



U.S.-Mexican Security Cooperation: the Mérida Initiative and Beyond

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Summary

In recent years, U.S.-Mexican security cooperation has increased significantly, largely as a result of the development and implementation of the Mérida Initiative, a counterdrug and anticrime assistance package for Mexico and Central America that was first proposed in October 2007. With the recent approval of the FY2010 Supplemental Appropriations measure (H.R. 4899), Congress has provided almost \$1.8 billion for the Mérida Initiative. Congress provided \$248 million of that funding to Central America and included an additional \$42 million for Caribbean countries. However, Congress has dedicated the vast majority of the funds—roughly \$1.5 billion—to support programs in Mexico, with an emphasis on training and equipping Mexican military and police forces engaged in counterdrug efforts. Escalating drug trafficking-related violence in Mexico and the increasing control that Mexican drug trafficking organizations (DTOs) have over the illicit drug market in the United States have focused congressional attention on the efficacy of U.S.-Mexican efforts and related domestic initiatives in both countries.

With funding for the original Mérida Initiative technically ending in FY2010 and new initiatives underway for Central America and the Caribbean, the Obama Administration proposed a new four-pillar strategy for U.S.-Mexican security cooperation in its FY2011 budget request. That strategy focuses on: 1) disrupting organized criminal groups; 2) institutionalizing the rule of law; 3) building a 21st century border; and 4) building strong and resilient communities. The first two pillars largely build upon existing efforts, whereas pillars three and four broaden the scope of Mérida Initiative programs to include new efforts to facilitate “secure flows” of people and goods through the U.S.-Mexico border and to improve conditions in violence-prone border cities. The Administration’s FY2011 budget request includes \$310 million for Mérida programs in Mexico.

Congress is likely to continue overseeing how well U.S. agencies and their Mexican counterparts are implementing the Mérida Initiative and the degree to which both countries are fulfilling their pledges to tackle domestic problems contributing to drug trafficking in the region. Congress may also examine the degree to which the Administration’s new strategy for Mérida Initiative programs in Mexico complements other U.S. counterdrug and border security efforts, including those funded by the U.S. Department of Defense. In addition to questions about the four pillars proposed, Congress may also debate how best to measure the success of current and future Mérida Initiative programs. A July 2010 report by the Government Accountability Office (GAO) recommended that the State Department develop better performance measures to track progress under Mérida. Another congressional interest is likely to focus on whether human rights conditions placed on Mérida funding are appropriate or sufficient. Congress is currently deciding what types and amounts of funding to provide for future U.S.- Mexican counterdrug and anticrime efforts initiated under the Mérida Initiative in the FY2011 Foreign Operations Appropriations bill.

For related information, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*; CRS Report RL32724, *Mexico-U.S. Relations: Issues for Congress*; CRS Report R41075, *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*; CRS Report R41237, *People Crossing Borders: An Analysis of U.S. Border Protection Policies*, by Chad C. Haddal; and CRS Report R41215, *Latin America and the Caribbean: Illicit Drug Trafficking and U.S. Counterdrug Programs*.

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Introduction

Escalating drug trafficking-related violence in Mexico and the increasing control that Mexican drug trafficking organizations (DTOs) have on the U.S. drug market have focused congressional attention on the efficacy of U.S.-Mexican counterdrug efforts and related domestic initiatives. U.S. concerns about the violence in Mexico have been heightened since the March 13, 2010, killing of three individuals, including two U.S. citizens, connected to the U.S. Consulate in Ciudad Juarez, Mexico. Congressional concern about the possibility of drug trafficking-related violence in Mexico “spilling over” into the United States has intensified since an Arizona rancher was killed on his own property by an individual allegedly linked to Mexican drug traffickers in late March 2010.

Between FY2008 and FY2010, Congress provided some \$1.5 billion for Mérida Initiative¹ programs in Mexico, with the bulk of that funding dedicated to training and equipping Mexican military and police forces engaged in counterdrug efforts. With funding for the original Mérida Initiative technically ending with the FY2010 budget cycle, much of the recent dialogue has centered on how the Initiative and related programs in Central America and the Caribbean should move forward. The Obama Administration included a new four pillar strategy for U.S.-Mexican security cooperation in its FY2011 budget request, which includes \$310 million for Mérida programs in Mexico. The strategy was more clearly defined after Secretary of State Hillary Clinton led a cabinet-level delegation to Mexico on March 23, 2010, for a High Level Consultative Group meeting with Mexican officials on the future of the Mérida Initiative.

