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Land Use Planning on the U.S.-Mexico Border: A Comparison of the Legal Framework

Sergio Peña*

Abstract: The paper focuses on analyzing the legal framework for land use planning in the United States and Mexico. According to Herzog (2000), land use planning is the “glue that ties together the environment and the economy.” Therefore, an understanding of the subject in both countries is relevant to foster binational planning. The central theme of the paper is to emphasize that enhanced cross-border planning and coordination requires that municipalities be empowered to develop inter-local agreements. Three issues are identified as fundamental to developing a cross-border agenda to coordinate land use decisions in the future. First there is a lack of vision for the future direction of border cities to follow. The second issue is the need to encourage more inter-local cross-border planning institutions. And finally, there is a need for new mechanisms to finance the infrastructure demands that rapid urban growth is placing on border communities.

Introduction

The objective of this paper is to analyze the legal framework of land use planning in the United States and Mexico and its implications for developing a strategy for urban management in binational cities located along the U.S.-Mexico border. The importance of the topic is twofold. First, the theme of land use planning is relevant because land use is the “glue that ties together the environment and the economy” (Herzog 2000: 144). Therefore, an understanding of the subject in both countries is relevant for binational planning at the border. Second, the paper contributes to the understanding of the legal planning framework in both countries with regard to land use by identifying similarities and differences that can help to design coordinated urban planning policies.

The topic in itself poses a great challenge because of the existing differences between the two countries. The differences are not only in terms of the degree of development but also the form of government, legal traditions, etc. Whereas the United States has had more than two centuries of democracy, Mexico is only just beginning to experience true democracy. Additionally, the legal system of the United States is based on case law or common law, while Mexico’s system is based on civil law. It is important to understand the legal framework in which both countries operate in order to develop a planning framework to manage urban growth problems associated with border cities.

Following Herzog’s (2000) model, land use decisions are an important element that affect the built environment (housing, economic activities, etc.) and the way urban communities function.

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Significant Insignificance – Boundaries in a Borderless European Union: Deconstructing the Dutch-German Transnational Labor Market

Anke Strüver*

Abstract: This contribution elaborates on European Union (E.U.) geopolitical discourses, which attempt to overcome the ‘insignificance’ of state-borders through the establishment of cross-border regions. Drawing on the nonexisting Dutch-German transnational labor market as an example, the observed ‘non-practice’ of border crossing is introduced. ‘Significant boundaries’ and their meanings, on the other hand, are constructed by narratives and images that are not only representations, but also actively shape people’s everyday life. The effects of these boundary narratives are analyzed in terms of ‘cognitive distance’, defined both as the creation of a barrier effect and the ignorance of what lies beyond, expressed as a boundary in people’s minds.

(E)ssential narrative figures seem to be the ‘frontier’ and the ‘bridge’
(de Certeau 1984: 123, original emphasis)

“Borderless Europe” and “Europe without frontiers” as catch-phrases and geopolitical discourses that came into existence with the realization of the European single internal market in 1992. With its opening on January 1st, 1993, all barriers to trade, investment and labor mobility within the European Union (E.U.) were formally removed. Moreover, it was accompanied by the establishment of the “Committee of the Regions” and the completion of the Schengen Treaty which established internal and external E.U.-borders and opened the internal ones for E.U.-citizens. Europeanization is therefore a process in which state-borders are transformed into administrative boundaries, accompanied by an active promotion of cross-border regions. But cross-border initiatives have a rather functional basis and concentrate mainly on economic development. They

…also have a strong political component, founded on the desire of regional politicians to project themselves on a wider stage, or to escape the restrictions of national politics (Keating 1998: 181).

