CITY GROWTH AND COOPERATION ALONG THE UNITED STATES/MEXICAN BORDER

I. INTRODUCTION

Urban planning is confronted with myriad problems ranging from funding and zoning to the servicing of growing populations. Such difficulties are compounded in transfrontier cities; cities that span borders and that present urban planners with the complexities of coordinating two sets of city, state and national governments. The transfrontier cities of the United States/Mexican border are the subject of this Note, both because their status as transfrontier cities is prone to future replication internationally and because the groundwork has been laid to improve border planning between the United States and Mexico. Initially, this Note addresses the major problems of urban planning in transfrontier cities. It then surveys the organizations established to solve these problems. The United States/Mexican border region represents an area where cooperation between the two governments not only would benefit the inhabitants of the region, but also would improve relations between the United States and Mexico.

II. THE NATURE OF TRANSFRONTIER CITIES

A. General Urban Characteristics

Human settlements are established purposefully; the form they take is dependent upon the function served. Although for most of history man lived in farm villages, urbanization began with the Industrial Revolution, which fostered the growth of cities to meet labor demands. Composed of many social units, a city nevertheless is a single entity, that wields its size, its political control and its economic base to satisfy the diverse needs of its inhabitants. City dwellers enjoy a wider selection of employment opportunities than are available in rural areas and are able to choose from, but are not necessarily able to afford, a large variety of goods and services. Businesses locate in cities because of indigenous markets and accessible supplies. A city offers flexibility: people can change jobs without having to move their homes. Thus,

the worker may apply to many employers, while the employer can hire from a multi-skilled and variously educated population. Only a metropolis can support the large inventories, transportation facilities, and specialized services—particularly those of a financial, legal, technical and promotional nature that are essential to modern business. Such infrastructure and services are especially important to small, new and experimental enterprises. Ideally, the city should be specifically equipped to sustain efficiently the support structure essential to the growth of an industrial society.

B. Transfrontier City Characteristics

Unlike other cities, transfrontier cities span international borders. Borders are complex institutions that evolve out of international relations, specifically out of the perceived need to protect nations by controlling the flow of people and goods across their borders. As control over border flux decreases, neighboring nations become more integrated. Without the exertion of control at the border, there is a formal but ineffective border. Language and cultural differences contribute to the separation of nations and help strengthen border control. Hence, there is a less effective international border and less restraint on intercourse between the United States and Canada than between the United States and Mexico.

By restricting the free flow of people, goods and services, the border operates as a restraint on the growth of a transfrontier city. At one end of the spectrum, where borders are closed, there is no passage of people, goods or services and the cities live side by side in mutual disregard; e.g., East and West Berlin. At the other extreme, where the border is open, cities on either side merge into one entity; e.g., Budapest. However, cities on the United States/Mexico border represent neither extreme.

The border between the United States and Mexico is viewed by some as a barrier erected to impede the movement of people, goods and services from one nation to the other. This is the "Na-

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1 "The division of labor and increased productivity made concentration in cities possible, and the required cooperation of labor made it necessary, because the new system called for bringing together workers of many skills and diverse establishments that had to interchange goods and services." Id.
2 Id. at 66.
tionalistic approach," which identifies the border as a means of protecting the United States against foreign peoples and commodities. Other support a "symbiotic approach" to border functioning, which assumes that increased interchange between the United States and Mexico will maximize the benefits of trade to each country. United States national policies have seldom been totally "nationalistic" or "symbiotic," but a mixture of both views.

Generally, each half of a transfrontier city is more dependent upon its sister city than upon the rest of its nation. Availability of natural resources, climate, and potential as a transportation center and as a marketplace are factors that contribute to a city's growth and that are shared by each half of a transfrontier city. Ties between merchants and consumers and between employers and employees further draw the halves together. Border stores, industries and households on one side depend on shoppers and workers from the other. Employers recruit from both halves and a large part of wages earned on one side of the border are spent on the other. Citizens of a transfrontier city share the cultures that exist on both sides and are further assimilated by transportation systems and shared radio and television broadcasts, as well as by mutual health and environmental concerns. Informal means of communication, such as social and personal relationships and professional, recreational and cultural associations, foster intercommunity dependence.

III. TRANSFRONTIER CITIES OF THE UNITED STATES/MEXICAN BORDER REGION

A. The Regional Setting

The United States/Mexican border stretches for 2,000 miles from Brownsville, Texas on the Gulf of Mexico to Tijuana, Mexico on the Pacific Ocean. The border region reflects the cultures of the United States and Mexico and emphasizes the great differences between the two nations. "On the U.S. side is an affluent, highly industrialized society that is English in language, British in legal traditions and slow in population growth. On the other side is a slowly industrializing society that is Spanish in language, Roman in legal traditions and rapid in population growth."7 The

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1 E. Stoddard, Patterns of Poverty Along the U.S. Mexican Border 6 (1978) (Center for Inter-American Studies, The University of Texas at El Paso).
2 Id.
nations are further divided by the disparate strength of the two economies which meet at the border. 8

Nevertheless, both sides of the border must be viewed as a regional whole because the entire area has developed along unique social, cultural and economic lines. The traditional isolation of the *zona fronteriza* has only recently been affected by shared mass media, fashion, sophisticated consumer goods, and demands for labor and energy resources. 9 This isolation, together with the shared environment, have fostered an interdependency between the sides of the border that transcends the artificial demarcation line. Such interdependency is reflected by the fact that the transfrontier cities of the United States/Mexican border, like most transfrontier cities, are much more economically dependent upon each other than upon the economic systems within their own country. 10

Transfrontier cities serve as entry and exit sites for goods moving between the two countries. The United States draws Mexican workers for its agricultural and service industries. Mexico draws large numbers of United States travelers to its tourist attractions. Consumers spend freely on both sides of the border, with growing Mexican populations accounting for 10-90% of the retail sales of individual establishments on the United States side. 11 Thus, although the United States/Mexican border region is an area of contrasts, the *zona fronteriza* must be viewed as an interdependent

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8 Two key aspects of the economic frontier emerge from the imbalance of the economies which meet at the border: economic dependence and economic disparity .... In 1970, the United States gross national product was $974 billion while Mexico's was $33 billion. The United States per capita national income that year was approximately $4,300, while the figure for Mexico was $550.

