there is no territorial struggle among the cartels in the U.S. Further evidence that corruption and drug trafficking are operating smoothly to distribute drugs across the country.

A third implication from understanding bi-national corruption is that the battle is being evidently lost. The consequences of this reflect an atmosphere of impunity that reverberates throughout both Mexico and the United States. While corruption continues to be the rule not the exception, the message that society receives is that the cost of evading the laws is lower than the cost of observing them (Andreas 1998). As long as notorious examples of corruption, collusion and impunity exist, the culture around these acts will continue to have the same characteristics. As it will be further stated, herein lies the importance of quickly attacking the roots of this bi-national culture of corruption at the border and especially among high-level officials from different sectors of that society.

But before doing so we must first answer several questions such as: (1) what do we know about the scale of corruption associated with the drug trade and how it is being

prosecuted on both sides of the border? (2) How does corruption threaten border security? (3) In what ways is corruption linked to violence and migration through the borderlands? (4) Does the State have the capacity to enforce the law on the border in the same way it does in other parts of its territory? (5) What cross border public policies can enhance the probability of reducing the rate of corruption?

Corruption takes many forms on the border, ranging from bribery to extortion. Bribery is found worldwide, but the people with limited resources and with the least to offer, ultimately pay the highest price. While corruption may facilitate criminal enterprise such as drug trafficking through money laundering, it is not restricted to these criminal organizations. In some nations, corruption is so common that it has gained normative status.

Corruption occurs at all levels of both the private and public sectors in Mexico and the United States. Corruption is no stranger to Mexican culture. It has an integral part of political administration. For many years “the bribe” or “mordida” has been a social contract, a pact between authorities and private individuals that was promoted by national and foreign businessmen or investors without scruples. They have disguised this system as observance of the law in which everyone is required to “sort it out” with the idea that “by cheating everyone wins” (Caponell, Vásquez 2003: 7-8). It was recently estimated that Mexicans spend \$2 billion each year on bribes, roughly equivalent to 8% of their total income (Transparencia Mexicana 2008). The same group estimated that there were 197 million acts of corruption with an approximate cost of \$138.00 pesos (\$11.50 USD approximately) per act were perpetrated in 2008.

While there is no specific data for the border, on a national level some of these facts are shocking: The Corruption Perception Index for 2008 elaborated and published by Transparency International places Mexico on number 72 out of 180 countries with a perception of corruption of 3.6 on the same level as Bulgaria, China, Macedonia, Peru, Surinam, Swaziland and Trinidad and Tobago, far behind the United States of America (18 place) and Canada (ninth place) Mexico's commercial partners. In the same study, Transparency International places Mexico at number 17 of 30 countries in its Bribery Index.

In the International Monetary Fund's control of corruption indicator, Mexico scored a 48.8 out of 100 in 2007, ranking Mexico in the highest levels of corruption¹. In its latest public survey corresponding to 2007, the Mexican chapter of Transparency International in its National Corruption and Good Government Index ranks most of the Border States with lower corruption than the national average (Nuevo León 8, Sonora 9, Sinaloa 19, Coahuila 20, Chihuahua 21, Baja California 22, Tamaulipas 25). In a survey conducted with the aforementioned Index 28.2% of interviewees agreed with the phrase "breaking the law is not that bad, the bad thing is being caught doing it".

On the other hand, while the public image in the United States is that corruption is uncommon, recent high-level corporate corruption scandals such as Bernie Madoff, the banking failures and the mismanagement of state funds is changing this perception. Even the U.S. political process has normalized corruption in the form of Pork Barrel spending, which although legal and accepted in the U.S., seems like corruption in any

¹ Programa Nacional de Rendición de Cuentas, Transparencia y Combate a la Corrupción 2008 – 2012. Page 10

other society of the world. Part of the difference between Mexico and the U.S. is that some political fundraising in one country may be seen as inappropriate in the other.