Shortly after the Consultative Group meeting, the U.S. State Department released a joint statement from Secretary Clinton and Mexican Foreign Secretary Patricia Espinosa expressing both countries’ commitment to the continuation of U.S.-Mexican security cooperation.² The four pillars of the new bilateral strategy they outlined will focus on: 1) disrupting organized criminal groups; 2) institutionalizing the rule of law; 3) building a 21st century border; and 4) building strong and resilient communities. While the first two pillars largely build upon efforts that began under the George W. Bush Administration, pillars three and four broaden the scope of bilateral cooperation under Mérida to include efforts to facilitate “secure flows” of people and goods through the U.S.-Mexico border and to promote social and economic development in violence-prone communities. During Mexican President Felipe Calderón’s state visit to Washington D.C. on May 19-20, 2010, Presidents Obama and Calderón reaffirmed their commitment to work together to combat the organized criminal groups that traffic drugs into the United States and illicit weapons and cash into Mexico. The State Department has since indicated that it intends to

¹ This total includes \$175 million for justice sector programs included in the FY2010 Supplemental Appropriations measure (H.R. 4899), which has been approved by the House and Senate and is awaiting President Obama’s signature. The House July amended version of the FY2010 supplemental (H.R. 4899) would also have provided \$701 million to strengthen U.S. border security efforts. For information on the FY2010 supplemental, see CRS Report R41232, *FY2010 Supplemental for Wars, Disaster Assistance, Haiti Relief, and Other Programs*. For historical information on the Mérida Initiative, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*.

² Office of the Spokesman, U.S. Department of State, “Joint Statement of the Mérida Initiative High Level Consultative Group on Bilateral Cooperation against Transnational Organized Crime,” March 23, 2010.

continue Mérida assistance beyond 2012 (when President Calderón leaves office) and to provide some of that assistance to Mexican states and municipalities.³

The 111th Congress is likely to continue overseeing how Mérida and related funds have been used, any planned adjustments in the uses of funds appropriated during the FY2008-FY2010 budget cycles, and the degree to which the Obama Administration's new strategy for Mexico complements other U.S. counterdrug and border security efforts. Congress is currently debating what types and amounts of funding to provide for U.S.- Mexican security efforts the FY2011 Foreign Operations Appropriations bill. On July 28, 2010, the House passed the Emergency Border Security Supplemental Appropriations Act of 2010 (H.R. 5875), which would provide \$701 million to strengthen U.S. border security efforts. Congress may also consider legislation that would define what role U.S. National Guard troops should play in supporting law enforcement efforts along the Southwest border, which could have implications for U.S.-Mexican law enforcement efforts.⁴

This report provides a framework for examining the current status and future prospects for U.S.-Mexican security cooperation. It begins with a brief discussion of the scope of the threat that drug trafficking and related crime and violence now pose to Mexico and the United States, followed by an analysis of the development and implementation of the Mérida Initiative. It then analyzes key aspects of the new U.S.-Mexican security strategy. The report concludes by raising some policy issues that may affect U.S.-Mexican security cooperation.

Concerns About Drug Trafficking-Related Violence

Drug Trafficking, Violence, and Mexico's Antidrug Efforts⁵

Mexico is a major producer and supplier to the U.S. market of heroin, methamphetamine, and marijuana and the major transit country for as much as 90% of the cocaine sold in the United States. A small number of Mexican drug trafficking organizations (DTOs), often referred to as drug "cartels,"⁶ control the most significant drug distribution operations along the Southwest border. U.S. government reports have characterized Mexican drug trafficking organizations as representing the "greatest organized crime threat" to the United States today.⁷ Mexican DTOs have expanded their U.S. presence by increasing their transportation and distribution networks, as well as displacing other Latin American traffickers, primarily Colombians.⁸ In the past few years, the violence and brutality of the Mexican DTOs have escalated as they have battled for control of lucrative drug trafficking routes into the United States (illustrated in **Figure 1**).