S. Ross, *Views Across the Border, The United States and Mexico* 10 (1978). Current figures (1978-1979) also reflect this disparity: The U.S. gross national product equalled $2,107 billion while the Mexican gross national product reached $91.4 billion. The mean income in the United States was $8,640 and in Mexico it was $1,374. The Dean Rusk Center for the National Governors' Association Committee on International Trade and Foreign Relations, *Comparative Facts on Canada, Mexico and the United States: A Foundation for Selective Integration and Trilateral Cooperation* app. 2, at 273 (1979) (Gross Indicators of Differentiation) [hereinafter cited as Comparative Facts].

9 Border Development Bureau, State Planning Division, New Mexico Department of Finance and Administration, *A Socio-Economic Profile of the Border Region* 117 (1979) [hereinafter cited as New Mexico Socio-Economic Profile].


whole because of the historical interaction and the continuing international exchange.

B. Problems of the United States/Mexican Transfrontier Cities as Growing Urban Centers

The transfrontier cities of the United States/Mexican border share the problems found throughout the region. In addition, they must grapple with the problems typically encountered by growing urban centers. In general, the cities of the southwestern United States, unlike their Mexican counterparts, provide adequate facilities for potable water, sewerage and garbage disposal, electricity, transportation, city zoning, education and other basic urban needs. However, these facilities are becoming increasingly strained because of the migratory influx both from Mexico and from other parts of the United States. Comprehensive city planning is rendered difficult by the uncertainty of future population growth patterns and by the immediacy of the needs of the new immigrants.

1. Population Growth

The population in the border region is swelling as both United States citizens and Mexican citizens are attracted to the opportunities offered by this portion of the sunbelt. The growing importance of commerce, manufacturing and tourism has led to a high urban concentration of people. Contributing to urbanization is the fact that the border region is fifty percent desert and almost all of the agricultural potential that can exist without irrigation has been exploited. On the Mexican side, the cities

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13 Although Mexican border city populations do not continue to increase at the 1940-60 growth rates of 155 or 250 percent each decade, because the growing numbers of municipio residents have expanded the population base, still the 3 to 10 percent growth per year is adding vast numbers of people to these overcrowded border urban centers.

Stoddard, supra note 5, at 27.


15 "The growth of industry has also contributed to a great migratory influx of people from other parts of Mexico to the northern border so that it has the highest population growth rate of any major region in Mexico since 1940." PRICE, supra note 7, at 8.

Between 1940-60, the populations of Mexican cities on the Rio Grande across from Texas
began to grow especially fast after World War II because the labor intensive agricultural system was replaced by modern farming practices through agrarian reform. This development, coupled with greater industrial expansion, sent a flow of migrants to urban centers, especially to the northern tier of Mexican border cities.\(^{16}\) On the United States side of the border, the cities also expanded more rapidly than those in any other region in the United States between 1940 and 1970, but this population growth was modest compared that of their sister cities across the border.\(^ {17}\)

Although Mexico is the most rapidly industrializing nation of Latin America,\(^ {18}\) its development has been unable to provide adequate occupational opportunity for its growing number of citizens. Mexican border cities attract those seeking greater economic opportunity from all parts of Mexico because the cities have per capita incomes that range up to three times the national average.\(^ {19}\) These cities offer growing employment opportunities in both light
grew at a rate of 155 percent while the border cities lying across from California had a 255 percent growth rate. In that same time period, the major border cities in the state of Texas grew about 50 percent each decade while Californian cities increased about 20 percent. E. Stoddard, Selected Impacts of Mexican Migration on the U.S.-Mexico Border 3, 4 (Oct. 4, 1978) (Paper presented to a State Department Select Panel on Border Problems, Washington, D.C.).

\(^ {16}\) Stoddard, supra note 15, at 3.

\(^ {17}\) POPULATION GROWTH OF MEXICAN AND U.S. BORDER CITIES (1900-1970)\(^ {1}\)

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\(^ {18}\) Id. at 34.

\(^ {19}\) Id. at 3.

\(^ {16}\) PRICE, supra note 7, at 9.
and heavy industries. The proximity of the United States also attracts Mexican skilled and semi-skilled workers, who seek jobs in the United States rather than wait for advances in Mexico's technological development. About one-fifth to one-third of the wages earned by the residents of the Mexican border cities are earned in the United States.\textsuperscript{20} Migration to the border not only increases the populations of the transfrontier cities; it also "constitutes a blue collar brain drain which hampers the future economic and industrial development plans"\textsuperscript{21} of Mexico. Other Mexicans cross the border legally and illegally to work in domestic service or agriculture. The presence of Mexican migrants is an economic asset in the border region because border agribusiness and urban commercial enterprises employ cheap legal and illegal Mexican labor, which enables them to compete with more industrialized sectors of the country.\textsuperscript{22} However, these alien workers often accept less than minimum wage and substandard working conditions, thereby hampering unionism in border areas. Those most adversely affected are the unskilled United States border minorities.\textsuperscript{23} The growing importance of the United States/Mexican border region as a commercial center and the increasing employment opportunities in the area has led to a high urban concentration of people requiring comprehensive city planning to serve their needs.