Despite frequent discussions about border security, drug trafficking and undocumented migration, corruption is frequently neglected. Corruption acts as both a driver of illicit trade and a result of enhanced security measures. The dynamic relationship between security measures and corruption comprise a vicious cycle that has led to violent conflicts that have been plaguing the border zone for the past two years. This relationship hinges on the different economic forces that drive all illicit trade, be it in drugs, arms or human beings. As the efforts to deter crime increase, the incentives to invest in ways to manipulate the agencies in charge of prevention efforts also increase (Fiorentini, Peltzman 1995). A prevalence of corruption can lead to a distrust of authority figures that enables other criminals to act with greater impunity because their victims are now less likely to contact the authorities. This may lead to more widespread acts of violence, as citizens are more likely to avoid contact with police for fear of extortion. Criminals are now aware that people will not contact authorities, making it easier to commit abuses and or theft. This is particularly true of organized criminal gangs that have solid relationships with law enforcement. To understand this phenomenon it is necessary to discuss the drug cartels in some depth.

Drugs and Corruption:

Narco-corruption, as termed by Peter Andreas (1998), is the biggest driver of border corruption and also represents the largest security threat because of its economic might. It is estimated that the U.S. market for illicit drugs is a \$65 billion dollar a year

industry. It is important to note that dimensions of corruption lead directly into escalations of violence as we intend to demonstrate in the coming sections.

In recent years we have seen the drug related violence escalate along the Mexico-U.S. border due in part to President Calderon's efforts to crack down on the various cartels (Stratafor 2008). However, the drug war has led to some unexpected consequences as well as important lessons. First, violence has skyrocketed out of control in cities such as Juarez, Culiacan and Tijuana. Over 6,290 people were killed in drug related violence in 2008, and over 10,000 since Calderón began his drug war in 2006 (DeShazo, Mendelson 2009, Felbab-Brown 2009).

The pressure applied by the Mexican government has caused greater competition between drug gangs for resources that are necessary to continue paying bribes and thereby prevent prosecution. This has led to intense violence between rival gangs that is impacting not only those involved with drugs, but the stream of undocumented migrants and border residents. This section outlines how corruption and drug trafficking operates under the current arrangement between the state and the cartels.

The high level of violence is largely attributed to the success at intercepting drug shipments and apprehending high-level members of the cartels (Stratafor 2008). However, this has caused the cartels to focus on other income generating activities aside from drugs in order to compensate for lost income. The cartels have become increasingly involved in widespread kidnappings and human trafficking. The need for cartels to maintain income is outlined clearly by Peter Andreas's political economy of narco-corruption (1998). According to Andreas drugs operate in Mexico under a "*con permiso*," "with permission" arrangement (pp. 163). Cartels must pay the "tax" of corruption in

order to continue to operate within Mexico. Therefore, being the smallest cartel is an extremely dangerous position.

Andreas recounts the situation of drug lord Juan García Abrego that had operated with relative impunity until a conflict over turf with the Tijuana and Juarez cartels destroying his control and reducing his profitability. It was only when he was no longer able to pay the exorbitant bribes to officials that he was arrested and extradited to the U.S. Andreas attributes this to the structure of corruption in Mexico, whereupon the powerful actors are allowed to operate with impunity as long as they can afford to pay for that position (1998). If he had maintained power and been able to pay the corruption tax, but when he was no longer able to pay, he was in non-compliance with the system of corruption.

Despite the new aggression with which Calderon has pursued drug enforcement this dynamic seems to hold true. “El Chapo” Guzman is a prime example of how the most powerful players are still able to evade capture despite an intense official desire to apprehend them. His existence depends on the ability to command political and legal favors through a corrupt system. He was able to blatantly escape from a maximum-security jail with the aid of the guards in less than 24 hours in 2001. He threw a lavish party for his third marriage in 2007 that was attended by police, politicians and celebrities and is reported to have bragged about paying \$5 million a month to bribe police and politicians (Stephey 2009).² He maintains enough security that despite being a wanted individual, neither the military nor the police have the resources to apprehend him. He was ranked at number 701 on Forbes’ list of billionaires and number 41 on their list of

² <http://www.time.com/time/world/article/0,8599,1884982,00.html> accessed on: 09/09/09 at 3:05 pm

most powerful people in the world, right behind the Dalai Lama and ahead of French President Nicolas Sarkozy, Russian President Dmitry Medvedev, Venezuelan President Hugo Chavez and Oprah (2008, 2009). This power comes directly from his ability to bribe and control the officials along the border. We have seen ebbs and flows in the persecution of drug traffickers under different administrations but the overall result is the same: adaptation to the enforcement regimes by the drug traffickers.