³ U.S. Department of State, *Report to Congress on Mérida and Post-Mérida*, June 11, 2010.

⁴ For background, see CRS Report R41286, *Securing America's Borders: The Role of the Military*, by R. Chuck Mason.

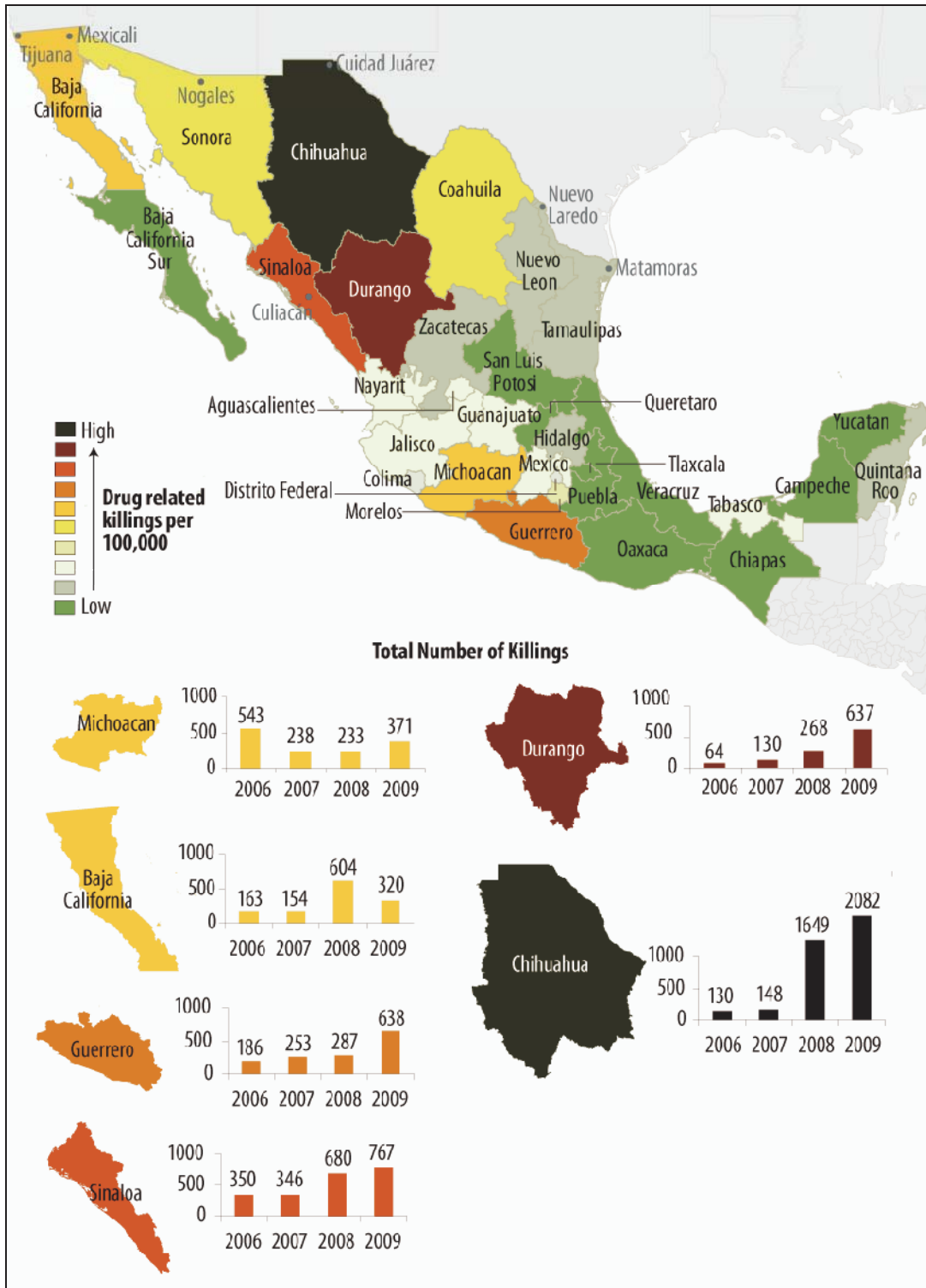
⁵ For background, see CRS Report R40582, *Mexico's Drug-Related Violence*, by June S. Beittel.

