

# NORAD:

## A Model to Address Gaps in U.S.-Mexico Security Coordination

*by Patti Bielling*

Mexico's dynamic evolution toward democracy remains a hidden success story to most people in the U.S.<sup>1</sup> The Mexican government's incremental legislative and election reforms from 1977 to today paved the way for the 2000 election of Vicente Fox as the first president from an opposition party since the 1910 Mexican Revolution.<sup>2</sup> In 2013, the country's three major political parties came together in an unprecedented move and signed the Pact for Mexico, a joint agenda affecting a broad range of labor, education, tax, and economic reforms. These efforts are bearing fruit. Although widespread poverty still exists, Mexico is no longer a poor country. In just a few decades, Mexican society has experienced the rise of a middle class that is "younger, more educated, wealthier, [and] healthier"<sup>3</sup> than any previous generation. In comparison, the rise of the first, modern, middle class in Europe after industrialization took more than a century.

Internationally, Mexico now assumes a greater role on the world stage. The Mexican government asserts more leadership in Latin America. It also negotiated favorable terms in the Transpacific Partnership trade deal and now sends military observers and specialists to participate in UN peacekeeping missions. These efforts help boost the country's economy and demonstrate to the world community that Mexico defends international law, promotes free trade, guarantees foreign investment, and champions peace.<sup>4</sup>

The Mexican government recognizes that to achieve its domestic reforms and foreign policy goals, while maintaining the confidence of world nations, it must also confront transnational organized crime within its borders. Transnational crime groups in Mexico use violence in pursuit of profit rather than political change, and they see international boundaries as opportunities rather than barriers.<sup>5</sup> Their cross-border profiteering ranges from fraud and peddling pirated goods to robbery, kidnapping, extortion, and human trafficking.

To address this threat, the governments of Mexico and the U.S. developed a robust plan. The Mérida Initiative, a bilateral cooperative framework, consists of four pillars: disrupting organized criminal groups, institutionalizing the rule of law, creating a modern border, and building strong

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and resilient communities. Under the 2007 initiative, the U.S. committed more than \$2.3 billion for security cooperation. Mexico also devotes significant national resources under its current strategy. The government's multi-pronged approach included spending \$9.2 billion in 2013 for social programs and infrastructure development, institutional reforms, and law enforcement activities. Just a few short years ago, such a close security relationship with the U.S. would have been politically unacceptable. However, growing social and economic interdependence between the two countries

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enabled the Mexican government to put aside longstanding sovereignty concerns and allow significant U.S. involvement in Mexico's domestic security efforts.<sup>6</sup>

As mechanisms for implementing the Mérida Initiative, the two countries established the U.S.-Mexico High Level Consultative Group to coordinate whole-of-government bilateral security policy, and the U.S.-Mexico Policy Coordination Group to develop bilateral strategy. To execute the strategy, agencies on both sides of the border employ a variety of means. Each day, Mexico's Secretario de la Defensa Nacional employs up to 45,000 soldiers to confront transnational criminal networks. In addition, myriad local, state, and federal law enforcement agencies on both sides of the border work to address the threat. However, these agencies often operate autonomously, contend with overlapping jurisdictions, and rely on separate authorities, procedures, and systems against an adversary unconstrained by jurisdictional or international

boundaries. Without a bilateral institution to coordinate these law enforcement and military means, attempts to achieve U.S.-Mexican policy goals remain stove-piped and result in wasted effort and resources.

This organization contrasts with the U.S.-Canada security cooperation structure that developed in the 1940s and 1950s. In response to the Nazi threat in Europe and the emerging Cold War, the U.S. and Canada created the Permanent Joint Board on Defense and the Military Cooperation Committee as standing institutions to coordinate bilateral security policy and strategy. As the Soviet nuclear threat increased, Canada and the U.S. soon found they lacked the ability to coordinate the "means" of continental defense—the radars, missiles, and aircraft designed to deter and defeat a nuclear attack.<sup>7</sup> The U.S.-Canada security cooperation structure matured in 1958 with the formation of the North American Air Defense Command (NORAD). This binational command remains responsive to emerging threats, as exemplified by its 1981 name change to North American Aerospace Defense Command and the addition in 2006 of a maritime warning mission.

This paper will demonstrate that the U.S.-Canada institutional structure enables effective bilateral coordination of security policy, strategy, and means and, therefore, serves as a fitting model for U.S.-Mexico security cooperation to address the threat of transnational organized crime.

From a theoretical perspective, neoliberalism asserts that international institutions such as NORAD benefit member states by conferring legitimacy, enabling information-sharing, reducing transaction costs, making commitments more credible, acting as focal points for coordination, and facilitating reciprocity.<sup>8</sup> G. John Ikenberry proposes that throughout history, international institutions served to bridge power asymmetries among nations. Such institutions enable states to resolve disputes and develop

cooperative policies and strategies that help achieve shared goals. Ikenberry notes that in joining institutions, more powerful states willingly accept limits on their use of power in exchange for lowering the enforcement cost of maintaining international order. Meanwhile, he asserts, less powerful member-states earn a stake in the system and gain access to policy discourse to help shape decisions.<sup>9</sup>

Functionalism theory addresses how and why international institutions develop. David Mitrany believes that modern states are losing their power to act unilaterally to address complex issues associated with economic growth, social welfare, and military security.<sup>10</sup> Institutions form as states begin cooperating on small issues of mutual interest—the regulation of radio wavelengths, for example. The more citizens appreciate these services, the more they trust the institutions that enable such services. Increasing trust and legitimacy encourages state governments to create other international institutions to address broader or more sensitive interest areas such as trade, immigration, and security.<sup>11</sup> This functionalism theory explains the evolution of North America’s bilateral social, economic, and security structures.