Prices for officials may rise as a result of greater risks to allow shipments to pass through, but as long as there is a desire to consume, there will be corruption. It is an example of the “ratchet effect” (Hirschman 1994). For Hirschman, once an industry is created, once incomes are established, they do not easily disappear. Much like a ratchet, we easily go up the scale, but there is much more resistance to going backwards. It has been used to describe why people prefer to go into debt when they lose income, rather than adjusting their spending habits. It has also been applied to prohibition and the rise of organized crime in the U.S. Most historians attribute banning alcohol for the creation of organized criminal syndicates, however, a more controversial question is why organized crime continued once prohibition was repealed. The newly formed mafia’s found other rackets to support their industry, getting involved with drugs and gambling among other things, to replace the lost income from alcohol.

This logic applies not only to the drug cartels, but to the corrupt officials as well. Andreas recounts how police officers and federal prosecutors paid bribes to Mario Ruiz Massieu, the top anti drug prosecutor under the Salinas administration, in order to be assigned to a lucrative post (163). Because being positioned at a location along a drug route will garner handsome payments from the cartels for non-enforcement of anti-drug

laws, there is a lot of competition for these posts. Additionally, if trade routes move, or a border crossing is closed for instance, officials look for reassignment to a post that will attract larger bribes. The ratchet effect explains the different ways that people maneuver to take advantage of a system built around corruption.

As groups grapple to remain in the top spot on the police and political bribe ledgers, the need to use ruthless tactics to obtain new income also increases. Because of this we can see how corruption can lead to more violence. The logic behind paying for corruption is the same as paying for taxes; only one must pay more taxes than the competitors in order to avoid prosecution. Therefore, survival depends on defeating rival traffickers, leading to drug wars.

U.S. Narco-Corruption:

It is also important to note that corruption is not the exclusive domain of Mexican law enforcement. According to an interview conducted with a former drug runner by Mendoza and Sherman; “The only way to move large quantities of drugs through the United States - Mexico border, you have to corrupt a border official or two” (2009:1). Customs and Border Protection (CBP), the Border Patrol (USBP) and contractors such as Wackenhut have all been involved in high profile scandals with corruption. Border agents have been apprehended allowing vans filled with drugs or undocumented immigrants through the border or acting as scouts for smugglers. Mendoza and Sherman using Freedom of Information Act requests and interviews found that since 2007 to 2009 “more than 80 enforcement officials at all levels-federal, state and local have been convicted of corruption” (Mendoza and Sherman (2009:1). All of the convictions were

not for smuggling drugs; some were convicted for smuggling people into the United States or even illegal gambling. The Department of Homeland Security has increased their internal affairs officials from three in 2007 to 220 in 2009.

The high profile case of Raul Villarreal was a particular black mark for USBP because he appeared in a public service announcement “acting” as if he were a *coyote* or guide, talking about he did not care if people died while he was smuggling them across. In reality, the long time border patrol agent had been involved with human smugglers for years and has since fled to Mexico with his brother (Archibold 2008). There have been 341 criminal cases against border patrol agents from October 2003 to September 2008. The rapid expansion of the border patrol makes it all the more difficult to prosecute or even catch corruption.