This statement clearly reflects the impression that cross-border regions and their “managers” are perceived as ends in themselves. As I will outline below, hardly any

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I am grateful to Henk van Houtum for comments on the first draft of this paper. And I would like to thank Olivier Kramsch for very lively discussions and stimulating suggestions.
Demand and Supply of Mexican Cross-Border Workers

Tito Alegría*

Abstract: Transmigration is defined as daily cross border employment of people who reside on the Mexican side and work in a nearby place inside the United States. In this border ambience, transmigration is considered as the expression of a transborder labor market. In this research, we show that transmigration is not part of a single cross-border labor market, rather transmigrants participate in two labor markets, one on each side of the border. The general conclusion is that transmigration is fueled by the structural differences (expressed here by wages) between Mexico and the United States and that Mexican labor supply and the American demand have little explanatory power. On the supply side, lack of documents to work legally in the United States is not a restriction to transmigration. On the demand side, growth of the American’s border local economy has little effect on the increase of transmigration.

Introduction

This research seeks to specify a model of the structural determinants for the cross border labor markets of the cities of Tijuana and Ciudad Juárez, Mexico. Specifically, the research proposes a statistical model to explain the size of the labor force as a function of structural differences, measured by wages, between Mexico and the United States. As a preamble, the supply and demand labor conditions that may be determining the size of this market are examined.

The research includes three tests. The first one examines the independence of transborder employment growth in relation to the growth in demand for labor in the United States border region. In the second test, the demographic determinants of the cross border labor supply are specified. These determinants are shown for each of the legal categories of employment in the United States held by residents on the Mexican side of the border. Finally, a model to measure the size of transmigration as a function of wage differences between both countries is introduced. Before presenting the results of these three tests, transmigration as a process is introduced. The paper concludes with the main conclusions of the investigation.

Transborder Labor Market

In Mexican literature, transmigrant (transmigrante) refers to a person who works in one country and resides in the neighboring country, and crosses the international border each workday. From the few published studies on cross border workers, we know most transmigrants reside in Mexico and work in the United States.1 From the

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Short-Term Effects of the Öresund Bridge on Crossborder Interaction and Spatial Behavior

Hans Westlund and Susanne Bygvrå*

Abstract: The Öresund Bridge between Copenhagen in Denmark and Malmö in Sweden was opened July 1, 2000. It can hardly be expected that an infrastructure project of this type between two urban regions in two countries can provide any pronounced growth effects in the short term. On the other hand, it can be expected that, in certain areas, interaction will increase and interaction patterns will change relatively rapidly. The aim of this paper is therefore to study the short-term effects of the Öresund Bridge on a field where interaction can be expected to change relatively rapidly, namely shopping visits and tourism. The results show that the number of travelers over Öresund has increased, but not up to the levels expected. By far, the largest cross-border shopping commodities are the cheaper beer and wine bought by Swedes in Denmark. Harmonization of the alcohol taxes between the two countries would therefore probably provide an incentive for a reduction in border shopping.

Most of the cost-sensitive shoppers still choose to travel over Öresund by boat. Persons traveling on business and commuters choose the more expensive bridge to a greater extent. There are still some political-administrative obstacles that have negative effects for those persons who live on one side of Öresund and work on the other. However, the cultural differences between Sweden and Denmark, which has been built up during centuries, may constitute a long-term obstacle to the realization of the political aim of creating a wholly integrated Öresund region.

Introduction

The Öresund Bridge linking Sweden and Denmark was opened July 1, 2000. The anticipated effects of the bridge were considerable. For several decades the population of the Copenhagen region had been stagnating. Skåne—the southernmost region in Sweden—had been seriously affected by de-industrialization problems since the 1970s. The bridge was a symbol of hope for new growth in both regions.1

It can hardly be expected that an infrastructure project of this type between two urban regions in two countries can have any pronounced growth effects in the short term (Lundqvist & Snickars 2001). On the other hand, it can be expected that, in certain areas, interaction will increase and interaction patterns will change relatively rapidly. The aim of this paper is to study the short-term effects of the Öresund Bridge on

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Radio Programming: Station Format and Alternative Models of the Audience in the U.S.-Mexico Border Region