To demonstrate that the U.S.-Canada institutional structure can serve as a fitting model for U.S.-Mexico security cooperation, this paper uses a case study approach structured around three questions. The first question asks what enabled the U.S. and Canada to overcome historical frictions that hindered bilateral cooperation. This question is important given the historical tensions that color U.S.-Mexico relations today. This paper argues that the convergence of U.S. and Canadian social, economic, and security interests that began in the early 1900s led to the formation of a range of bilateral institutions, including the robust bilateral security structure that exists today, and that today a similar phenomenon of converging interests is enabling the U.S. and Mexico to form

bilateral institutions to address a range of issues.

The second question begins with recognizing that the insidious threat posed by modern transnational organized crime contrasts with the existential threat posed by Nazism and nuclear war. How does the nature of the threat affect the development of bilateral security structures? This paper argues that the existential threat facing the U.S. and Canada encouraged the relatively rapid development of a robust, security-cooperation, institutional structure, and further asserts that the

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insidious nature of the transnational organized crime and lingering sovereignty concerns have thus far failed to spur the U.S. and Mexico to build a robust U.S. security-cooperation structure.

The final question considers the efficacy of the existing U.S.-Canada and U.S.- Mexico structures to meet complex security threats. Effective bilateral efforts to address complex problems logically require two states to coordinate policy, develop strategy, and employ means in a coordinated fashion to accomplish the strategy. This paper shows that the nascent U.S.-Mexico security framework lacks a mechanism to effectively coordinate means and examines how an institution modeled on NORAD might address this gap.

Before assessing the two cases using the lens of policy-strategy-means, this paper will first examine the relationship among these concepts and assume that when state leaders pledge to work together, their governments must then arrive at shared goals through policy dialogue. The policy goals that emerge from this

dialogue form the basis of bilateral strategy or, at a minimum, congruent national strategic goals. Strategic goals then guide the employment of means.

In its strictest interpretation, the term “strategy” describes the link between military action and policy as exemplified by the U.S.-Canada case.<sup>12</sup> Yet in the U.S.-Mexico case, responding to an organized crime threat primarily involves law enforcement actions. For consistency, this paper uses the term “strategy” to mean both law enforcement and military actions that help achieve policy. Applying the term in this broader sense comports with the U.S. military’s definition of strategy in Joint Publication 3-0, *Joint Operations*, which includes the employment of all instruments of national power.<sup>13</sup> Likewise, readers should interpret the term “means” to include military force as well as the broad array of resources a state or institution employs to meet policy goals.

Within this definitional framework, this paper uses the lens of policy-strategy-means to examine the efficacy of the bilateral security structures the U.S.

forty-five thousand British loyalists fled north from the thirteen rebelling colonies, creating a counterrevolutionary movement in British Canada.<sup>14</sup>

The U.S. again attacked Montreal in the War of 1812 and, through the end of the 1800s, various policy disputes and disagreements arose over the boundary in the west. Distrust during this fractious post-bellum period led the two nations to embark on the most active fort-building period in Canadian history. A dispute over Oregon in the 1840s led Canada to build defensive works in Kingston and Halifax, and the Civil War led Canada to erect forts south of the St. Lawrence River to reinforce Quebec.<sup>15</sup> Despite these frictions, a shared preference eventually emerged to resolve contentious U.S.-Canada issues through bilateral negotiation.

This preference for “negotiated settlement and mutual accommodation”<sup>16</sup> led the two governments to create several important bilateral institutions. To settle U.S.-Canada boundary disputes, the two nations formed the International Joint Commission in 1909. The success of this commission soon led to the International Fisheries Commission, the International Pacific Salmon Fisheries Commission, and the Great Lakes Fisheries Board of Inquiry. Thus, the once-feuding nations established preferences for cooperation in the social and economic realms.

The growing threat of National Socialism in Europe created both the need and the impetus for increased bilateral security cooperation between the U.S. and Canada. Before that time, geographic isolation meant the North Americans needed neither large standing armies nor defense relationships.<sup>17</sup> In response to Nazi aggression in Europe, President Franklin D. Roosevelt made public pledges in 1936 and 1938 that the U.S. would defend Canada against foreign aggression.<sup>18</sup> In return, Canadian Prime Minister Mackenzie King promised that “enemy forces should not be able to pursue their way either by land, sea, or air to the U.S. across Canadian

## **The cooperative nature of U.S.-Canada relations today contrasts with the tense bilateral relationship in the 1800s.**

### **Case Study 1: U.S. and Canada**

The cooperative nature of U.S.-Canada relations today contrasts with the tense bilateral relationship in the 1800s. Canada’s history has been one of balancing its political relationships with Great Britain and the U.S. Canada wished to remain neutral in the Revolutionary War, but the Continental Army invaded Quebec to convince its northern neighbors to ally with them against Britain. A humiliating defeat in Montreal ended that aspiration for the attackers, and

territory.”<sup>19</sup>

By July 1940, German bombs began falling in Britain, creating a greater sense of urgency in the minds of U.S. and Canadian leaders. One Canadian defense policy advisor described the existential threat posed by a Nazi conquest of the British Isles:

To those whose knowledge was most complete it was correspondingly apparent that if the Germans were able to land in force, the almost unarmed soldiers and civilians of Britain could not long maintain an effective defence. The collapse of British resistance would almost certainly be followed by demands on the nations of the New World for cooperation with the fascist powers. Rejection of these demands would invite early attack. Acceptance would mean the betrayal of the spiritual, social, political, and economic ideals which, though frequently honoured more in breach than in observance, were still the hallmarks of North American democracy.<sup>20</sup>

It was under this cloud that Roosevelt and King met on August 17, 1940, and agreed to establish the Permanent Joint Board on Defense to study sea, land, and air defense issues for the northern half of the Western Hemisphere. The “permanent” designation signified that the leaders intended the structure to outlast the war, a de facto acknowledgment of the increasingly interdependent nature of the security relationship.<sup>21</sup> The two nations modeled the new defense board on the International Joint Commission, the well-liked boundary adjudication body and perhaps the most successful and trusted U.S.-Canadian agency of the time.<sup>22</sup>

The need to coordinate bilateral defense strategy became apparent following World War II. The Military Cooperation Committee, formed in 1946, included representatives of the military service departments, the U.S. State Department, and the Canadian Department of External Affairs.