2. \textit{Economic Development}

The United States/Mexican border region is composed largely of "soft economies" with large service sectors such as tourism, trade and government. This economic structure neither provides sufficient employment opportunities for the increasing numbers of transfrontier city residents, nor provides for income generation that could be translated into needed capital investment.\textsuperscript{24} The border region's economic base requires diversification to ensure its development potential.\textsuperscript{25} However, industrialization of the

\textsuperscript{20} Id.
\textsuperscript{21} Stoddard, \textit{supra} note 15, at 6.
\textsuperscript{22} Id. at 7.
\textsuperscript{23} Id. at 8.
\textsuperscript{24} F. Call, Problems and Cooperation Between the U.S. and Mexican Border Cities 1 (October 23-24, 1978) (Remarks Presented to Conference on U.S.-Mexico Relations, Department of State, Washington, D.C.).
\textsuperscript{25} New Mexico's overall needs inventory calls for "more manufacturing firms, ideally light industrial and 'clean' to promote economic base diversification and provide more basic economic activity." \textit{NEW MEXICO SOCIO-ECONOMIC PROFILE}, \textit{supra} note 9, at 108. Arizona
border area is impeded by the semi-arid environment. Problems associated with the scarcity of water, such as its sources, delivery and pollution,\textsuperscript{26} are commonplace. The inadequacy of the border area infrastructure, such as highways, railroads,\textsuperscript{27} and communication lines,\textsuperscript{28} is another barrier to development. This barrier further isolates transfrontier cities from each other and aggravates the problems of trade in an area where there are few large retail markets and only limited energy and natural resources.\textsuperscript{29} Development is further hindered by the fact that the border cities are located far from the marketing areas of the United States. Although the urban centers of the United States border area are close to Mexican sister cities, these markets are relatively small because of the low income level. This accounts for the fact that the United States border area is grossly under-industrialized in comparison with the internal areas of the United States.\textsuperscript{30} Heavy industries in the border area have difficulties attracting trained professionals, managers and skilled workers. There is a lack of skill in the border region’s labor force, and labor pools in the rural border regions are small and widely dispersed.\textsuperscript{31}

Additional education and manpower training programs are stresses the need to attract new activities to the border region for diversification and strengthening of the area’s economy. ARIZONA OFFICE OF ECONOMIC PLANNING AND DEVELOPMENT, SOUTHERN ARIZONA PUBLIC INVESTMENT AND DEVELOPMENT GUIDE 19 (1979) [hereinafter cited as ARIZONA GUIDE]. Texas characterizes the diversification of the region’s export base as the key to development. GOVERNOR’S OFFICE OF REGIONAL DEVELOPMENT, TEXAS BORDER REGION DRAFT STATE INVESTMENT PLAN 49 (1979) [hereinafter cited as TEXAS PLAN].

\textsuperscript{26} The Texas Border Region Draft Investment Plan states that the availability of water may be the most important restraint to economic development of the Texas Border Region. TEXAS PLAN, supra note 25, at 15. The New Mexico Socio-Economic Profile describes water as the most limited of all natural resources. NEW MEXICO SOCIO-ECONOMIC PROFILE, supra note 9, at 4. The Southern Arizona Public Investment and Development Guide explains that the resource limitations, particularly in regard to water, have a direct effect on development in the area. ARIZONA GUIDE, supra note 25, at 22.

\textsuperscript{27} Compared to the rest of Texas, the highway system and railroad service of the border area is underdeveloped. TEXAS PLAN, supra note 25, at 57, 62. As part of its investment goals and strategies, New Mexico calls for an improvement of the regional transportation system to promote commerce, trade and tourism. NEW MEXICO SOCIO-ECONOMIC PROFILE, supra note 9, at 124.

\textsuperscript{28} The sparse population and the communication and transportation deficiencies create stumbling blocks for economic development of the border region. NEW MEXICO SOCIO-ECONOMIC PROFILE, supra note 9, at 13.

\textsuperscript{29} Stoddard, supra note 5, at 12.

\textsuperscript{30} T. Flynn, Interagency Cooperation 84 (November 13 and 14, 1978) (Remarks Presented to Southwest Border Regional Commission Seminar on Border Activities). (Mexican Bilateral Officer, Department of Housing and Urban Development).

\textsuperscript{31} ARIZONA GUIDE, supra note 25, at 22.
desperately needed in border locations. However, unless (the programs) occur simultaneously with massive industrial development to absorb these higher trained individuals, there will be little or no opportunities locally for the skilled and educated to find employment and they will be forced to continue seeking opportunities away from the border.\textsuperscript{32}

Endeavors to develop the border area must overcome the barriers of water scarcity, inadequate infrastructure, city isolation and lack of skill in the labor force. The solution to these problems will require economic diversification of the border region and increased employment opportunity for the new immigrants.

3. \textit{Financial Drain}

Border cities confront a financial drain not shared by interior cities. Border city taxpayers must subsidize the cost of border maintenance. The border is a federal installation and maintaining its security is a federal responsibility, but "border cities use up to one-fifth of their municipal budgets handling problems of traffic control, public safety and criminal offenses . . . which interior cities do not have to worry about."\textsuperscript{33} United States border cities bear an additional burden of higher costs for public services, such as libraries, hospitals, public facilities and parks, all of which are used heavily by the citizens of Mexico.\textsuperscript{34} These additional costs are not reimbursed, since the census and demographic data compiled in the border area are inaccurate for the real populations because the data reflect resident populations, not "using" populations. The difference can be as much as threefold.\textsuperscript{35} These expenditures for border maintenance and the higher costs of public services render border cities less able to cope with the mounting problems of urbanization.\textsuperscript{36}

\textsuperscript{32} Stoddard, \textit{supra} note 5, at 27.

\textsuperscript{33} Stoddard, \textit{supra} note 15, at 28.

\textsuperscript{34} "McAllen, Texas, for example, which operates its own municipal hospital, estimates the drain on municipal funds for non-elective care of aliens is in excess of $800,000 per year. Non-elective care includes injuries, accidents, sudden sickness, and women in their 11th hour pregnancy." Call, \textit{supra} note 24, at 8.

\textsuperscript{35} "When applications are made for federal assistance to make parks and recreational areas able to handle the combined using population of more than one million, the demographic profile shows an El Paso population of about one-third of a million." Stoddard, \textit{supra} note 5, at 9.

\textsuperscript{36} About one-fifth of El Paso's police costs are directly tied to border activity which could not occur in interior U.S. cities. A small town called Hidalgo in Texas pays for more than one-half of its budget for traffic officers to handle the commuters
4. Health Care

The great influx of people, combined with the high birth rate, have created a crisis in the health care sector. Components of the health care problem include vector control, environmental health, communicable diseases, and health care costs. Health care problems, such as those caused by mosquitoes, fruit flies, fire ants and rabies, transcend international boundaries, especially when there is a free flow across the border. Environmental health problems, including air and water pollution, increase with the industrial development of an area. Control of pollution in the border area region, like disease controls, is difficult because efforts cannot be restricted to one side of the border.

