

By Rafael Fernández de Castro

**Abstract:** *Through NAFTA, North American leaders agreed on how to manage trade, establishing a set of rules that has efficiently ordered the flow of goods and services across borders for more than two decades. This achievement allowed Mexican diplomats to become complacent, shelving the pursuit of an institutional framework to manage the other aspects of the complex relationship with the U.S. This is most starkly reflected in the intense conflict and unilateralism around immigration issues, highlighting the need for a reassessment of the institutions supporting U.S.-Mexican relations and the renewal of mechanisms of consultation.*

“You don’t know what you have until you’ve lost it,” warns an old Mexican saying. It is very easy to grow accustomed to the good times, as was the case for Mexico and Mexican diplomacy after NAFTA went into effect. With the implementation of NAFTA, U.S.-Mexico trade relations reached their zenith. In twenty-three years, only one trade dispute surfaced—over trucking at the border—that could not be resolved through the institutional frameworks of NAFTA and the World Trade Organization (WTO).

Through NAFTA, North America leaders agreed on how to manage trade, establishing a set of rules that has efficiently ordered the flow of goods and services across borders for more than two decades. However, it was not always like that. In the late 1980s, Mexico was the country with the largest number of accusations of unfair trade practices in the U.S. Dozens of antidumping petitions were filed against Mexican exporters. The bilateral trade relationship was characterized by anarchy and conflict.

For immigration, the scenario has been radically different. In the absence of a binational agreement and with immigration reform pending in the U.S., chaos, intense conflict, and a rampant display of unilateralism have taken place. In the last twenty years, according to the estimates of U.S. Customs and Border Protection (CBP), over 7,000 migrants have perished trying to cross the U.S.-Mexico border, and thousands of others have died on their journey through Mexico. In the summer of 2014, unaccompanied migrant children, mostly from the Northern Triangle of Central America, flocked to the U.S.-Mexico border, creating a true humanitarian crisis at the United States’

southern doorstep. According to CBP, close to 70,000 unaccompanied minors reached the border. More recently, the Trump administration has raised the specter of mass deportation for more than half a million Mexican-born Dreamers who could be sent back to a country where they are essentially foreigners.

It could be argued that after NAFTA went into effect, Mexican diplomacy fell into complacency. That is, the Mexican government became confident that because of NAFTA, the country had secured a harmonious relationship with the U.S., sidelining its pursuit of the creation of an institutional framework to manage the other aspects of its intense and complex relationship with the U.S. In the 1990s, parallel to the NAFTA negotiations, Mexican diplomacy sought to strengthen the bilateral mechanisms of consultation, such as the creation of the Binational Commission, the Border Governors' Conference and the U.S.-Mexico Interparliamentary Group. There was an unprecedented effort to institutionalize the management of the U.S.-Mexico relationship.

The U.S.-Mexico Binational Commission (BNC), for example, became the premier mechanism for coordinating intergovernmental affairs. The BNC met once a year and was chaired by the U.S. Secretary of State and the Mexican Foreign Minister. In the mid-1990s close to twenty Cabinet members from both sides of the border participated in the meeting. The BNC created numerous working groups that focused on the most important issues of the relationship. Indeed, the last working group at the federal level on immigration affairs belonged to the BNC. But in the last 15 years there has been no bilateral mechanism to coordinate immigration policy between the U.S. and Mexico.

It is noteworthy that other strategic partners such as Australia and the U.S., and France and Germany, have bilateral commissions, the Australia-United States Ministerial Consultations (AUSMIN), and the Franco-German Ministerial Council, respectively. The last meeting of AUSMIN, for example, took place in Sydney in June 2017. The list of attendees included Secretary of State Rex Tillerson and Secretary of Defense James Mattis. The meeting helped ease bilateral tensions after the unpleasant exchange between Prime Minister Malcolm Turnbull and President Donald Trump.

It can also be argued that the four U.S. presidents prior to Trump—from George H.W. Bush to Barack Obama—had a keen understanding of the

importance of Mexico for the well-being of the U.S. Mexican affairs were a priority for their administrations. During the last twenty years, Mexican diplomacy relied heavily on presidential encounters. These became frequent and turned into the preferred mechanism to solve pressing conflicts and launch new bilateral initiatives. For example, NAFTA was initiated in the first presidential encounter between George H.W. Bush and Carlos Salinas. Similarly, two decades later, the Merida Initiative was brought to fruition in the first meeting between Presidents George W. Bush and Felipe Calderón.

Given Trump's constant attacks, it has become obvious that Mexican diplomats cannot engage with Trump to solve problems or to launch initiatives. As a result, it is necessary to return to the emphasis on mechanisms of bilateral consultation, in part as a response to the decentralized nature of U.S. policy-making. Specifically, Mexico must pursue a three-pronged strategy to:

1. Strengthen and reconfigure binational mechanisms of consultation.
2. Redouble diplomatic efforts to engage with the U.S. Congress.
3. Awaken Mexico's natural allies in the United States to lobby for mutually beneficial causes.

Mexican diplomatic efforts, headed by the NAFTA renegotiating team and the Mexican Embassy in Washington, are taking the necessary steps to achieve the second and third elements. Mexican officials are also fortifying their outreach to the Mexican diaspora in the U.S., recognizing the important voice of the Mexican-American population in U.S. politics. And it is worth acknowledging that the Mexican private sector is once again present in Washington. After a twenty-year absence, the top Mexican business association—the Consejo Mexicano de Negocios—recently hired a lobbying firm to represent its interests.

What is missing is perhaps the most important element: a reassessment of the institutional framework surrounding U.S.-Mexican relations, and the prioritization of the renewal of previous mechanisms of consultation. This reemergence could begin with the BNC, spearheaded by Tillerson and Mexican Foreign Minister Luis Videgaray, followed by meetings of the U.S.-Mexico Interparliamentary Group and the Border Governors' Conference.

The last two and a half decades have shown the tremendous difference that institutions can make. It is the difference between a harmonious relationship—

like the U.S.-Mexico commercial relationship—and fighting like cats and dogs—like the U.S.-Mexico debate on immigration. The difference lies in formal agreements and mechanisms and institutions that foster dialogue and diminish uncertainty in intergovernmental affairs.

---

*Rafael Fernández de Castro is a professor at UC San Diego's School of Global Policy and Strategy and director of its Center for U.S.-Mexican Studies (USMEX).*