The group focused on preparing, continuously revising, and submitting recommendations for the implementation of various security plans.

As Soviet technologies improved in the 1950s, fear of nuclear war heightened. The Canadian government recognized its population was too sparse to defend its expansive territory. The U.S. worked with Canada to emplace early warning radar systems deeper in the northern territory to ensure sufficient notice of an airborne attack. As they built more aircraft, the two governments saw the need to rapidly synchronize alert measures to provide a coordinated response to a Soviet incursion. The two militaries envisioned a joint command to coordinate the assets of the Royal Canadian and U.S. Air Forces, the “means” of North American defense. In 1958, the U.S. and Canada established NORAD.<sup>23</sup> The command evolved over time as the security environment changed, and NORAD now responds to potential airborne threats originating within North America and performs aerospace and maritime warning missions.

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Sovereignty, however, remained a postwar concern for Canada. To protect its self-determination, the Canadian government ensured the binational NORAD agreement sufficiently constrained the U.S. from unilateral action. Although the agreement readily passed the Canadian House of Commons, eight members “with a visceral distrust of American military power”<sup>24</sup> still voted against it. Historian Shelagh Grant explains this postwar dynamic: “...the traditional fear of American encroachment increased and decreased in an inverse relationship to the perceived threat of

Soviet aggression. When the need for security against an alien aggressor became paramount, the objective to guarantee security rights was superseded, a pattern which had precedent in the war years.”<sup>25</sup>

Still conscious of sovereignty, the modern Canadian government mitigates power asymmetry with the U.S. by leveraging a “defense against help” strategy.<sup>26</sup> In the end, this resource-maximizing approach serves both nations. Canada maintains a sufficient unilateral defense capability to assure the U.S. that its northern approaches are secure, thus avoiding “unwanted help” from the U.S. In return, the U.S. expends significant resources for radars and other technology and receives permission to emplace them on Canadian soil to protect both nations.

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In the post-9/11 world, U.S. security needs continue to influence Canadian defense policy, and the special relationship with the U.S. gives Canadian defense officials an influential voice in U.S. defense policy formulation in areas of mutual interest.<sup>27</sup> Canada also benefits, as its military gains access to defense-related information, training, and operational experiences, and Canadian businesses receive access to important technologies and the lucrative U.S. defense market. Thus, this case study answers two of the questions posed earlier. First, this analysis shows that growing social and economic integration allowed the two nations to overcome historical frictions, leading to the creation of a range of bilateral institutions. Second, the existential nature of the threat affected the formation of defense institutions, leading to the relatively rapid development

of a robust, bilateral, security-cooperation structure. To mitigate sovereignty concerns and power asymmetries inherent in the integrated structure, Canada adopted its “defense against help” resource-maximizing strategy to shape the institutional structures and achieve a balance between security and sovereignty.

To answer the third question, this paper will examine each structural level to assess how effectively the U.S.-Canada security model enables the coordination of security policy, strategy, and means. The Permanent Joint Board on Defense, the body created in 1940, coordinates U.S.-Canada defense policy.<sup>28</sup> Since the end of World War II, the Permanent Joint Board advised on nearly all major joint defense measures, including the installation of early warning radars; the adoption of an underwater, acoustic, surveillance system; the creation of NORAD; and modernization of North American air defense. Today, its members confer biannually on important issues of defense policy, operations, finance, and logistics, submitting recommendations to the two governments for approval. After the terrorist attacks on the U.S. in 2001, board membership expanded to include representatives of the U.S. Department of Homeland Security and Public Safety Canada. Perhaps equally important, the forum serves as an alternate channel of communication to more rapidly resolve difficult policy issues, such as cost-sharing in the face of declining budgets, and acts as a “valuable forum for the expression of national interests and for frank exchanges that allow discussion of the full spectrum of security and defence issues.”<sup>29</sup>

Strategy coordination occurs today through the Military Cooperation Committee. In 1946, the committee served as the direct link between the Canadian Chiefs of Staff Committee and the U.S. Joint Chiefs of Staff to recommend and coordinate joint defense planning. The first act of the newly formed committee was crafting a plan to implement a set of post-war joint

defense principles established by the Permanent Joint Board. The principles included defense collaboration, exchange of personnel, joint maneuver exercises, developing and testing of materiel, increased standardization, reciprocal use of military facilities, and “no impairment of control by each country over all activities in its own territory.”<sup>30</sup> These arrangements protected sovereignty while offering strategic flexibility that “allowed for increasing amounts of collaboration as the two countries began to accept the inescapable conclusion that the Soviet post-war strategy left no alternative but to broaden the defensive collaboration designed to guard North America from Soviet aggression.”<sup>31</sup>

The committee also devised the Basic Security Plan, which called for a “comprehensive continental air defence organization, cartography, air and surface surveillance to provide early warning of attack, anti-submarine and coastal defence, counter-lodgements plans, and a joint command structure.”<sup>32</sup> Committee members updated the plan regularly based on joint intelligence estimates produced by the intelligence subcommittees of the Permanent Joint Board on Defense and the Military Cooperation Committee.

As increasing Soviet nuclear attack capability narrowed the time window to detect an imminent attack, no institution existed to coordinate the “means” of defense. The militaries of the U.S. and Canada recognized the need for trained forces that could rapidly react under a single commander and fight in a coordinated air battle.<sup>33</sup> To improve close operational coordination, the two governments established NORAD, a joint command to conduct aerospace warning and aerospace control of North America. A U.S. commander heads NORAD with a Canadian deputy. To alleviate sovereignty concerns, each nation retained national command over its own units, managing their training, discipline, stationing, and logistics. This examination shows that the

three institutions that make up the U.S.-Canada bilateral security coordination structure adapt with the times, give each nation an equal voice, and enable Canada and the U.S. to effectively coordinate defense policy, strategy, and means.