Our research has suggested that there are many confusing and complicated events that involve corruption and drugs along the border. One story, relayed by a *burrero*, or drug mule named José, shed some light on experiences with corrupt border officials on both sides:

José informed me that the Mexican soldiers would frequently steal the drugs. This was common knowledge. He said that he was less familiar with U.S. officials. José relayed a story to me that he found confusing. One of his friends was caught by migra while he was carrying drugs. The migra took his drugs, but let him go. José asked me, “don’t they usually give you more time if you are caught with drugs? I know people that get jail time just for crossing.” I said, that the border patrol is supposed to. José told that one time when he was caught by a migra in Palomas. The agent asked him why he didn’t pay a border patrol agent to take him across. The agent asked Jose if anyone had approached

him. (I cannot tell, and I don't think Jose could either, if the agent was offering his services or trying to see if he could catch some corrupt officials.) José concluded by asking me, “*será que hay migras que roban drogas o te pagan para llevarte al otro lado?*” “Do you think that there are border patrol agents that steal drugs or you can pay to take you to the other side?” (Jeremy Slack 09.03.09)

What is clear however is the need to be diligent and understand that this is an ever-changing system where people will always be looking for new ways, not only to skirt law enforcement efforts but also to find other ways of making money. Drug cartels have expanded their operations in a number of unforeseen ways as a response to increased difficulties for successful drug shipments.

Kidnapping, Extortion and the Ripple Effect of Corruption:

As mentioned early, the crackdown on drug shipments has had some significant success in raising the street price of drugs and decreasing their purity in the U.S. but it has not had been able to dismantle the powerful drug cartels. They have proven to be much more dynamic organizations capable of losing leadership without significant problems to their overall ability to function (Stratafor 2008). One of the reasons for this is the ability to branch out into other rackets to generate income. One aspect of particular concern is the escalation in organized kidnappings of migrants.

Corrupt officials enable clandestine industry to act with impunity. Corruption has a ripple effect because, even if authorities are not involved, experiences with corrupt officials enable criminals to operate with little fear that their victims will involve the

authorities. It is important to expand our understanding of the impacts of corruption on the ability for the rule of law to function.

The ripple effect is important to understand because in many ways it underscores the true cost of corruption and the difficulty in quantifying corruption in terms of dollars and cents. As individuals, particularly those that are at a disadvantaged position because of a lack of legal status in the U.S. and Mexico, become more and more fearful of approaching authorities, it enables criminals to take advantage and extort them. The ripple effect allows criminal organizations to engage in many different actions without fear of reprisal, because there is little chance that their victims will involve the authorities. One important example of the ripple effect in action is the high levels of robbery reported by undocumented border crossers. Approximately one in five migrants interviewed reported being robbed by bandits during their most recent crossing experience³. This contrasts a report by the Border Patrol report only 8 robberies of migrants in 2008 (Judicial Watch, 2009). This is direct evidence that there is no trust that authorities will act in the best interests of the people with whom they are involved.

For example, if a cartel recruits members of the police or military to aid in kidnapping or human trafficking, the people abused by corrupt authorities will not report abuses to the police for fear of exploitation. Moreover, they will inform people within their social circles not to seek help from the authorities. This will also allow other, low level criminals to act with greater impunity.

We can compare this example to the lack of cooperation with authorities by family members of undocumented migrants that have been kidnapped. Although

³ Random sample of several hundred migrants that have attempted a crossing in the Tucson Sector and been apprehended on their previous crossing attempt. This line of inquiry is thanks to a completed study and forthcoming publication by Kraig Beyerlein and Daniel Martinez.

kidnappings abound for people headed into the United States, very few are reported. Since most of the family members also do not have legal status, they fear being deported by immigration officials. An article in the Washington Post outlined the story of Ulises Martinez whose relatives were being held by kidnappersⁱ that wanted \$5,300 USD or else they would dismember and dispose of the bodies of his in-laws. "Nobody deserves to be abused or tortured or to have their life threatened. . . . The hostage takers must think the loved ones aren't going to call the cops." said James Dinkins, special agent in charge of ICE investigations in the District of Colombia and Virginia (White, Salas 2009).

The reason kidnappers think that victims will not call the cops is because, for the most part, they will not. While the lack of legal status is the main reason that people refuse to contact authorities, exposure to corrupt and abusive authority figures is another aspect. If there is no trust between the public and the authority figures, it makes criminal activity easier.