The two major obstacles encountered in the management of transboundary pollution are the establishment of quality standards and the assessment of costs to participants. Quality standards have already been established by the federal governments of the United States and Mexico. The costs factor is directly related to the perception of pollution as a major problem; many along the United States/Mexican border do not view pollution as a major problem and are unwilling to assume the costs of cleaning the environment or preventing pollution. “On the Mexican side, concern with development, industrialization, and employment are weighed more heavily and [importantly] than pollution.” The problem of cost is also important on the economically depressed United States side of the border.

Great potential for the outbreak of communicable diseases exists where the burgeoning population outstrips the growth of municipal services such as water treatment, sewer and solid waste disposal. Sewage treatment problems grow as the population increases. Although the United States is treating its sewage extensively, Mexico cannot begin to follow suit because of its population pressures. Nuclear waste disposal is also an issue, as various plans have been proposed to bury radioactive waste in border areas. Residents on both sides of the border express great

streaming back and forth from Mexico to McAllen, Texas, most of which do not contribute to the local economy in any way.

Stoddard, supra note 5, at 9.
37 Call, supra note 24, at 5.
39 Call, supra note 24, at 7.
40 Id. at 6.
concern over the matter because of the possibility of earthquakes that may disturb the nuclear waste depositories and have serious effects on area water supplies. The nature of these health care and pollution related problems are not restricted to one side of the border, but intensify on both sides as overall population and industrial development increase.

5. Personal contact

Although the transfrontier cities of the United States/Mexican border region enjoy symbiotic relationships, there is little meaningful personal contact and interest between the populations. The "coalescence of (transfrontier city) Anglo and Hispanic populations is quite small," in that the English speaking population insulates itself from the Spanish speaking peoples and, at the same time, the Spanish speaking population excludes the Anglos from significant personal contacts. What cultural transition does occur results primarily from the acculturation to American society by the Mexican-Americans who live on the United States side of the border. Northern Mexico is more influenced by the material wealth and technical know-how of the United States than by American cultural traditions. A survey conducted by John Price, which measured the amount of newspaper space devoted to events across the border, found that there was very little coverage of the events in the opposite country. This was interpreted as a reflection of people's views that the country across the border is culturally as well as nationally different from their own. It also demonstrates a serious lack of concern on the part of border area residents regarding problems that are faced by both countries and that can be solved only through cooperative efforts.

The transfrontier cities of the United States/Mexican border are located in a region of rapid urbanization where the economic structure provides insufficient opportunities for the area's growing number of residents. Impediments to development, such as the semi-arid environment, inadequate infrastructure, city isolation and unskilled labor force, compound the problems of transfrontier city interdependency. The financial drain of border maintenance

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41 Id.
42 PRICE, supra note 7, at 15.
42 Id. at 16.
44 Id. at 17.
45 Id.
and the economic strain on environmental and health care programs, due to the great influx of people, hinders development of an efficient transfrontier city support structure essential to the growth of an industrial society. Although these cities are divided by an international border, the shared environment makes the problems faced by one side of the border common to the other. Consequently, these problems demand recognition and response by both sides, acting as an interdependent whole.

IV. POLITICAL AND ADMINISTRATIVE APPROACHES TO BORDER CITY PROBLEMS

A. Federal Involvement

1. Introduction

In order to maximize development potential and to plan effectively for future urban growth, the communities on both sides of the border should be treated as a whole. This necessitates close cooperation between the United States and Mexico, not only at the local level, but also at the state, regional and national levels. Cooperation between the two countries involves their respective political machinery and administrative apparatus because both regional and urban planning require broad policy determination and program implementation.

Cooperation between the United States and Mexico on border problems has developed slowly, for numerous reasons. The United States has previously dominated relations between the countries, which has led to caution on the part of Mexico regarding foreign backed development programs for its land. Cooperation is further impeded by differences between the countries in terms of governmental organization. The Mexican government is more centralized, or vertically integrated, along national to state to municipal lines, whereas the United States, with its more truly federal systems, is more decentralized. In the United States, agencies of the federal government deal with specific issues and problems, while the more centralized Mexican system ties such issues into a much broader policy formulation.

46 Mexico has regarded foreign investment as the least desirable alternative to financing domestic investment . . . . The laws permit foreign domestic investment under regulation if it does not compete with domestic investment, and if it brings technology into the country which would otherwise be unobtainable. In addition, at least 51% of equity in any business venture must be Mexican owned.

Comparative Facts, supra note 8, at 223.

At a local level, city to city cooperation is impeded by the fact that, unlike United States cities, Mexican municipalities find it difficult to initiate policies, because most local taxes accrue to state governments and local officials are left with insufficient revenues for program development.\textsuperscript{48} In addition to administrative differences, United States/Mexican cooperation is hindered by differing perceptions of policy objectives. An example of this is the Mexican view that the "American concern with ecology, being a by-product of industrial development, is . . . a distraction from issues that Mexico finds more pressing such as nutrition, housing and public services."\textsuperscript{49} Where policy objectives are similar, cooperation between the United States and Mexico is more easily achieved, such as in the area of development of Mexico's oil reserves.\textsuperscript{50} Although slow to develop because of historical United States domination, differing governmental frameworks and divergent policy objectives, cooperation between the United States and Mexico in the border area has grown as the result of a strongly felt mutual need for joint efforts.