Alfonso Morales*

Abstract: The article analyzes the use of radio “classified-ad” shows for the sale of goods and services. The article finds that in commercial radio, some Spanish language radio stations (SLRS) program communicative opportunities for listeners in the form of “classified-ad” type shows on a regular basis. The article presents two significant finding: first, that program format decisions are organized by the “model of the audience” that station personnel hold. The SLRSs studied hold a “participatory model” of the audience. The article distinguishes different models of the audience and indicates how the models summarize radio station personnel perspectives and behaviors surrounding program choice. The second finding is that proximity to the U.S./Mexico border produces variation in “classified-ad” type shows. The local variation (in El Paso, Texas, Tucson, Arizona and Albuquerque, New Mexico) in the organization of these programs is described and explained according to the mutual needs and purposes of the local community and the radio station. The article concludes with a research agenda that flows from this initial investigation.

Introduction

Electronic media plays an important role in the U.S.-Mexico borderlands. According to Gutierrez and Schement (1979), Spanish Language Radio Stations (SLRS) are a primary source of news, entertainment, and advertising for Spanish-speaking listeners with limited ability to use English-language media.

Areas with the highest concentrated of Latino populations—Texas, Arizona, New Mexico and California were found to have the largest number of SLRS (Gutierrez & Schement 1979). Gutierrez and Schement (1979) found that SLRS are preferred by lower income Chicanos, those most dependent on Spanish, and those most culturally linked to Mexico. This article explores one aspect of programming found in SLRS, “classified-ad” programming, and explains variation in this programming format in terms of the relationship between SLRS and their audiences and proximity to the U.S.-Mexico border.

In the world of commercial radio, both Spanish and English language radio stations program particular music formats, commercials and contests (Grey 1986 discusses the production of non-commercial, community radio). Advertisers hope to make money from commercials. Radio station personnel however recognize that commercials distract listeners, so music and contests are designed and programmed to com-

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Caught in the Middle: Border Communities in the Era of Globalization

by Demetrios G. Papademetriou and Deborah Waller Meyers (eds.)

Reviewed by James Gerber*

Caught in the Middle: Border Communities in the Era of Globalization (Demetrios G. Papademetriou and Deborah Waller Meyers, editors) is an ambitious comparative analysis of local and regional governance issues in a variety of diverse border settings. The book opens with a general overview and summary of seven individual essays analyzing distinct border regions. It closes with a useful appendix describing the European Union’s process of opening the borders within its jurisdiction. In order, the regions covered are the (1) U.S.-Canadian border, the (2) U.S.-Mexico border in parts of Texas (Laredo-Nuevo Laredo and El Paso-Juarez), (3) the U.S.-Mexico border in California (San Diego-Tijuana) and Arizona (Nogales-Nogales), (4) E.U. borders contrasted with North America, (5) Germany-Poland (Dreilaendereck), (6) the Russian-Chinese border in the Far East, and (7) the Russian-Kazakh border in three separate regions.

While all of the essays have theoretical elements, with the exception of the mostly theoretical comparative E.U.-North America essay, they are mainly empirical accounts of public and private-sector cross-border activity. Border activities covered in the essays range from formal and informal governmental cooperation, business ties, non-governmental organizations, educational and cultural institutions and activities, and family and social networks. In addition to an accounting of cross-border ties and social attitudes towards the border, the authors attempt to describe the obstacles posed by borders and the creative efforts by local actors, public and private, to adapt national control of the border to the needs of the people that live there.

This is an ambitious agenda, and in parts of several essays it is little more than a tally of the flow of goods and people, and a list of infrastructure deficiencies; in most of the essays, however, there are useful observations about the ways in which border residents have lessened the negative aspects of their lack of local control over national border enforcement policies that impinge directly on their lives. This collection does not try to develop a theory of borders and it does not make an effort to analyze complex questions of national identity for the citizens that live in border regions.