Corruption and Migration:

A 34-year-old woman from Durango, reported being charged \$800 pesos at a "cuota" or toll by a man dressed as state police, between Altar and Sásabe, a high traffic routes for undocumented crossers. The man that stopped their group and demanded payment that her *coyote* negotiated based on the amount of cash everyone had. They were all made to pay in order to keep going to the ranches near the border where migrants depart for the U.S. No one had informed María of this cost although it is a common occurrence for people crossing in this region. The price ranges from \$300 to \$1800 pesos (\$27 to \$150 USD) per person according to our data. Sometimes the people running the

toll are dressed in uniform and other times they are not. It is therefore hard to tell whether or not authorities are involved or people are trying to pass themselves off as authorities.

Another instance of possible corruption that demonstrates how plausible deniability of corruption can leave the possibility for authorities to extort money out of people.

Alberto and Detention:

A 41-year man from Cuernavaca with a slim build and graying hair named Alberto, recounted a story of losing his money after being detained (07.23.09). He had crossed from Altar, Sonora but was robbed by bajadores, or thieves that threatened to kill him. He was apprehended by border patrol and sent to Operation Streamline. This is a recent program that sends 80-100 migrants per day to the federal court to try them in mass for entering the U.S. without authorization. The migrants, all chained at the wrists, waist and ankle, plead guilty to the charges and are given a formal deportation and returned to Mexico. They are informed that since they have a criminal record in the U.S., if they are caught entering again, they will be sentenced to prison.

Alberto had been picked up in a raid at his apartment complex in Redding, Pennsylvania and had been deported. He stated that he had never had any other encounters with the U.S. law enforcement. He was sentenced to two months detention in the Corrections Corporation of America's facility Arizona. When he was deported to Mexico, the authorities did not return his possessions. He lost \$100 USD, a cellular phone and all forms of Mexican identification including his Credencial Electoral⁴.

⁴ Federal Electoral Identification cards, the most accepted and widely used form of official identification in Mexico, required by banks when receiving a wire transfer. A preliminary analysis of our interviews with repatriated migrants 13% of individuals lost their Credencial Electoral during experiences with U.S. authorities.

The loss of money while in Border Patrol or a contracting agency such as the Corrections Corporation of America's custody is a troubling and frequent phenomenon. While individuals rarely report that their money was lost or thrown away in front of them, it is entirely possible that corrupt officials have in fact robbed them. However, the loss of money may not be related to corruption in the traditional sense that people are not deliberately taking advantage of their situation of power, but when an individual that is detained and then repatriated to Mexico without any of his or her possessions, it creates the distinct suspicion for that individual, of being the victim of corruption. More study is necessary to determine the frequency and quantity as well as the character of this loss of money.

This is all part of the greater impact of a corrupt border economy. While it is an extremely difficult topic to address through direct research, the data we have collected through two years of fieldwork with undocumented migration shows some of the ways that corruption impacts individuals involved with migration and the border.

Recommendations for Public Policy - Transparency and Accountability:

The evaluation of international experiences has allowed us to identify different programs and actions that provide a reference for the establishment of an Anticorruption Public policy. These documents contain innovative programs and tools in the fight against corruption, by summarizing several instruments that focus on observance of the law, investigation and prosecution of individuals involved in corruption.

Mexico has been developing some public policies such as the National Program in the Fight Against Corruption and promotion of transparency and administrative development (2001 – 2006), and the Accountability, Transparency and Anti-Corruption Program 2008 – 2012. The later program proposes new schemes for inter-institutional coordination in public policies with special emphasis in law enforcement institutions.

This plan consists of six strategic objectives: consolidate a State policy on the information, transparency and accountability; strengthen the auditing of public resources and improve the internal control of federal public administration; contribute to the development of a culture of law-abiding, ethics and responsible officials; institutionalize the inclusion and participation mechanisms for citizens in the combat against corruption by improving transparency and legality; establish mechanisms for the coordination of actions against corruption in the Federal Public Administration; and, combat corruption in government oversight institutions in charge of investigation and prosecution of acts of corruption as well as those that deal with the execution of sanctions.