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## Case Study 2: U.S. and Mexico

U.S.-Mexico interdependence has grown to the point that perhaps no other nation affects the U.S. and its citizens as much on a day-to-day basis as Mexico.<sup>34</sup> About one million U.S. citizens reside in Mexico and more than 33 million Hispanics of Mexican descent live in the U.S.<sup>35</sup> Mexico buys more U.S. products than any nation except Canada, and one in every twenty-four U.S. workers depends on trade with Mexico.<sup>36</sup> The two nations boast new intergovernmental organizations to coordinate higher education, research, entrepreneurship and innovation, border modernization, and repatriation strategy and policy. These new initiatives complement long-standing, cross-border cooperation on environmental issues, natural resources, telecommunications, and public health.

One sees the same interdependencies reflected in the problem of transnational organized crime. The U.S. is the world’s largest consumer of illegal narcotics, while economic conditions and underdeveloped legal and judicial systems in Mexico have allowed the country to become a major producer and transit route for drugs.<sup>37</sup> In recent years, drug trafficking organizations grew more violent and diversified their activities to include extortion, robbery, piracy, kidnapping, and human smuggling. From 2006 to 2012, an estimated 80,000 people died in Mexico from drug-related violence.<sup>38</sup>

In recent years, the U.S. and Mexico committed to work together to meet the threat posed by violent transnational crime. The two governments enacted the 2007 Mérida Initiative, a cooperative framework that guides bilateral efforts to disrupt organized crime groups, institutionalize the rule of law, create a modern border, and build strong and resilient communities. Reaching this unprecedented level of cooperation required the U.S. and Mexico to overcome significant political frictions rooted in their shared history.

Descending from very different colonial heritages, the U.S. and Mexico had little interaction before the 1800s.<sup>39</sup> In the mid-1800s, Mexico suffered threats of intervention from Spain, Great Britain, and France. French troops occupied Mexico City in 1863, but the U.S., focused on its own internal conflict, did nothing until the Civil War ended 1865.

### **Understanding the need to ensure Mexican neutrality in World War I, the Wilson administration abandoned interventionist policies...**

The U.S. then sided with Benito Juárez and his Mexican liberal forces against the French-backed Mexican elites who installed a Hapsburg on the throne. After the monarchy collapsed, Mexico attempted economic and educational reforms, but no leader effectively controlled the Mexican state until Porfirio Díaz consolidated power in 1876 and established a thirty-five-year reign of internal peace and political stability. For the first time in the country's history, Mexico began developing an identity as an independent nation-state.<sup>40</sup>

Despite democratic aspirations, the Díaz regime remained a military dictatorship that accomplished its ambitious modernization

agenda at the expense of personal and political freedom. Díaz maintained control through a strong state bureaucracy buttressed by the country's interdependent economic relationship with the U.S.<sup>41</sup> For thirty years,

U.S. financial investment in the country increased, but concentration of wealth among a few local and foreign investors entrenched class stratification, and Mexico remained a poor and rural country.<sup>42</sup>

Into the 1900s, the U.S. administrations of Theodore Roosevelt and William Howard Taft maintained interventionist policies toward Latin America. Many Mexicans resented U.S. support for the Díaz regime, and a strong, anti-U.S. movement emerged in segments of the population.<sup>43</sup> The Mexican economy foundered. In 1910, the volatile northern region of Mexico, with its ungoverned spaces and rapid access to money and guns from the U.S., fell into revolution.<sup>44</sup> By May 1911, rebel uprisings throughout the country spurred the eighty-year-old Díaz to resign. Years of violent upheaval followed, and repeated U.S. political interventions and military encounters led successive Mexican governments to adopt a foreign policy designed to limit U.S. influence and "establish a sphere of autonomous action vis-à-vis the ever-more-powerful neighbor to the north."<sup>45</sup>

During World War I, the 1917 Zimmerman Telegram proposing an alliance between Germany and Mexico outraged the U.S. public. The secret proposal, however, also caused the U.S. government to seriously rethink its aggressive stance toward the neighbor on its southern flank.<sup>46</sup> Understanding the need to ensure Mexican neutrality in World War I, the Wilson administration abandoned interventionist policies and recognized the government of President Venustiano Carranza. Nonetheless, revolution continued in Mexico until 1920, prompting more than 800,000 Mexicans to migrate to the U.S.

Mexico emerged from ten years of revolution with the Constitution of 1917. This progressive document stands today. It codified the concepts of federalism, separation of powers, and a bill of rights, and it recognized social and labor rights, separation of church and state, and universal male suffrage. Sovereignty concerns are evident in the document's nationalist proclamations that limit foreign and church-owned property and assert national control over Mexico's natural resources. By 1929, the Partido Revolucionario Institucional, (Institutional Revolutionary Party) emerged. Members of this political party would lead the Mexican government for the next seven decades.

In 1933, President Franklin D. Roosevelt entered office seeking to reframe U.S. relations with Latin America. He announced his "Good Neighbor" policy, which abrogated U.S. military intervention in Central and South America while seeking to advance U.S. economic interests and build a hemispheric alliance against the Axis powers.<sup>47</sup> Roosevelt intended his more sophisticated approach to strengthen continental defense and "attract cooperation rather than coerce it."<sup>48</sup> Yet despite the friendlier U.S. foreign policy, many Mexican immigrants—and Mexican-Americans—faced deportation or left the U.S. voluntarily between 1929 and 1939 because of anti-immigrant sentiments exacerbated by job scarcity during the Great Depression.<sup>49</sup> The economic downturn also led to a sharp decline in national income in Mexico, whose economy had not fully recovered from a decade of civil war. Nonetheless, the Mexican government fueled a slow economic recovery throughout the 1930s by creating a national investment bank, accelerating land reforms, and nationalizing the railroad system.