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The introductory essay by the editors presents several common socio-political themes running through the individual essays. Perhaps the most important is the extent to which local and regional actors have been able to shape border relations whenever they have had some clarity and forethought about their own desires and a vision for the border. It is not always an easy matter for local agents to gain a measure of influence over national decision making about the border, but it does happen, and not infrequently. The key, as the editors and the essayists point out, is that local actors on both sides of a border must have commitment, organization, and a vision.

The wide range of political, social, and economic conditions in the sample of borders covered in these essays makes it difficult to generalize about specific actions or results. If ever a set of conditions existed that called for ad hoc solutions to problems, borders are a case in point since even along the same national border, conditions vary greatly. Heterogeneity across a single national border is clearly illustrated in the essays on the U.S.-Mexico, German-Polish, and Russia-Kazakhstan borders. Still, there is an economic pattern that is not explored by the essay authors and editors. Most of the borders in this book are asymmetrical in income levels and economic development: San Diego-Tijuana, Goerlitz-Zgorzelec (Germany-Poland) are typical; Detroit-Windsor, or Seattle-Vancouver, are not. In the cases where there is a gap between income levels, much of the cross-border interaction is based on the economic differences of the region: labor market flows (low wage to high wage), resource flows (agriculture to industrial), or manufactured goods flows (low cost to high cost).

Asymmetry is discussed in a couple of the essays (e.g., in the context of San Diego and Tijuana) but almost always in terms of amorphously defined power relationships or in terms of undefined cultural differences and never in terms of the obstacles confronting border cities at significantly different levels of economic development. The connection from income to infrastructure is obvious and most of the essays show that border residents have high levels of frustration over inadequate national funding for infrastructure. The connection from income to culture is less obvious, however, and none of the essays comment on this explicitly although it is implicit in most of them. For example, most of the border regions suffer (some more than others) from mistrust or a lack of confidence in their cross-border partner. Specifically, issues of corruption, rule transparency, and follow-through on commitments, are mentioned in a number of essays. These barriers are frequently situated in the context of cultural differences, but in many cases they are economic issues as well (or, instead). For example, bureaucracies in less developed countries have fewer resources for enforcement and national governments often give local officials enhanced power, either explicitly (e.g., in the case of the Russia-China border) or implicitly through their inability to exercise control over a region far removed from the capital (Russia-Kazakhstan).

In addition, the degree of economic difference between two adjoining border cities strongly influences local perceptions of the relative desirability of closer cross-border relations. The two essays on the U.S.-Mexico border illustrate this proposition. Whereas the cross-border linkages in the Laredo-Nuevo Laredo and El Paso-Juarez regions are portrayed as deep and relatively harmonious, relations between San Diego and Tijuana are much more conflicted and problematic. Some, perhaps a majority, of the differences in cross border linkages stems from the fact that the populations of Laredo and El Paso are, respectively, 94.3 and 78.2 percent “Hispanic or Latino,” according to the 2000 U.S. Census, while San Diego’s population figure is 26.7 percent. In addition, Laredo and El Paso are the 3rd and 7th poorest metropolitan statistical areas.
(MSAs) in the U.S., while San Diego is in the top 15 percent. 1 Clearly, the economic distance between residents on either side of the Texas-Mexico border is much smaller than in the San Diego-Tijuana cross-border region.

In some ways this boils down to the traditional discussion in the U.S. about racial and ethnic boundaries: Is it race (culture), or is it class? I do not want to take up that discussion, and although my comments are along the lines of claiming a greater role for income over culture, both are clearly important. How important, however, is uncertain until there is a suitable empirical methodology for measurement. Rather, the point here is that there seem to be some empirical regularities around the issue of income and economic development and it would have been useful if some of the authors had brought this out.