Finally the objectives, strategies, and plans of action are oriented towards positive impacts in four specific areas of federal public administration, these are: **Structural** (to strengthen the legal and normative framework); **Procedural** (strengthening administrative programs); **Organizational** (consolidating a culture for the application and observance of all dispositions); and, **Cultural-Perspective** (understanding diverse perspectives and attitudes to improve communication with citizens and to promote the creation of participatory mechanisms regarding these subjects).

This program has just begun and is now confronted by the inertias, complicities and historical vices of the Mexican bureaucracy. One hopes that President Calderon's administration will dedicate its energy to overcoming these hurdles and challenging corruption on all levels. Since our focus has been the specific characteristics of corruption along the U.S. – Mexico border, we need to establish a contextualized understanding of the local actors that may support or block change. This means examining the role of the elite, political leaders on both sides of the border.

Two of the most important analysts on this topic are Roderic Ai Camp (2006) and Merilee Grindle (1977). Both infer that leaders have a medullar influence in two important aspects: the possibility to influence their successors (as well as their mentors) and the possibility of using their contacts to enforce influence on the decisions they take. On a lesser scale in the Mexican case, as Camp suggests, leaders have an influence on the ideology and on the perspective of their successor.

According to evidence presented by Bailey and Paras (2006) and by Grindle (1977) it is possible to infer the result of a public policy if one focuses on the actors more than on the processes. Even when approached through the actors, it is more important to try to generate a change in the elites than in society as a whole.

One of the elements both Grindle (1977) and Camp (2006) discuss in their analysis of the spheres of power and elites in Mexico has to do with the arena of action that is an informal product of unfinished institutionalization. For both processes, the formation of networks of power passes through official channels of power (institutional) and informal channels (relationships, family ties, referrals etc). These networks of power have different levels of importance throughout the world so we must be careful how we

apply this to Mexico and the border. In the case of the United States one can talk about a more developed institutionalization even though informal channels of power cannot be discarded as agents of influence and organizational change.

Contrary to other papers on corruption, we are taking a bi-national perspective to interrelated corruption along a shared border (Bailey, Parás, 2006). Elites can have a decisive influence in the formation of a culture of legality as families frequently span both sides of the border through economic and political power. We recommend greater collaboration and contact between elites through the creation of a bi-national task force to address corruption that would allow for a free exchange of ideas and perspectives as local and federal lawmakers from both sides discuss the different challenges.

Social inequality and cultural difference between the two sides of the border (understood as the lack of a common social praxis in economic spheres, as well as political and cultural ones) can lead to conflict. Specifically, without adequate mechanisms for integration, inequality can bring forth a disordered fragmentation that is capable of breaking not only the basic ties of solidarity between our two countries, but the fundamental human rights of the citizens caught in between⁵.

Corruption has been overlooked in the borderlands. The tendency to neglect or hide corruption from public scrutiny has become a prevalent aspect of border insecurity. The many cases against United States Customs and Border Patrol officers (CBP and USBP), as well as cases on the Mexican side involving members or ex-members of law enforcement, result from this lack of oversight and criticism. In the Mexican case, the lack of control of law enforcement agencies, as well as the lack of opportune decisions

⁵ See Lechner, Norbert. *“Obras escogidas”*. Colección Pensadores Latinoamericanos, LOM Ediciones, Santiago, Chile, 2006. Pages 576 and on.

to combat internal corruption are clear signals of a weak and outmatched state, with law enforcement agencies infiltrated by organized criminal groups with far more resources available than the government.

The training and recruitment of new agents has been consistently cited as the best way to address individual level corruption. Ethical training programs and the need to establish values and ethics codes are important for addressing this issue as other countries have shown in the fight against corruption. Even though, as of yet, there have been no systematic programs to combat corruption, governmental authorities have implemented some actions for monitoring the non-desirable conduct from the public servants, including replacing many of the Mexican customs agents with new, younger employees.