Perhaps the first major test of the Good Neighbor policy came in 1938 when Mexico nationalized its oil industry, seizing foreign oil holdings and leading some U.S. business leaders to call for a military response.<sup>50</sup> Roosevelt

supported Mexico's right to expropriate foreign oil holdings as long as the government promptly compensated the property owners, a position that earned the approval of Mexico and other Latin American nations.<sup>51</sup> Negotiations over payments for expropriated property dominated the U.S. State Department's Mexico agenda for more than three years, impeding the U.S. military's desire to achieve a bilateral defense agreement with Mexico. The two governments finally signed a settlement in November 1941 to compensate U.S. oil investors. Despite the settlement, many Mexicans remained suspicious of the U.S., and Mexican leaders continued to stoke anti-U.S. rhetoric for political effect.<sup>52</sup>

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These tensions notwithstanding, Roosevelt's more respectful approach toward Mexico enabled wartime security cooperation at the highest levels of government. After the Japanese attack on Pearl Harbor, Mexican President Manuel Ávila Camacho severed diplomatic relations with Japan. In May 1942, the German sinking of two oil tankers in the Gulf of Mexico led the Mexican government to declare war on the Axis Powers. Mexico subsequently allowed the U.S. military to use ports and airfields on Mexican soil. The U.S. offered lend-lease equipment and materiel to Mexico, and Mexican pilots trained in the U.S. to fly missions alongside their U.S. counterparts in the Philippines. The Mexican government also allowed U.S. military mechanics to remain at Mexican airfields, but only in civilian clothes as employees of Pan American Airways.<sup>53</sup>

More importantly for post-war cooperation, the two nations formed the Joint Mexican-U.S. Defense Commission. Much like the U.S.-

Canada Permanent Joint Board on Defense, the U.S.-Mexico commission reported directly to national political leaders and coordinated on joint defense issues. Although they did not designate the joint commission a permanent body, the two countries made plans in 1945 to continue the meetings into the postwar years. Additionally, both the U.S. and Mexico joined seventeen other signatories of the 1947 Inter-American Treaty of Reciprocal Assistance. The mutual defense arrangement proclaimed that an attack on one state by an American or foreign nation would be considered an attack on all. The postwar treaty was a manifestation of the U.S. Cold War policy intended to prevent Latin American nations from falling prey to Soviet influence.<sup>54</sup>

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Relations deteriorated in 1952 when the U.S. proposed an agreement with Mexico that offered military aid if the Mexican government signed a “Defense of Democracy” clause and agreed to commit troops to fight on foreign soil under certain circumstances.<sup>55</sup> The Mexican people had no appetite for following the U.S. into regional conflicts—perhaps not surprising given the country’s history of repeated invasion. Mexico rejected the proposal and, from that point forward, security cooperation ceased. Mexico refused U.S. military aid, declined participation in joint exercises, and forbade U.S. troops from entering Mexican territory. The once-promising military-to-military relationship diminished to include only annual events such as joint staff talks and the Fifth Army Inter-American Relations Program, as well as limited training of Mexican officers and soldiers at U.S. military institutions.<sup>56</sup>

Changes also ensued in the social and economic realms. During World War II, labor shortages had led the U.S. to admit Mexican temporary workers into the country. A repatriation program followed in the 1950s and 1960s, and more than one million Mexicans forcibly or voluntarily left the U.S. A large jobless population formed in northern Mexico, with unemployment rates rising as high as 50 percent in border cities such as Ciudad Juárez, Tijuana, and Mexicali.<sup>57</sup> To address unemployment in the historically volatile border region, the Mexican government instituted a series of economic development programs. The Program for the Use of Excess Manpower in the Border Region (Programa de Aprovechamiento de la Mano de Obra sobrante a lo largo de la Frontera con Estados Unidos) helped spur the growth in the 1960s of *maquiladoras*, factories in Mexican border towns that enjoy special tax breaks.<sup>58</sup> In these factories, laborers in Mexico assembled goods destined for U.S. markets using materials imported duty-free from the U.S. The U.S. charged duties on the finished imports based only on the value added by Mexican costs. This border industrialization effort changed U.S. investment in Mexico from an extractive model to one focused on assembly and production. It also “constituted a reversal of the traditional Mexican policy of attempting to bolster the northern border economy against U.S. economic penetration and dominance.”<sup>59</sup> Northern Mexican cities grew and cross-border trade surged, further increasing U.S.-Mexico economic and cultural ties in the border region.<sup>60</sup>

Newly discovered oil fields in the 1970s led the Mexican government of José López Portillo to borrow huge sums of foreign capital to develop the resource. However, falling oil prices and rising inflation in the early 1980s created economic stagnation and high unemployment in the now deeply indebted country.<sup>61</sup> A half-century of one-party rule resulted in an inefficient, “inward-looking, oil-

dominated economy”<sup>62</sup> in which state-sponsored monopolies employed nearly one million Mexicans and provided patronage opportunities for party officials and union members. Unable to meet its debts, Mexico suffered a financial crisis. Assuming office in 1988, Mexican president Carlos Salinas de Gortari recognized that the government could no longer view political sovereignty and economic dependence as contradictory; national development required increased integration into the world, specifically with the U.S.<sup>63</sup> The government took steps to “liberalize its economy and democratize its politics to get closer to its neighbor.”<sup>64</sup> Mexico privatized a range of industries including telecommunications, steel, railroad, airlines, electricity and natural gas, insurance and banking systems. Salinas also proposed a free trade pact with the U.S. Subsequent talks led to the North American Free Trade Agreement, which became the “cornerstone of [Mexico’s] democratization and liberalization process.”<sup>65</sup>

