



# NORTH AMERICA 2.0









Protecting these valuable relationships from politics is crucial, particularly in an era when the rhetoric regarding immigration and U.S.-Mexico relations has turned nastier.

North American countries should thus try to resolve border issues, including local law enforcement and port-of-entry operations, at the border wherever possible, rather than allowing them to become political footballs. For instance, the discovery of a tunnel used by smugglers between the states of Sonora and Arizona should be regarded as part of everyday law enforcement operations, rather than an occasion for questioning binational efforts to address transnational crime. The shooting of a Mexican who threw rocks at a Border Patrol agent should become an occasion for discussions about the process by which law enforcement agents on one side of the border can secure help from counterparts on the other side during an incident and about the value of mirrored patrols in the areas between the ports of entry, rather than for official demarches by the Ministry of Foreign Affairs.

One common way to reduce the politicization of incidents is to have in place more formal and technocratic mechanisms to address them. For instance, the governance of transnational waterways by organizations like the International Boundary and Water Commission on the southwest border and the Great Lakes Commission for the Great Lakes and the Saint Lawrence River tend to depoliticize incidents and focus discussion on technical issues. For issues of border management, this approach should be adopted

North America as a whole is in need of better policies regarding trafficking in illegal drugs and weapons. Policies that reduce drug demand in the United States would be especially critical.<sup>11</sup> These policies might include expanded drug testing (to discourage use), better supervision of the prison-probation-parolee population, and street-level enforcement that makes it more difficult for buyers to meet sellers. All three countries also would benefit from efforts to develop sound, evidence-based drug control policies, especially for cannabis. One step might be for civil society organizations or academic institutions to develop drug control proposals that are aimed *at the region as a whole* and that take into account the interconnected nature of North American economies. Similarly, tighter restrictions on the sale of weapons and ammunition to potential straw purchasers would help curtail the flow of illegal weapons and their use in criminal activity. In conjunction with these efforts, Mexico would benefit from expanded funding for programs aimed at building Mexican domestic law enforcement capacity, along the lines of the Mérida Initiative. In particular, funding should include assistance in developing a vetted Mexican federal frontier force (or vetted units of the Federal Police) that can mirror the U.S. Border Patrol in the areas between ports of entry.

### **Improving Border Management**

In an era of global travel networks and just-in-time manufacturing, governments need to be able

as an exit from the other. Communications should be interoperable, so that security personnel at and between the ports of entry can communicate securely with their counterparts on the other side of the border. Representatives of the neighboring country should be informed ahead of time about procurement of equipment that might affect the interoperability of communications. In addition, joint or fully parallel patrols should operate in the areas between the ports of entry, as with the Canadian-American program Shiprider, in which U.S. and Canadian officers operate together on the same vessel in the Great Lakes. On the southwest land border between the ports of entry, as noted above, Mexico should develop vetted units that can mirror the operations of U.S. Border Patrol in major smuggling corridors. In some cases, representatives of the third country might participate as observers in mirrored operations conducted by the other two countries for training purposes. Such cooperation would not require novel governance structures, nor would it involve the creation of any kind of binational or trinational frontier force.

To facilitate and streamline cross-border commerce, all three countries should build on their existing trusted shipper programs. These programs—voluntary arrangements by which shippers agree to secure their own supply chains (facilities, conveyances, etc.) in exchange for expedited processing and priority in business resumption—have grown and improved over the years, but they should be further enhanced in several ways. Verification and inspection for vetted trader programs like the Customs-Trade Partnership Against Terrorism (C-TPAT) should be conducted and C-TPAT need to be truly harmonized; in other words, a company that belongs to PIP should be recognized as being C-TPAT approved in the United States and vice versa. Membership in Authorized Economic Operator programs should likewise be mutually recognized in all three countries.<sup>12</sup> For commercial drivers, the three governments should consider introducing mandatory radio-frequency identification (RFID)-equipped border crossing cards. RFID signals would allow customs authorities to link to driver, truck, trailer, and shipment information, providing more advanced notification of entries—a crucial improvement in land border operations.<sup>13</sup> Similarly, all three countries should run jointly developed targeting algorithms on cargo data, in order to detect



should collaborate more comprehensively to prevent the movement of known or suspected members of transnational criminal organizations into and through the region, including the ed to screen known or suspected terrorists.