Our governments and our societies have to develop the tools to prevent and combat the conflicts that are born out of corruption. The border's culture of corruption requires inspection of economic developments, the political systems, the rule of law and issues of national and international security. Moreover, since so many of the individuals that work in these government jobs are not from the border, operating out of other areas, it is important to increase the amount of local oversight and control. This will help to gain the trust and participation of local stakeholders and greatly improve input from the community.

For instance, one long time border resident named Josefina related a complaint about new agents that will not take bribes. She has run a small business for several years purchasing clothes and shoes in Tucson, Arizona and selling them to boutiques in Obregon, Sonora. While the quantity of goods is not large by commercial standards, amounting the several hundred dollars, her lack of a formal license makes it technically

illegal for her to import these goods. Recent efforts to combat corruption have seriously damaged her business. In the past she would bribe officials with a few dollars. Josefina stated that when efforts are taken to combat things like corruption, it only hurts the little people and has no effect on the real benefactors and drivers of large-scale corruption.

Involving civil society to combat the culture of corruption and increase safety on the border will invoke a democratic consensus among locals. Local involvement is paramount in combating border corruption. Local residents need safe and convenient ways to denounce corruption and report abuses of power. This has become increasingly difficult with the reshuffling of the USBP into Homeland Security. This is particularly pronounced problem along the border because both sides find themselves distant from the capitals where decisions are made that have a tremendous impact on the local resident's lives. This can be seen clearly in Calderon's deployment of the Mexican Military to the border and by former President Bush's use of the National Guard on the border, combined with the excessive amounts of Border Patrol check points and limited 4th amendment rights to privacy on the U.S. side. It is necessary to create a system where border residents can take part and take ownership in challenging corruption and also, determining the best ways to create a safe and secure border.

Establishing a holistic consensus about the rules on how to proceed against corruption, impunity and insecurity is fundamental for the orchestration of public policies. The community must participate and be informed on what is decided, how it is decided and for what it is decided for. In other words, the community must think of alternative actions and strategies to construct a new, bi-national order.

A significant problem for combating the culture of corruption and improving security at the border is the need to understand the fear that border residents have when they are forced to challenge or comply with corrupt officials. This anguish inhibits civil society, and creates another challenge to the researcher interested in exposing the real costs of corruption. New public policies should generate enough confidence to avoid paralysis and invite action; a possibility is the participative action through social networks that favors a culture of security and certainty.

The construction of social networks involves the articulation and association of two sovereign states. For both Mexico and the United States collaborative public policies on the border are necessary security measures and should be a national priority. Political stabilization, the fight against the culture of corruption, insecurity and impunity for criminals, and the fight against the cycle of violence, are not conflicts between our nations. Instead, these struggles affect us both and require a common focus that combines both of our efforts to achieve the maximum benefits, By focusing on the local context we will be better able to identify the critical factors for sustainable success. Unilateral actions will only destroy social capital and collaborative potential; the walls, the militarization and the lack of local political support seem to prove the failure on behalf of the state to build the conditions for human development that the border demands.

One last consideration is necessary for constructing and promoting local social networks as mechanisms for identifying, elaborating and executing public policies: time. There is a constant struggle between the need to give immediate responses to urgent problems. However, we must strive for the ideal of medium and long-term policies that

effectively transform the reality of public participation in the formation of anti-corruption strategies, in other words, an effective project of cultural change.

Conclusions:

International borders throughout the world are spatial divides that create the conditions for corruption, especially when they separate countries with very different economies and levels of development. Open borders such as those of the European Union eliminate most forms of border corruption, but Mexico and the United States are years away from creating an open border.

The causes of the most significant corruption on the Mexico United States border are the driving forces of the drug trade, human trafficking, immigration and the sale of arms. If resolving these problems were easy, it would have been done long ago. The illegal economy that transcends the border has expanded instead generating violence and tragedy in its wake. Clearly until these overwhelming bi-national problems can be controlled, border corruption will continue.