2. Cooperation at the Executive Level

The first modern attempts at joint United States/Mexican border planning stemmed from an April 1966 meeting of Presidents Lyndon Johnson and Gustavo Diaz Ordaz and the creation of the United States-Mexico Commission For Border Development and Friendship (CODAF) in July 1967. CODAF did not live up to its expectations because of funding problems. But it did stimulate the creation of independent, government-supported border commissions.\textsuperscript{51}

President Carter continued this trend when he visited President Lopez Portillo in 1978 and again in 1979 in an effort to find additional areas of cooperation between the United States and Mexico. President Carter's visit led to agreements on scientific and technological cooperation, on the development of arid and semi-arid lands, and on housing programs. Among the most recent...
bilateral agreements concluded between the United States and Mexico that affect the urban centers of the border region are the United States/Mexican Tourism Agreement;\textsuperscript{52} the Agreement for Cooperation in the Field of Housing and Urban Development;\textsuperscript{53} and the Agreement on Cooperation to Improve the Management of Arid and Semi-Arid Lands and Control Desertification.\textsuperscript{54}

The Tourism Agreement provides for additional air routes, additional border crossings, reduction of visa fees and red tape, as well as for protection of tourists. It seeks to establish a program of tourist and cultural activities designed to strengthen the ties between the peoples of the border area as well as the cultures of the two nations in general. Tourism is a major border industry and is one of the largest revenue and people exchanges that exists between the United States and Mexico. "Every year approximately 2,200,000 Mexicans visit the United States, accounting for eleven percent of total tourism to the United States and twenty four percent of tourist receipts. On the other side of the border, over 2,800,000 Americans travel to Mexico annually."\textsuperscript{55} Although tourist activity enriches local businessman, the large numbers of tourists do overwhelm public services, thereby imposing a large financial burden on local taxpayers.\textsuperscript{56}

The Agreement for Cooperation in the Field of Housing and Urban Development was signed by the United States and Mexico in "recognition of a mutual interest in exchanging information and research related to housing and urban planning and development, and in particular, a mutual interest in sharing information and other cooperative efforts related to planning and development of urban areas on the border between the United States and Mexico."\textsuperscript{57} Such efforts have been directed toward various aspects of national urban policies in order to lay the groundwork for future exchange projects. The Agreement on Cooperation to Improve the Management of Arid and Semi-Arid Lands and Control

\textsuperscript{52} Tourism Agreement, May 4, 1978, United States-Mexico, --- U.S.T. ---, T.I.A.S. No. 9468.

\textsuperscript{53} Agreement for Cooperation in the Field of Housing and Urban Development, February 16, 1979, United States-Mexico, --- U.S.T. ---, T.I.A.S. No. 9523 [hereinafter cited as Housing Agreement].

\textsuperscript{54} Agreeing on Cooperation to Improve the Management of Arid and Semi-Arid Lands and Control Desertification, February 16, 1979, United States-Mexico, --- U.S.T. ---, T.I.A.S. No. ---.

\textsuperscript{55} COMPARATIVE FACTS, supra note 8, at 148.

\textsuperscript{56} Stoddard, supra note 5, at 18.

\textsuperscript{57} Preamble to Housing Agreement, supra note 53.
Desertification envisions a joint effort in research and management of arid land and its resources. "The treaty is intended to be part of the United Nations Global Plan of Action to combat desertification (adopted in Nairobi, Kenya, 1977)." These instruments represent formal agreements between the executive branches of the United States and Mexico for cooperation and policy coordination in regard to issues affecting the United States/Mexican border region. Because of their formal and narrow scope, these bilateral agreements provide only a part of the comprehensive planning necessary for the area as a whole and for the urban centers in particular.

3. The United States/Mexico Consultative Mechanism

Policy coordination between the governments of the United States and Mexico has been fostered recently by the designation of Robert Krueger as United States Coordinator for Mexican Affairs and by the agreement, reached at the February 1978 meeting of Presidents Carter and Lopez Portillo, that the Consultative Mechanism between the United States and Mexico shall be strengthened. Mr. Krueger has assumed the responsibilities as Executive Director of the United States/Mexico Consultative Mechanism. The Mechanism is designed to encourage consultation in eight specific areas: border cooperation, trade, finance, tourism, industry, migration, energy and legal matters.

The group responsible for border cooperation consists of ten representatives from various government agencies and is designed to coordinate policies of various agencies with regard to the border. The group is co-chaired by a State Department counselor and by the Federal Co-Chairman of the Southwest Border Regional Commission. The purpose of the border working group is to meet with its Mexican counterpart to discuss subjects of mutual interest, to exchange information, and to recommend specific actions. Members of the Commission, acting on an individual basis, have developed active relationships with the governments of Mexico and the six Mexican border states. The border working group has agreed that, with regard to the Agreement on Cooperation in the Field of Housing and Urban Development, special attention should be paid to border areas. The group noted that a coordinated program in the Tijuana/San Diego area

*COMPARATIVE FACTS, supra note 8, at 143.*
to control air pollution was being carried out by the United States Environmental Protection Agency and the Mexican Under Secretariat for Environmental Improvement. A similar program is planned for the El Paso/Juarez area.\textsuperscript{59} The group also forged an agreement for renewed cooperation in the area of disaster assistance.\textsuperscript{60}

Because of continued growth and an increased flow of people and goods between the United States and Mexico, the United States Mexico Consultative Mechanism agreed that information exchanges concerning international bridges and other border crossing were necessary. As a result, a United States federal inter-agency task force has been convened through the State Department to coordinate United States activities.\textsuperscript{61} Through the efforts of the Mechanism, the Bureau of Census is currently developing means to coordinate information exchanges with Mexico after completion of the 1980 census in both nations and to make better use of the information obtained.\textsuperscript{62}

4. The "In-Bond Plant" Program

The development of the border's economic potential has been benefitted by the cooperation shown by the governments of the United States and Mexico in the "In-Bond Plant" (Maquiladora) Program.\textsuperscript{63} The program includes border industries that have been granted special incentives by both governments and that are located within 12.5 miles of the United States/Mexican border on the Mexican side.\textsuperscript{64} The in-bond, or twin plants chiefly manufacture electronic products and process textiles. The program is a twin plant program because component parts are manufactured in plants in the United States and Mexican workers, mostly women, assemble the goods and package them in plants in Mexico. The

\textsuperscript{59} The El Paso Times, June 27, 1980, § 1, at 1, col. 1.

\textsuperscript{60} "The working group urged the two governments to review the 1968 agreement on disaster assistance and at the September 4 and 5 (1979) meeting in Mexico City, federal agencies of the two governments achieved an agreement for renewed cooperation in the area of disaster assistance." Id.

\textsuperscript{61} SOUTHWEST BORDER REGIONAL COMMISSION ANNUAL REPORT FISCAL YEAR 1979 at 3 [hereinafter cited as 1979 ANNUAL REPORT].