The *maquiladoras* of the 1960s matured into today’s cross-border regional supply chains and a more sophisticated manufacturing process called production sharing. One study estimates that one in every twenty-four U.S. workers depends on the production-sharing process, in which raw materials, parts, and partially-assembled goods cross the border multiple times during the manufacturing process.<sup>66</sup>

### **Transnational Crime and Building a Robust U.S.-Mexico Security-Cooperation Structure**

The post-war cycles of economic crisis and expansion that affected the legitimate economy also affected the illegitimate business of transnational crime. Mexican crime groups such as Sinaloa, Tijuana, Juarez, and Gulf cartels originated in the 1960s when smuggling contraband goods into the U.S. became profitable, and corrupt state security forces provided protection from prosecution

and rivals.<sup>67</sup> In the 1970s and 1980s, cocaine began transiting Mexico from Central America. Mexican crime groups expanded from “family businesses to small armies,”<sup>68</sup> growing more sophisticated and creating their own security forces as they competed for markets and territories. The groups hired former guerrillas and mercenaries—veterans of the wars in

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Central and South America—who employed military training, organization, equipment, and tactics. To maintain these expensive armies, the crime groups secured territories or plazas where they could impose tolls or taxes (*piso*) on the activities of other criminal organizations operating in those areas. Collecting *piso* serves as a significant revenue stream for the dominant crime group, which claims up to half the value of the contraband moving through its corridor.<sup>69</sup> Today, nearly all cocaine and a significant amount of heroin that enters the U.S. passes through Mexico, and Mexico remains the primary foreign source of marijuana and methamphetamines destined for the U.S.<sup>70</sup>

Meanwhile, the U.S. perpetuates the narcotics industry not only through its market for drugs, but also from the tide of cash and the “iron river” of weapons streaming south.<sup>71</sup>

Violence and corruption remain major concerns within Mexico. Mexican crime groups use violence in pursuit of profit rather than political change. The most brutal violence involves securing lucrative logistics hubs and corridors—ports, trade routes, and border transit areas—although crime groups also resort to bloodshed for “managing

everything from marketing to public relations to human resources.”<sup>72</sup> Much like multinational corporations, these borderless networks use supply and logistics chains, calculate risk and return on investment, seek new geographic markets and ways to cut business costs, and employ as many people as British Petroleum or Intel.<sup>73</sup> Illicit profit rivals those of global corporations. Estimated earnings from drug sales to the U.S. range from \$19 billion to \$29 billion annually.<sup>74</sup>

Globally, these criminal networks “insinuate themselves into the political process...through direct bribery; setting up shadow economies; infiltrating financial and security sectors; and positioning themselves as alternate providers of governance, security, services, and livelihoods.”<sup>75</sup> Once embedded in the social and political fabric of a state, organized crime spreads corruption and insecurity by distorting the regular economy and fueling a feedback loop that further erodes governance and rule of law.

**Although U.S. officials worry about violence spilling over the border from Mexico, the greater threat from the U.S. perspective lies at the nexus of transnational crime and terrorism.**

Attempts by states to confront the threat cause the networks to undergo rapid mutations and adopt ever more effective tactics. Fluid and decentralized network structures impede law enforcement efforts to infiltrate, disrupt, and dismantle conspiracies as opportunistic groups form around specific, short-term schemes or “outsource” portions of their operations to others.

Although U.S. officials worry about violence spilling over the border from Mexico, the greater threat from the U.S. perspective lies at the nexus

of transnational crime and terrorism.<sup>76</sup> Today’s transnational criminal elements are “fluid, striking new alliances with other networks around the world and engaging in a wide range of illicit activities, including cybercrime and providing support for terrorism.”<sup>77</sup> Meanwhile, terrorists are increasingly turning to transnational criminal organizations for financial and logistical support.<sup>78</sup> Although largely opportunistic, the crime-terror nexus is critical; U.S. officials worry about the “successful criminal transfer of [weapons of mass destruction] material to terrorists or their penetration of human smuggling networks as a means for terrorists to enter the U.S.”<sup>79</sup> There is evidence, for example, that Hezbollah worked in Latin America and with Mexican drug trafficking organizations to launder money, finance terrorism, and smuggle people, and that transnational criminal organizations worked with outlaw motorcycle gangs to conduct illicit activities in the U.S.<sup>80</sup>

Given the threat, this case study seeks to answer the question of how shared interests can help overcome historical bilateral frictions and, ultimately, achieve effective security coordination. From an economic perspective, the U.S. is, by far, Mexico’s largest trading partner, and Mexico buys more U.S. products than any country except Canada.<sup>81</sup> Mexican President Enrique Peña Nieto and U.S. President Barack Obama pledged to work together to make their economies even more competitive around the world. In January 2013, they announced the establishment of bilateral forums to coordinate trade policy, foster economic growth, and develop a shared vision for education, innovation, and research. Policy-level coordination across these issue areas now occurs through new mechanisms, such as the cabinet-level, high-level, economic dialogue; the Bilateral Forum on Higher Education, Research, and Innovation; the Mexico U.S. Entrepreneurship and Innovation Council; and the Repatriation Strategy and Policy Executive

Coordination Team. In January 2015, Peña Nieto said these efforts improve economic conditions in Mexico, which in turn raise living standards; discourage undocumented immigration to the U.S.; and support his administration's efforts to improve internal security conditions.<sup>82</sup> Mexico also joined the U.S. and Canada in the Trans-Pacific Partnership trade negotiations. The trade deal, negotiated in October 2015, signals Mexico's economic strength through its willingness to compete offensively rather than defensively with China and creates both a path and incentive for additional reforms in Mexico and other Latin American countries.<sup>83</sup>

Understanding how the nature of the threat shaped current U.S.-Mexico security institutions begins with examining bilateral relations during World War II as both Mexico and the U.S. declared war on the Axis powers. The existential threat of war led to broad cooperative efforts such as base sharing, bilateral sales of natural resources and materiel, combined training, units flying side-by-side in the Pacific, and even the stationing of U.S. troops in Mexico, albeit dressed as civilian mechanics. With the defeat of Axis powers and a surging economy, Mexican distrust of U.S. intentions returned and the security relationship cooled.

