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Towards a common North American System of Protection, Security and Justice for North America: Mexico, United States and Canada

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I would like to address what I consider to be the appropriate way to face and solve our common challenges (Mexico/USA/Canada). I am referring to the challenges facing organized crime, the drug cartels, the thousands of deaths from fentanyl in the United States of America, which clearly affect the children and youth of that great nation, just as we in Mexico are affected by sexual exploitation and the death of children due to this modern slavery. I believe that the USMCA will continue to be a free trade agreement. But I also believe that it will expand its horizons towards a trilateral agreement against organized crime with a focus on protecting the human rights of the victims: the thousands of victims in the USA because of fentanyl and the thousands of victims of sexual exploitation that we have in Mexico.

What I am proposing here and now, is the creation of a common system for protection, security and justice for North America. This means that, based on the USMCA, we draft a common criminal policy, applicable to the three countries, whose pillars would be:

1. Harmonized protection of the rights of victims, with special attention to the children and youth of North America.
2. A common strategy on security and the fight against organized crime for North America.
3. The harmonization of criminal legislation to punish criminal organizations in the three countries in the same manner.

But, is a common system of protection, security and justice for North America something possible? It is not easy, but it is viable. In fact, the three countries have taken significant steps in this area. I point out a few:

1. All three countries have implemented comprehensive victim protection plans and are systematically working for the recovery and healing of those affected by crime. This is because among us (USA, Canada and

Mexico) there is a common belief in the protection of human rights, with special attention to girls, boys, young people and women, the main victims of human exploitation and consumption of fentanyl and other deadly drugs.

2. The three countries are States Parties to various international treaties on combating organized crime and human trafficking. In fact, the State Department has invested millions of dollars to train Mexican authorities in this area for years¹.
3. Inspired by the principles of the adversarial system, the three countries have similar criminal procedural systems, we have models of corporate criminal liability in force in all three countries and models of criminal compliance programs² to enforce the law.

I firmly believe that, between us, there are more coincidences than differences and that the USMCA can be the foundation to agree, and later operate, a common system of protection, security and justice for North America. In this regard, the European experience can serve as a mirror for us: the origin of the European Union is the European Economic Community, which later evolved towards common policies against several crimes: corruption, money laundering and subsidy and tax fraud³. It seems that our route is similar, as we also started with a trade agreement, which may now evolve into a broader union that integrates victim protection, security and common justice. How this harmonized model of criminal justice could be configured? Here are just a couple of ideas to consider:

1. In the year 2026, the systematic review of the USMCA will take place. The same year in which we will celebrate the World Cup. This is an excellent opportunity to include in the USMCA a legal-criminal annex, to lay the foundations for the common system of protection, security and justice (PROJUS).
2. PROJUS would be the section of the USMCA dedicated to establishing common strategies for the protection of crime victims, with special attention to girls, boys, young people and women (without excluding adults), implementing common strategies for public safety, crime prevention and investigation and the administration of justice in our courts.

¹ <https://www.state.gov/u-s-relations-with-mexico/>

² The DOJ Guidelines are a good example of this. These are used as a basis for the training of compliance specialists in Mexico: <https://www.justice.gov/criminal/criminal-fraud/page/file/937501/dl?inline=>

³ About this process, with a criminal approach: Arroyo Zapatero, Luis; *¿Qué métodos para una armonización penal internacional?*, available at: <https://legrandcontinent.eu/es/2021/03/31/que-metodos-para-una-armonizacion-penal-internacional/>

3. Our Senators could agree to structure tools to fight organized crime. Consider, for example, the design of the North American Crimes (NAC), the North American Police (NAP) and the North American Detention Order (NADO). These would be powerful instruments for joint action against crime.

The question of whether this is possible can only be answered if we face the challenge and try. However, there are encouraging facts that, I believe, tip the scales toward a positive answer. Agreements already exist among our nations to implement harmonized anti-crime policies. Just think of the Merida Initiative⁴, which established fundamental pillars to prevent and eradicate corruption.

Not only that, but harmonized models of police training, criminal investigation and law enforcement were also implemented. This exchange of strategies against crime has been so important that, like the rest of Latin America, Mexico implemented the adversarial system —with strong support and direction from the United States of America— in a definitive manner and throughout the country. In sum: The time has come to design a common system for victim protection, security and justice for the three countries.

⁴ <https://mx.usembassy.gov/the-merida-initiative/>