\textsuperscript{62} Id.

\textsuperscript{63} Stoddard, supra note 15, at 10-15.

\textsuperscript{64} "To date, 555 in-bond plants, mostly owned by U.S. firms, have been established, and permits for 95 more have been recently granted. Existing plants presently employ approximately 115,000 Mexicans and represent investments totalling 850 million dollars." COMPARATIVE FACTS, supra note 8, at 185.
goods are then marketed in the United States, but the only duty paid is on the cost of assembly.

The in-bond plant program has been a boon to the border economy because it has stimulated secondary industries and support services. It has made the border region the most industrialized area of Mexico. However, the program has been criticized for continuing the economic dependency of Mexico upon the United States, and for the lack of upward mobility and the absence of administrative or managerial training opportunities within the system. But the program has also had a positive economic impact on both Mexican and neighboring United States border cities. It is reported that one new job is created in United States for every ten new jobs in the border plants. The management and skilled technicians of these in-bond plants often reside on the United States side of the border, thereby adding their salaries to the local United States economy. In addition, from forty to sixty percent of the net wages received by plant workers are used to buy United States goods and services. Unfortunately, since the in-bond plant program provides employment opportunities for many border residents, it also attracts large numbers of Mexican citizens seeking work, exacerbating the urban problems. The continued existence of the Twin plant program depends upon cooperation between the United States and Mexico. Threatening the program's future are such factors as the termination of the enabling legislation in the United States tariff code, lack of infrastructure development, varying custom procedures, difficulties in obtaining and renewing work permits, and the demise of transnational cooperation.

5. The Internation Boundary and Water Commission

A much older organ of consultation between the United States and Mexico is the International Boundary and Water Commission (IBWC). Established by treaty in 1889, it was originally charged with solving boundary problems, but now its main concern has shifted from border demarcation to flood control, river rectification, and water allocation. Recently it was charged with the task of water quality assurance. The Commission is composed

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67 COMPARATIVE FACTS, supra note 8, at 146.
of two national sections, each led by an Engineer-Commissioner. The staffs are small and technically oriented. The twin cities of El Paso, Texas and Ciudad Juarez, Chihuahua serve as headquarters. The Commission's work directly affects the border cities because of its work in flood control, water quality assurance, and sanitation problems.

The achievements of the IBWC include a broad water sharing agreement (the 1944 Water Treaty), the Rio Grande Rectification Project (completed in 1938), and the Amistad Dam and Reservoir (1969). In 1951, the governments, acting through the Commission, built an international sewage treatment plant to service the twin cities of Nogales, Arizona, and Nogales, Sonora. Nogales, Sonora urgently needed a sewage collection and disposal system but, because of the terrain, the plant was located in the United States. The treatment plant was adequate until recently, when rapid population growth overloaded the system.

Decisions of the Commission become effective when the two Commissioners concur. Their judgment is binding on both governments unless it is disapproved by one of them; disapproval must come within a month of the Commission's decision. The mechanism for bilateral cooperation used by the IBWC was bypassed in favor of a high level political solution on only two occasions. The first was the Chamizal dispute over approximately one square mile of land between El Paso, Texas and Ciudad Juarez, Chihuahua. The second was the Colorado River Salinity dispute. Both cases resulted in a United States concession. On the whole, the mechanism by which the IBWC operates reflects an effective approach to bilateral cooperation because it combines an administrative approach to problem solving with the necessary political approval of the solutions.

6. The United States/Mexican Border Health Association

During World War II, the federal governments of the United States and Mexico established the United States/Mexico Border Health Association to improve public health in both countries. The organization is quasi-governmental in that it possesses a secretariat furnished by the Pan American Health Association. A health profile of the border region, which was prepared by the Associa-

* Id.
* Id.
* Id.
tion, recommends mutual cooperation in the areas of communicable disease control, health services delivery, planning and evaluation, environmental sanitation, and information systems development.\textsuperscript{71} Several programs of cooperation in the health field already exist, including an agreement between the Environmental Protection Agency and its Mexican counterpart for cooperation on environmental programs and transboundary problems; a memorandum of understanding between the Federal Drug Administration and the Mexican Government to address the problems of illegal pesticide residues, interstate travel sanitation, and shellfish sanitation; a cooperative program in rabies control; and the distribution of a directory of names, addresses and telephone numbers of the state, county and municipal border health authorities of both countries. The United States Department of Health, Education and Welfare stated that the nature of the border area compounds health problems of the indigenous populations and renders them impossible to solve by unilateral efforts. The Department suggests that each country develop its domestic programs within the framework of its own system, while simultaneously working closely with its neighbor so that health initiatives can have a greater impact.\textsuperscript{72}

The treaties that exist between the United States and Mexico, the United States/Mexico Consultative Mechanism, the International Boundary and Water Commission, and the United States/Mexican Border Health Association, represent federal

\textsuperscript{71} Within this framework, the 37th Annual Meeting of the U.S.-Mexico Border Health Association, in April, 1979, agreed to begin collaboration in eleven areas:

A. Communicable Disease Control
   1. Control of Diseases Preventable by Vaccination
   2. Tuberculosis Control

B. Health Services
   3. Joint Program on Emergency Services for Accident Victims
   4. Program on Fluoridation and Chlorination
   5. Maternal and Child Health

C. Environmental Health
   6. Occupational Health

D. Health Information Systems Development Planning and Evaluation
   7. Planning and Evaluation
   8. Study of the Use and Comparability of Officially Collected Statistics
   9. Development and/or Exchange of Health Education Materials in Spanish
   10. Economic Analysis of the Border Focusing on Current Utilization of the Existing Health Resources
   11. A Program to Improve the System of Epidemiological Surveillance.


\textsuperscript{72} Id.
government involvement with the problems of the border region. This involvement has grown despite the differing governmental organization of each country and the divergent policy objectives. Nevertheless, the formality of this cooperation, while necessitated by the international political implications of the border, is inadequate for comprehensive regional and urban planning. Two shortcomings are the lack of local input and the fact that many border concerns are relatively insignificant in the context of the relations of nations.