Finally, several of the essays are marred by sloppy scholarship and a failure to cite sources. For instance, the authors of the essay on the Texas border claim that San Diego is not on the border (page 94), a fact that would surprise the mayor and city council (not to mention local geographers). And the author of the San Diego-Tijuana essay repeats the tired and inaccurate half-truth that its border crossing is the busiest in the world. In 1997 (the year cited, page 124), private vehicle passengers and drivers, plus pedestrians and bus riders crossing from Juarez to El Paso were over 1.7 million more than in the combined San Diego crossings at San Ysidro and Otay Mesa. 2 Similarly, El Paso was busier in 1998, 1999, and 2000, although in 2001, San Diego was once again “the busiest.” While these errors are minor, a number of other statistics are cited without attribution, and seem questionable. This is unfortunate since most readers probably know a great deal about one or two border regions, but lack background information on several of the areas included in the book. In short, the editors could have done a better job in shoring up the credibility of several essays.

In sum, this useful volume clearly shows that border residents often participate in shaping border policies, no matter how centralized border administration and control might be. The key, however, is that borderlanders must know what they want.

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Book Review

True Tales From Another Mexico

by Sam Quinones (author)
Albuquerque: University of New Mexico Press (August 2001)

Reviewed by Gregory G. Rocha*

In the introduction to his book *True Tales From Another Mexico*, author Sam Quinones states he has discovered that side of the country which “is not always pretty, but it is self-reliant and adventurous.” (p.6) To highlight this distinction he overlays the framework of the book within the outcome of the 2000 presidential election. That is, the face of Mexico to the world for many years has been the *Partido Revolucionario Institucional* (PRI), the longstanding, powerful political party that not only arranged the nation’s political hierarchy but also strongly affected socioeconomic relations between groups and individuals. According to Quinones, to be incorporated into the PRI meant that one would be stultified, bureaucratic, corrupt, and devoid of ambition. But not everyone was or has been absorbed; a segment of society has for a variety of reasons remained at arms length from the PRI. Since the late 1980’s, the PRI’s grip has loosened, and the ascent of *Partido Acción Nacional* candidate Vicente Fox to the presidency, according to Quinones, was a message from Mexicans that they are ready “to allow the other, dynamic Mexico room to breathe.” (p.8) *True Tales From Another Mexico* is thus a series of stories about the subculture that he uncovered during his time there as a correspondent.

At times his argument seems plausible. His story of the close knit family ties that fostered the proliferation throughout Mexico of *La Michoacana* ice-cream stores, or *paletterias*, reads like a business case study that should have failed. However, through hard work, the innate ability to understand customer tastes, and a fly by the seat of the pants willingness to make adjustments here and there, the humble first shop in Mexico City was so successful that hundreds of *paletterias* sprang up in cities and towns. The most impressive aspect of *La Michoacana’s* success has been its long standing policy to finance new stores. It has kept costs down and thereby made it affordable to become an entrepreneur; it has also meant that owners are able to assist family members get into the business. So successful has this formula been that it has not only created wealth for many, it has also withstood the entry of Baskin-Robbins, Haagen-Daz and other American competitors into the market.

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Much the same could also be said for Quinones’ study of Nuevo Chupicaro, the city in Guanajuato that sends a sizeable number of emigrants to work in California. Quinones describes the look of the city as follows:

The town has a kindergarten, its own cemetery, its own water district, a drainage system, a health clinic, and its own garbage truck, most of its streets are paved, and it has its own museum. All of that was funded by the dollars of emigrants... (p. 284)

But the most interesting aspect of the story surrounds those who leave, their desire to return to Nuevo Chupicaro and the stately homes they have built for their retirement. Over time they have become binational, infused as much with American as with Mexican culture. It has affected their view of the political world in that they are less likely to accept the dictates of government and more likely to favor democracy.

Support for the thesis goes no further than the above. But in many ways, this is a small criticism because what Quinones presents in the balance of the book is a series of stories that describe the social, cultural, political, and economic conditions of a contemporary Mexico one does not often read about in English language books. Several of them are worthy of mention.

“The Ballad of Chalino Sanchez” tells the story of a singer who, through his drug ballads-reinvigorated the corrido as a popular form of music. But, like the hip hop artist Tupac Shakur, Sanchez met a violent death at the hands of people yet to be found.