Today, transnational organized crime poses a more insidious threat, resulting in a more incremental approach to building a security cooperation structure. Within the last few decades, changing social, economic, and security conditions in Mexico created opportunities for greater bilateral cooperation. In the security realm, the Mérida Initiative became the cooperative framework, and institutions emerged to coordinate policy and strategy. At the level of the means, however, the two nations continue to rely on numerous law enforcement agencies with support of the military to carry out strategy. This discussion, then, naturally leads to the third question: How effective is the current U.S.-Mexico-structure at coordinating policy,

strategy, and means in response to the insidious threat of transnational organized crime?

At the political level, once rare presidential meetings now occur frequently, and presidential representatives meet annually to coordinate policy through the U.S.-Mexico Security Coordination Group. The State Department, through its Embassy in Mexico City, leads the U.S. effort to coordinate bilateral strategies that guide implementation of the Mérida Initiative. In 2010, the two countries established the High Level Consultative Group, an annual meeting of

**The State Department, through its Embassy in Mexico City, leads the U.S. effort to coordinate bilateral strategies...**

U.S. and Mexican cabinet-level officials that sets strategic direction and reaffirms the commitment and willingness of both governments to continue the partnership. The group's meeting in 2011 established or affirmed fourteen priorities across the four pillars of the Mérida Initiative. The broad approaches included improving intelligence sharing; increasing efforts to counter illicit weapons trafficking; accelerating justice system reforms; developing a coordinated, investigative strategy to enhance law enforcement cooperation in the border region; and initiating a binational narcotics demand reduction study.

This guidance frames the activities of the Policy Coordination Group. National security representatives from both countries chair the group. The offices of the ambassadors serve as secretariats, and assistant secretaries from various agencies sit as members. This group develops bilateral strategy and strategic goals for implementing the Mérida Initiative. These two organizations, then, perform policy and strategy-coordination functions similar to those of the U.S.-Canada Permanent Joint Board on Defense

and the U.S.-Canada Military Cooperation Committee. Other U.S.-Mexico bodies perform administrative functions, such as facilitating equipment transfers and coordinating training programs, while others focus on specific issues areas, such as reducing violence in key border areas.<sup>84</sup>

Despite these mechanisms to coordinate policy and strategy, U.S.-Mexico security coordination at the level of the means remains largely stove-piped; that is, the myriad agencies on both sides of the border report to their respective headquarters in their national capitals. Within these “stovepipes,” agencies employ diverse means in an uncoordinated fashion. These means include law enforcement operations and investigations, as well as military activities permitted by each country’s laws. Much of the interagency and cross-border cooperation remains personality-dependent and occurs in an ad hoc fashion. A 2016 Congressional Research Service report notes that much more remains to be done to improve cross-border law enforcement operations and investigations.<sup>85</sup>

**...a variety of systemic problems hinder coordinated employment of law enforcement and military means to address transnational organized crime.**

### **Applying the NORAD Model to U.S.-Mexico Security Cooperation**

Despite the significant barriers to cooperation, the existing structure achieves some level of interagency coordination. Across multiple agencies, increased information sharing allowed the U.S. and Mexican governments to develop trusted traveler programs, better target money laundering and financial crimes, and improve capacity to interdict weapons of mass

destruction. Military engagements also increased significantly in the last decade.<sup>86</sup> The two militaries now enjoy a high level of cooperation in the areas of professional military education, training, and operational collaboration. In an unprecedented move, Mexico approached the U.S. Department of Defense to procure more than \$1 billion in trucks, helicopters, and other acquisitions, a one-hundred-fold increase from previous years.<sup>87</sup>

In the U.S. domestic law enforcement realm, the Department of Homeland Security created three interagency task forces, incorporating elements from sixteen agencies including the Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, and Citizenship and Immigration Services. One organization, Joint Task Force West, focuses on the U.S. West Coast and Southwest land border. Their collocation with Army North increases opportunities for interagency and military cooperation. The other Homeland Security task forces include Joint Task Force East, which is responsible for the U.S. southern maritime border and approaches, and Joint Task Force Investigations, a functional organization designated to focus on investigations in support of the other task forces.

However, a variety of systemic problems hinder coordinated employment of law enforcement and military means to address transnational organized crime. Long-standing institutional disputes create problems among agencies of the U.S. Department of Homeland Security that have authority to pursue counter-narcotics cases and the U.S. Drug Enforcement Administration, an agency of the Department of Justice, which maintains oversight of these investigations. In a detailed 2010 report, policy analyst Curt A. Klun documented that domestic law enforcement agencies on both sides of the border often operate autonomously, contending with overlapping jurisdictions and supported by their own authorities, procedures, and systems.<sup>88</sup>

Law enforcement task forces in the U.S. foster some interagency coordination, but their tactical focus does not enable long-term or complex planning, their enforcement mission does not allow for a prevention-based approach, and their impact is short-lived.<sup>89</sup> The existing structures also frustrate effective cross-border coordination because geographic and functional boundaries, government echelons, and civilian and military authorities fail to correspond with those of the agencies across the border.<sup>90</sup> These and other frictions hinder cooperation, lead to duplicative investigations, and create other operational inefficiencies.<sup>91</sup>

These well-documented problems reveal the need for bilateral prioritization and coordination of limited U.S.-Mexico means. A bilateral institution can address that problem by enabling mutual accommodation and increasing coordination. The case studies examined here indicate that for such an organization to be effective and acceptable to both the Mexican and U.S. governments, the institution must do at least three things. It must overcome stovepipes to enable interagency cooperation, adapt to meet changing threats posed by transnational organized crime, and ensure respect for the sovereignty of both nations. NORAD provides a fitting model. The U.S.-Canada structure is a proven model that allows the two countries to adjudicate policy, develop strategy, and coordinate means.