The final overarching area of concern is border security. Major investigations of cross-border smuggling and trafficking should be joint, and operations should be coordinated to achieve maximum disruption of criminal organizations. The three countries should also consider jointly

than the conventional law enforcement model of investigate-arrest-indict-prosecute-incarcerate), where traditional approaches are known to have a weak deterrent effect.<sup>14</sup> In some cases, such as human trafficking investigations, binational task forces could include a representative of the third country (presumably as an observer) as a way of sharing best practices and training law enforcement personnel. Planning for major natural disasters that span the border, as well as for

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Agreement (USMCA, also abbreviated as CUSMA (Canada United States Mexico Agreement)/ACEUM (Accord Canada États-Unis Mexique) in Canada and T-MEC (Tratado entre México, Estados Unidos y Canadá) in Mexico, once the latter is ratified.

<sup>2</sup> For instance, Canada is a member of NATO (North Atlantic Treaty Organization), and American and Canadian soldiers have fought together in international conflicts from World War I to Afghanistan. By contrast, military cooperation between the United States and Mexico is more recent and limited. (There is little if any military cooperation between Canada and Mexico.) That said, there is value in greater military-military contacts between Mexico and NATO partners, and the question of whether Mexico should join the North American Aerospace Defense Command or become a Major Non-NATO Ally (MNNA) of the United States remains an open question.

<sup>3</sup> Council on Foreign Relations, the Canadian Council of Chief Executives, and the Consejo Mexicano de Asuntos Internacionales (Mexican Council on Foreign Affairs), *Building a North American Community*, Council on Foreign Relations Independent Task Force Report No. 53 (Washington, DC: Council on Foreign Relations, 2005), 3 4.

<sup>4</sup> *Building a North American Community*, 5.

<sup>5</sup> -Mexico partnership and presumes that institutions apply equally to all three dyads). However, because the same principles of appear in this chapter.

<sup>6</sup> See *Building a North American Community*.

<sup>7</sup> Twenty-First Century, *Beyond 9/11: Homeland Security for the Twenty-First Century*, ed. Chappell Lawson, Alan Bersin, and Juliette Kayyem (Cambridge, MA: MIT Press, 2020).

<sup>8</sup> -9/11 program for frequent border crossers at the U.S.-Mexico border that was not originally designed with security in mind. NEXUS is a vetted traveler program for crossings (air, land, and water) between Canada and the United States. Global Entry is a vetted traveler program for international air passengers. FAST (Free and Secure Trade) is a program for truck drivers. Trinationally, Canadians may apply for s Viajero Confiable (Trusted Traveler) Program, and members of Viajero Confiable can apply for NEXUS.

<sup>9</sup> States Concerning Twenty-First Century Border Management, The White House, Office of the Press Secretary, May 19, 2010, <https://obamawhitehouse.archives.gov/the-press-office/declaration-government-united-states-america-and-government-united-mexican-states-c>; and Prime Minister Harper of Canada

<https://obamawhitehouse.archives.gov/the-press-office/2011/02/04/declaration-president-obama-and-prime-minister-harper-canada-beyond-bord>.

<sup>10</sup> , *Brooklyn Journal of International Law* 37, no. 2 (2012): 389 406.

<sup>11</sup> : Smarter Policies for Both Sides of the Border, *Foreign Affairs* 90, no. 5 (2011): 89 101.

<sup>12</sup> At present, there are several obstacles to further harmonization. The first concerns applications. Canada and the United States introduced a single application process that allows a company applying for membership in the trusted

merely checking a box. However, the governments decided that this single application process will only exist for highway carrier applicants, and there are no plans to expand it to importers or other potential trusted business entities (including customs brokers). Expansion of this program is warranted. Furthermore, the portals developed by U.S. Customs and Border Protection (CBP) and the Canada Border Service Agency (CBSA) to allow industry partners to manage their membership should be interoperable, with one portal for both programs. The Canadian portal should also be improved to allow members insight into their supply chain partners (i.e., whether they are in the program, in good standing, suspended, removed). Second, Canada requires membership in two additional

-Assessment (CSA) for companies and Commercial Driver Registration Program (CDRP) for truckers. The CSA program, an extremely expensive back-end accounting and audit program, should be decoupled from security programs like PIP and C-TPAT. The CDRP program should be harmonized with FAST. Currently, the CDRP card has no security or background check attached to it, unlike FAST. Drivers that have the FAST card have been vetted through both U.S. and Canadian background checks. The benefits that come with having the card (deemed low risk, access to FAST lane) are reserved for those able to obtain the card through the intensive application process. Allowing drivers that have a CDRP card access to the FAST lanes diminishes the value of the FAST card and reduces security by allowing a less-trusted driver to enjoy the same privileges. Third, in Canada in any goods on a truck are subject to regulations imposed by other government

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departments such as the