“Zeus and the Oaxaca Hoops” presents how Oaxacans living in Los Angeles have carried their love of basketball to the home of the Lakers, consistently one of the best teams in the NBA. In this case basketball generally, and tournaments especially, have become both a means by which the Oaxacans forge and maintain community bonds and raise funds for projects in their hometowns.

Crime and violence are the themes of two of the more interesting chapters. In “West Side Kansas Street” Quinones traces the activities of ex-Los Angeles gang members who have returned with their families to live in Zamora, Michoacan. Whereas their life in the U.S. was filled with excitement, temptation and malevolent opportunity, their lives in Zamora are spent

...in a pitched battle with persistent boredom....One day melts into the next, taken up by cotorreando—hanging out—which is to say consuming withering quantities of pills, marijuana, glue, cheap mescal, and nonfiltered cigarettes. (p. 166)

Although they proudly profess to be Mexican they will not let go of the American culture that was infused in them during their stay in the Los Angeles. In effect, they are out of place.

In “The Dead Women of Juarez” Quinones places part of the blame for the death of so many young women on the city itself. The public work and social work infrastructure are poorly developed and the criminal justice system is riddled, understaffed and corrupt. And because Juarez “has married itself to the maquiladora for thirty years” it has led to an explosion in population of people who have little attachment to the City’s heritage and culture. (p. 151) Consequently, women from closely knit villages find themselves virtually anonymous in a city that cannot and will not care for them.

And then there is the outrageous side of Mexico that Quinones documents. “The Bronx” is a group of marginal prista backbenchers in the national Chamber of Depu-
ties who challenge the conventional wisdom of docility through the creation of havoc, taunts, insults and generally raucous behavior. Quinones views them as “a symbol of Mexico midway in the throes of democracy- an indicator species of how far the country has gone toward democratic modernity and how far it still has to go.” (p. 184) “Leaving Nueva Jerusalen” is the story of a cult that formed in Michoacan by an ex-communicated priest and whose members believe that they have explicit instructions from both the Virgin of Guadalupe and ex-president Lazaro Cardenas to always vote for the PRI on election day. This allowed them a certain amount of autonomy, but abuses of members, particularly young girls, by the leadership were ultimately made public following the excommunication of 75 families. And in “The Jotos of La Fogata,” describes conditions in a gay sector of Mazatlan where male prostitution is an accepted way of life. Quinones asserts that they can be

…found in conspicuous numbers in every city, every town, and in a good many villages….they are the caretakers of the country’s darkest secrets. One secret is this: in manly Mexico, drag-queen prostitutes are so in demand, they often charge more and usually do better business than female prostitutes. (p. 81)

The above stories hardly seem to fit in the Mexico envisioned by President Fox, but that does not make the stories less interesting. Perhaps a more intriguing framework for True Tales From Another Mexico would have been the growing links between the U.S. and Mexico.
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Manuscripts are blind reviewed by at least two qualified readers. Inquiries and manuscripts should be sent to:

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At the end of the text, after the endnotes (if any), the full listing of all items included as references within parentheses in the text should appear in a section titled References. While the references in the text used only the first author and “et al.,” for works with more than three authors, the reference section should list all authors.

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If no issue number, month, or season is used for the journal, use the number of the volume, if available.

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Book


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Newspaper Article—author


Paper Presented at Meetings, Seminars, or Conferences


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Organization as Author


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Table 1. Per Capita Income in Border Counties

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For example:

Figure 1. The Russian-Finnish Border Region

The legend or title should be located at the top of the illustration and centered. The legend typeface should be Helvetica, 8 point, and bold.

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For more information with regard to illustration requirements and format, contact JBS Production Editor Baldomero Garcia (baldogarcia@tamiu.edu). Please review illustrations in recent issues of the *Journal of Borderlands Studies* for examples.

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