

Guillermo Garcia Sanchez

Associate Professor

Texas A&M University School of Law

Guillermo J. Garcia-Sanchez is an Associate Professor at Texas A&M University School of Law. His research and teaching focuses on international energy and investment law. Prior to entering academia, he was an associate in an international arbitration firm and served as a legal advisor in Mexico's Ministry of Foreign Affairs. Prof. Garcia-Sanchez holds an S.J.D. and an LL.M. from Harvard Law School, and an LL.M. in International Law from the Fletcher School of Law Diplomacy.

The Other Secret Deals with Mexico and the Expansion of the Executive Bureaucracies

Mexico and the United States have one of the most complex relationships in the world. Their interaction touches on every fiber of American diplomacy: security, cross-border issues, trade, cultural engagement, citizenship, pollution, consular protection, financial cooperation, information sharing, employment visas, etc. The multidimensional characteristic of the relationship is unmatched and rarely studied by legal scholars. This article makes the argument that the complexity of the interaction has advanced a new form of bilateral international law that regulates the relationship: the unchecked expansion of letters of intent and memorandums of understanding (interinstitutional agreements). According to the research presented in this article, between 2000 and 2019 more than 1,700 interinstitutional agreements were signed by U.S. and Mexican authorities. These legal instruments are signed by officers from different federal agencies, state and municipal officers. These documents are the heart and soul of the legal relationship between Mexico and the U.S. and survive the political cycles of Mexican and American politics. When it comes to the Mexico-U.S. bilateral relation, Treaties are no longer the most common way for these two nations to cooperate, regulate their interactions, and face common problems. As this article shows, State behavior is being driven by bureaucracies and their networks showing us how international law operates in practice. Moreover, it teaches us how ineffective the existing regulation in the U.S, and Mexico are in ensuring proper congressional supervision to the way both states engage with their international bilateral obligations.