NORAD eliminated the problem of agency stovepipes for the U.S. and Canada. Since its establishment in the 1950s, the command seamlessly detects, validates, and warns of attack by missiles, air, and spacecraft and coordinates with a range of military and law enforcement organizations on both sides of the border. In 2006, NORAD's charter expanded to include a maritime warning mission for North America, and NORAD now assists civilian law enforcement agencies with detecting and monitoring aircraft suspected of trafficking

drugs into North America as part of its aerospace control mission. The agreement in 2006 to make NORAD a permanent body attests to the confidence that both governments have in the organization to coordinate limited security resources across multiple agencies and employ them effectively to address a shared threat.

The evolution of NORAD demonstrates the flexibility of such an organization to meet emerging threats. The invention of cruise missile and stealth aircraft in the 1960s and 1970s led to improved NORAD technologies for warning of missile and space attack and defending against intercontinental ballistic missiles. The command's mission expanded in 1988 to include detecting and tracking suspected drug-trafficking aircraft across U.S. or Canadian borders and reporting them to law enforcement agencies. Subsequent NORAD plans called for improved space surveillance and enhanced ground-based radar, as well as aircraft to detect missiles and fighters to defeat air-to-air threats. After the September 11, 2001, terrorist attacks, NORAD's mission changed from only guarding the approaches to responding to threats originating

**NORAD eliminated the problem of agency stovepipes for the U.S. and Canada.**

within North America's air borders. In 2002, the U.S. government designated the NORAD commander as the head of U.S. Northern Command, a new U.S. geographic combatant command with responsibility for U.S. homeland defense and civil support. This new command also assumed responsibility for security cooperation with Canada, the Bahamas, and Mexico. The history of NORAD demonstrates how such an institution can adapt over time to meet new or emerging threats.

Finally, the NORAD agreement sufficiently

preserves international sovereignty. Within the NORAD structure, Canada and the U.S. each retains command of its forces, but the commander exercises operational control over forces provided; that is, the commander has the power to “direct, coordinate, and control the operational activities of forces assigned, attached, or otherwise made available.”<sup>92</sup> Specific provisions constrain unilateral action, directing that the NORAD commander remain responsible to the two defense chiefs; operate according to joint air defense concepts, plans, and procedures; and consult with the two governments before releasing public information. Perhaps most importantly, the NORAD agreement includes a mutual consultation pledge—the promise by each nation for the “fullest possible consultation”<sup>93</sup> on joint defense matters. Such consultation occurs through diplomatic channels, both as time allows during crisis and on a regular, consistent basis to the satisfaction of both countries. For more than 60 years, the bilateral institution of NORAD has served the U.S. and Canada, fostering coordination across agencies and across borders, adapting to meet emerging threats, and employing resources effectively and efficiently to ensure the security and sovereignty of the North American partners.

**The same border that hinders governments presents opportunities for enterprising crime groups.**

## Conclusion

Global transnational organized crime is growing more complex, and governments around the world struggle to address it. Law enforcement agencies continue to play “by yesterday’s rules”<sup>94</sup> and resort to dealing with the weakest criminals and the easiest problems. The hierarchical structures of law

enforcement agencies, problems of interagency coordination, and jurisdictional and diplomatic issues all hinder efforts to counter transnational organized crime.<sup>95</sup> Between the U.S. and Mexico, the problem of transnational organized crime is inextricably linked with border politics and the issues of trade, immigration, homeland security, drug policy, gun control, and sovereignty. Thus, the border stands as a physical boundary while also symbolizing an intellectual and emotional boundary for the two governments and their people.

The same border that hinders governments presents opportunities for enterprising crime groups. These transnational groups operate simultaneously as multinational corporations and violent armies, unimpeded by state jurisdictions and boundaries. The sophisticated networks adapt easily in pursuit of their goals. To confront these borderless networks, a bilateral institution must effectively coordinate law enforcement actions of both nations, adapt to meet new and emerging threats, and enable resolution of issues while respecting the sovereignty of both partners.

The emerging U.S.-Mexico bilateral security structure has come a long way since the announcement of the Mérida Initiative in 2007. The presidents of both countries confer regularly, and the two countries created standing institutions to coordinate security policy and strategy. The military-to-military relationship has never been stronger.

However, “integrating the options at the operational and tactical levels is difficult, for each agency has its own responsibilities.... The Departments of Homeland Security, State, Justice, Treasury, Defense, and other agencies are largely doing their own individual missions, with no one effectively in charge.”<sup>96</sup> Without an institutional structure to coordinate the law enforcement and military means on both sides of the border, the effort to confront transnational organized crime results in missed opportunities and wasted resources.

The Mérida Initiative represents a historic opportunity for Mexico and the U.S. to move forward to address the threat of transnational organized crime. Although language and cultural differences remain between the two neighbors, changing demographics and economic integration portend opportunities for greater security cooperation. The growth of the U.S. population with ties to Mexico will increase significantly in coming years, driven more from children born to Mexicans and Mexican-Americans in the U.S. than from immigration.<sup>97</sup> Mexican public opinion supports cooperating with the U.S.; three quarters of the Mexican population say they want U.S. help to train Mexican police and military to combat transnational organized crime, and more than half approve of the U.S. providing money and weapons to Mexican police and military.<sup>98</sup> A proven NORAD-like structure would ensure mutual respect for sovereignty, eliminate stovepipes, adapt to changing threats, and enable prioritization of limited means on both sides of the border. Only through cooperation and the efficient and coordinated application of law enforcement and military means can Mexico and the U.S. hope to confront the insidious threat posed by transnational organized crime. **IAJ**

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