B. Regional and Local Involvement

1. The Southwest Border Regional Commission

   a. History and Organization

   The Southwest Border Regional Commission\(^7^3\) serves as the administrative vehicle for coordination of policies and programs that affect the border area. It also plays a political role, in that it is directly involved with policy formulation. The Commission was formed under the auspices of the Secretary of Commerce pursuant to Title V of the Public Works and Economic Development Act of 1965, as amended, which authorized the Secretary to designate multistate economic development regions.\(^7^4\) Although regional in name, the Commission is a federal/state partnership established to formulate policy, to set long range economic goals and to implement projects to achieve these goals. Among the goals of the Commission are the improvement of employment and income opportunities for area residents and the enhancement of the quality of housing, health, education and the environment. Overall manage-

\(^7^3\) **SOUTHWEST BORDER REGIONAL COMMISSION, ANNUAL REPORT FISCAL YEAR 1978, (1979)** [hereinafter cited as 1978 ANNUAL REPORT]. Each of the states along the border has established commissions to deal with border problems; the New Mexico Commission, the Good Neighbor Commission of Texas, the Arizona, Mexico Commission, and the Commission of the Californias. Except for the New Mexico Commission, these organizations have been in existence for quite some time and their staffs perform their tasks largely through close personal relationships with their Mexican counterparts. However, the work of state Commissions is being overshadowed by that done by the Southwest Border Regional Commission and its separate state staffs.

\(^7^4\) Eight “Title V” economic development regions have been designated by the Secretary of Commerce. In addition to the Southwest Border Regional Commission, there exists a commission for the Four Corners (Utah, Colorado, Arizona and New Mexico), New England, Old West, Ozarks, Pacific Northwest, Coastal Plains, and Upper Great Lakes. **OFFICE OF REGIONAL ECONOMIC COORDINATION, OFFICE OF THE SECRETARY, U.S. DEPARTMENT OF COMMERCE, BASIC FACTS ABOUT MULTISTATE REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS 3 (1977).**
ment for Commission policies is provided by State Chairmen, in collaboration with the Federal Chairman who, as a senior official, is the Commission's principal contact with agencies and departments in the federal government. Daily activities of the Commission are the responsibility of the Executive Director and the professional staff headquartered in Tucson, Arizona. The Commission recognizes the economic interdependence of both sides of the border and seeks to promote bilateral coordination.\(^7\)

b. Projects

The Southwest Border Regional Commission has funded projects designed to apply to the entire border region. The most notable projects have been the establishment of experimental plots of guayule at El Paso and Pecos, Texas. It is hoped that this research will lead to the development of a domestic rubber industry.\(^8\) The Commission funded a solar energy upgrading program for low income housing, which was undertaken by the New Mexico Solar Energy Institute.\(^7\) This program was the first solar energy demonstration project having a regional focus and the first program directed at low income housing on a regional scale.\(^8\) The Commission also has supported the establishment of border area resource centers at major universities in the region; it awarded a technical assistance grant to the San Diego State University Foundation to develop a functional design for such a resource center network.\(^7\) The city of El Paso, Texas received a grant from the Southwest Border Regional Commission to investigate the feasibility of establishing a centralized regional trade center in El Paso.\(^8\) These projects have been the initial steps taken towards development of the border region as a whole.

c. The Regional Plan

During 1979, the Southwest Border Regional Commission completed a comprehensive, long-range development plan for the thirty-six United States border counties. The plan is designed to serve as a guide for public and private investment in the region

\(^7\) 1979 ANNUAL REPORT, supra note 61, at 5.
\(^8\) 1978 ANNUAL REPORT, supra note 73, at 4.
\(^7\) Id.
\(^8\) Id. at 5.
\(^7\) Id.
\(^8\) Id.
The regional plan will serve as a basis for the Commission’s move from an information collection agency to the more difficult role of a body charged with program development and implementation.

d. The Governors’ Conference

The Southwest Border Regional Commission recently organized the first international meeting of the governors of Texas, New Mexico, and Arizona with their counterparts from the Mexican states of Baja California, Coahuila, Chihuahua, Nuevo Leon, Sonora, Tamaulipas. (The governor of California was unable to attend.) The two-day conference held in Ciudad Juarez, Chihuahua, Mexico was considered a historic event because it marked a cross-border diplomacy, conducted not through the central governments of Mexico and the United States, but between the local political bodies which are most directly involved. Officially, the conference was to deal with tourism, ecology, cultural exchanges, non-documented workers, pollution, drugs, commerce, agriculture, twin plants and industrial development. As predicted, no substantive agreements were signed, no communiques were issued, and many problems went undiscussed. This was due in part to the realization that the most sensitive problems, such as immigration policy and energy, could not be handled effectively anywhere but in Mexico City and Washington, D.C. Nevertheless, the governors discussed and are expected to act on matters that, while being of an international nature, impact principally upon their respective states.

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81 Id.
e. The Mexican Counterpart

The Mexican counterpart to the Southwest Border Regional Commission is La Comision Coordinadora del Programa Nacional de Desarrollo de la Franjas Fronterizas y Zonas Libres (Mexican Commission for the Development of the Border Area and Free Zones). It is primarily responsible for plans and programs related to all border areas and free zones within Mexico. La Comision operates under the auspices of the Secretaria de Programacion y Presupuestos (Ministry of Planning and Budget) and was established in June 1977. The goal of the Mexican Commission is to integrate the Mexican border areas into the national economy. It is also charged with monitoring Mexican economic development programs in the border region, including special investment credits and tax benefits. Since the focus of La Comision has been primarily internal, the Southwest Border Regional Commission has had relatively little contact with it.

The Southwest Border Regional Commission, a federal/state partnership, has begun its work in policy formulation and program implementation through the projects it has sponsored, the Regional Plan it has developed, and the contacts it has encouraged between the United States and Mexico. As a liaison between the border cities and the border area, as well as between the border area and the federal government, the Southwest Border Regional Commission complements the more formal international cooperation between the United States and Mexico.