Efforts to reduce corruption have been implemented by the Department of Homeland Security. DHS created in internal affairs office, based in the inspector general's office, to investigate corruption. This office has grown since 2003 when it had 5 officers to close to 200 officers in 2009. Over 100 cases have been investigated. More care is now being given to personal qualities in the recruitment and hiring of border patrol officers, which by the end of the year 2009 have hired 2000 officers. Other reforms remain to be implemented including the simplification of administrative tariffs, streamlining citizen complain mechanisms, and making the whole process of

administration of the border more transparent. Border guards and customs officials need to be paid more, but illegal bribes will always top high salaries. Ironically, as border enforcement increases, so too increases the potential gains to be made from circumventing border officials through bribes and payoffs. Ultimately, ending corruption will have to wait until the borders of the three NAFTA countries become more open for trade and migration.

However more work needs to be done, not only to collect and understand instances of corruption along the border, but also to develop a better understanding of the overall impacts of widespread corruption. Another major issue is the lack of continuance for political agendas. While one administration may begin to address corruption the next will most likely shift the focus, essentially starting from zero.

Mexico needs to create special anti-corruption training for civil servants and provide more funding for anti-corruption programs at the national and state level. Both sides need to improve oversight and investigations of corruption from customs agents. Upon implementation of new programs, we recommend transparent and accessible evaluations by independent researchers. There should be an independent bi-national body established by law to investigate and address corruption. This body should hold public forums to address local corruption concerns and policies at different points along the border.

There is a need for more bi-national research on this topic. A more in-depth analysis of policy measures will be useful for creating new theoretical frameworks for the specific challenges of border corruption. However, it is important that this research be conducted in conjunction with both governments to create a more comprehensive study

that will generate data and conclusions that address the bi-national needs and challenges posed by border governance. The opportunity to establish cooperative actions that permit governmental interventions for combating border corruption and create a secure international boundary, will improve relations between both countries. The next step is to generate the political capital to realize and carryout bi-national strategies that involve local stakeholders to direct investments from both countries.

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ⁱ While there has been a general escalation in kidnappings in Mexico, the most shocking increase revolves around the Central Americans attempting to arrive at the Northern Border. The Comision Nacional de los Derechos Humanos (CNDH) recently released a study on the kidnapping of Central Americans in Mexico (2009). They documented 9,758 kidnappings between September and February of 2008 to 2009. The majority of these kidnappings occurred in the states of Veracruz (2,944) and Tabasco (2,378). These data, although far from foolproof estimates are able to inform us that the kidnapping issue is a real threat to the well being of many and is still largely a problem for Southern Mexico. It is important to address this issue as soon as possible not only to protect the people that are so frequently being preyed upon, but so that it does not spread north to other populations.

Although the figures do not point to the northern border as a high kidnapping zone, the lack of comprehensive data does not conclusively rule out the presence of kidnapping in the north. This is particularly true because, based on our experiences interviewing, the majority of the kidnappings in the north occur in the U.S. particularly Phoenix, Arizona.

While the vast majority of the kidnapped individuals reported that their kidnappers were from organized groups of bandits, 35 individuals reported being kidnapped by an authority and 56 people reported that they were kidnapped by a mixed group of authorities and delinquents (CNDH 2009). While the portion of individuals that report incontrovertible evidence of authorities involvement in kidnappings is admittedly small, it is impossible to tell what types of more passive arrangements are going on behind the scenes of these kidnappings. While authorities may not be directly involved in the act of kidnapping migrants, they are very likely aware of this phenomenon and do nothing to stop it because of a corrupt arrangement. Since the data from the CNDH report relies on the accounts of 238 peopleⁱ that reported kidnappings to an authority in Mexico, it is very likely that the number of people that were abused by an authority figure is under reported. Moreover, additional efforts need to be taken to better understand these kidnapping rings in Mexico especially in light of the possible ties to corrupt authority figures. The situation of the Central Americans that are attempting to cross through Mexico is cause for great alarm. We decided to make a note of this in that, while this is not corruption on the border per se, it is a form of corruption that is tied into the clandestine flow of people to the northern border.