2. The Organization of United States Border Cities

The Organization of United States Border Cities, founded in

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64 The Mexican Commission, which was established in June, 1977, is derived from the Inter-Secretarial Commission on the Development of the Border which stems back to 1972. Its objective was to integrate the Mexican border area more closely into the Mexican economy and national life. That is also the basic thrust of the current Mexican Border Commission which seeks to coordinate all the activities of the Mexican Federal Secretaries . . . who deal with the border areas . . . (It's important to note that the Secretary of Foreign Affairs is not formally a member of the Mexican Commission. This further highlights the fact that the Commission's primary focus is internal; there is not a strong Mexican orientation toward cross border relationships at this time.


66 Letter from Jon D. Glassman, First Secretary of the Embassy of United States of America in Mexico City, Mexico to Nora Maija Tocups (Dec. 13, 1979).

68 The direct predecessor to the Organization was the U.S. Border Cities Association,
February 1978, was established by the mayors of various border cities to present a united front to the federal government in their advocacy of solutions to border problems.\textsuperscript{87} The Organization is funded by a grant from the United States Department of Commerce, Economic Development Administration and has been assigned the task of standardizing economic and demographic statistical data throughout the border region to develop a technical approach to the solution of border problems.\textsuperscript{88} The Organization's goals and objectives coincide with those of the Southwest Border Regional Commission, with which it works closely.\textsuperscript{89}

3. Informal Contacts

Although there seems to be little coalescence between the city populations on either side of the border, informal contacts and cooperation exist as a result of the shared citizenship of a municipality that spans the international border. Transfrontier cities offer many natural opportunities for informal contacts. Employers seek workers from their sister city when the labor supply is low, just as employees and consumers search for greater opportunities on the other side. Twin city residents have been brought together by professional, recreational and cultural associations, personal social relationships, joint festivals, informal agreements and understandings, border trade, common radio and television programs, tourism, and linking transportation systems. When the border cities were less populated and less interdependent, liaisons and personal contacts solved isolated border problems. These interchanges resolved local issues and circumvented the bureaucratic red tape of their respective states and nations.\textsuperscript{90}

\textsuperscript{87} In order to accomplish this the staff was to work closely with border municipalities in providing information on federal funding opportunities, increasing understanding of various laws affecting their economic development possibilities, unify efforts toward increasing industrial development tourism and trade, as well as developing an information dissemination system.

\textsuperscript{88} One of the Organization's immediate goals was to aid the Southwest Border Regional Commission in the development of data. "The Commission's Federal Co-chairman, Cris Aldrete, stated that the Organization of U.S. Border Cities' production of information has saved a year of the planning process for the Commission." J. Swarner, Economic Development Along the Border 38 (November 13 and 14, 1978) (Remarks Presented to Regional Commission Seminar on Border Activities by Regional Director, Economic Development Administration).

\textsuperscript{89} Stoddard, supra note 5, at 65.

\textsuperscript{90} Id. at 18.
However, such casual planning has become inadequate. Although problems can be resolved, this usually occurs on an ad hoc, individual basis with little thought for the future.

Local input is made a part of the comprehensive planning for the border area through regional organizations such as the Southwest Border Regional Commission and the Organization of United States Border Cities. The work of these organizations at present is largely administrative. They serve as information centers. However, the work is also political, since these regional organizations represent both the border area and the transfrontier cities to the federal government. As a result, the regional commissions play a vital role in the formal and informal cooperation that exists between the United States and Mexico in regard to comprehensive urban planning for the border area.

V. CONCLUSION

Comprehensive planning for this region must include formal and informal means of cooperation between the United States and Mexico at the local, state, regional and federal levels. The United States/Mexican border region is unique in its reflection of the cultures of the United States and Mexico and the great differences that separate the two nations. Yet the border region must be viewed as an interdependent whole because the area's isolation and the shared environment have made each side of the border more dependent on the other than upon the rest of its country. The first step toward coordinated planning has been laid by the recognition of the area's interdependency. The entire border area is plagued by the problems of overpopulation, economic underdevelopment, insufficient infrastructure and strained public services. Because both sides of the border share this social and physical environment, an increased exchange of information and a better delineation of common objectives is needed to avoid contradictory responses to common problems.

The informal contacts among employers, workers, merchants, consumers and public servants provide the basis for cooperation in solving urban problems at the local level. The ties between merchants and consumers, employers and employees exist with little regard to the border. In response to the need to maintain daily intercourse, the communities have circumvented the formal restrictions to international cooperation imposed by their national governments through informal agreements and working arrangements. While successful in providing immediate solutions to press-
ing problems, the ad hoc, short-term nature of these solutions is often inadequate. Formality cannot be given to these agreements and solutions because local municipalities lack the authority to deal with their counterparts across the border. The communities, because of the financial strain imposed by burgeoning population growth, are without resources to fund the programs and studies necessary to compile data on area needs and to analyze such information in terms of municipal growth patterns.

The federal governments are properly involved in urban planning for the border region because they possess the authority to deal with the international implications of the border, and also because they possess the political machinery and administrative apparatuses for policy determination and program implementation. The differences between the United States and Mexico, in terms of governmental organization, have been impediments to cooperation, but not a major barrier. The strongly felt mutual need for joint efforts has given rise to treaties and executive agreements. Bilateral policy coordination has also been fostered by the offices of the United States Coordinator for Mexican Affairs and the United States/Mexico Consultative Mechanism. The drawback of such federal involvement is the lack of local input as many of the local border concerns are perceived as being relatively insignificant to the relations of nations.

The Southwest Border Regional Commission has been created to serve as a liaison between the cooperation exhibited at the local level and the formal cooperation that exists at the federal level. The participation of this regional organization in comprehensive planning for the border area is vital, because the Commission is set up to provide for local input, for state and federal participation, and for bilateral exchanges. As such, it recognizes the border area as an interdependent whole and is charged with the responsibility of formulating policy and implementing programs designed to apply to the entire border region. This difficult task calls for the Commission to take steps toward direct policy coordination with the government of Mexico. Cross-border diplomacy has begun as a result of a mutual need for more coordinated and comprehensive planning in the United States/Mexican border region. Through coordinated effort, the transfrontier cities of this region will be able to provide the maximum amount of facilities and services required by their growing populations.

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