⁶ The term drug cartel remains the term used colloquially and in the press, but some experts disagree with this because "cartel" often refers to price-setting groups and it is not clear that Mexican drug cartels are setting illicit drug prices.

⁷ U.S. Department of Justice's National Drug Intelligence Center (NDIC), *2009 National Drug Threat Assessment*, December 2008.

⁸ NDIC, *2010 National Drug Threat Assessment*, February 2010.

Figure I. Rates of Drug Trafficking-Related Killings in Mexico by State in 2009
(per 100,000 people)



Source: Figures on drug trafficking-related killings are drawn from a database maintained by the Trans-Border Institute (TBI) at the University of San Diego, which contains data gathered by *Reforma* newspaper. Graphic prepared by Liana Sun Wyler, CRS Analyst in International Crime and Narcotics, and CRS graphics.

Drug trafficking-related violence resulted in more than 5,100 lives lost in 2008 and 6,500 deaths in 2009.⁹ From January through July 16, 2010, more than 6,262 people died in drug trafficking-related violence in Mexico, an 89% increase over the same period last year.¹⁰ As in 2009, a large percentage of the violence has been concentrated in the states of Chihuahua (along the U.S.-Mexico border), Sinaloa, Guerrero, and Durango. However, a split between the Gulf DTO and Los Zetas has sparked violence in new areas of Tamaulipas and Nuevo León (also border states), feuding for control over the Beltrán Leyva organization has increased violence in Morelos, and turf battles have invaded Nayarit as well. Victims of the violence have increasingly included police, soldiers, politicians, and civilians. On June 28, 2010, drug traffickers assassinated a popular gubernatorial candidate in Tamaulipas, capping off mid-term elections marred by drug trafficking-related violence.¹¹ Kidnapping, robbery, and extortion have also increased significantly, as some of the DTOs have evolved into what analysts have termed “full-scale mafias.”¹²

Since taking office in December 2006, President Calderón has made combating DTOs a top priority of his administration. He has called increasing drug trafficking-related violence in Mexico a threat to the Mexican state and has sent thousands of soldiers and police to drug trafficking “hot-spots” in at least 16 states throughout Mexico. Joint deployments of federal military and police officials are just one part of the Calderón government’s strategy against the DTOs. That strategy involves (1) deploying the military to restore law and order, (2) expanding law enforcement operations, (3) initiating institutional reform and anti-corruption initiatives, (4) recovering social cohesion and trust, and (5) building up international partnerships against drugs and crime (like the Mérida Initiative).¹³ President Calderón has also used extradition as a major tool to combat drug traffickers, extraditing 95 individuals to the United States in 2008 and a record-breaking 107 individuals in 2009.¹⁴ These efforts, combined with increased collaboration and intelligence-sharing with U.S. law enforcement agencies, have resulted in some significant government victories against the DTOs, including the December 2009 killing of Arturo Beltrán Leyva, the January 2010 capture of Teodoro Garcia Simental, and the March 2010 capture of Jose Antonio “Don Pepe” Medina Arreguin.¹⁵

Despite these successes, the persistent and increasingly brazen violence committed by the drug traffickers, which has occurred partially in response to government pressure, has led to increasing

⁹ Trans-Border Institute (TBI), *Drug Violence in Mexico: Data and Analysis from 2001-2009*, January 2010, citing data gathered by *Reforma* newspaper. On April 13, 2010, press reports said a leaked confidential Mexican government report intended for the Mexican Senate estimated the total number of drug trafficking-related deaths since December 2006 to be greater than 22,000, a figure that is significantly higher than the totals that have been reported by *Reforma* or other open sources. See “Total Gang Killings Under-Reported,” *Latin American Weekly Report*, April 15, 2010. Many authorities have started reporting this total, including the U.S. Department of State.

¹⁰ TBI, *Justice in Mexico: July 2010 News Report*, July 2010.

¹¹ *Ibid.*

¹² Mark Stevenson, “Mexican Cartels go From Drugs to Full-Scale Mafias,” *AP*, August 16, 2009.

¹³ Embassy of Mexico, Washington, DC. “Mexico and the Fight Against Drug Trafficking and Organized Crime: Setting the Record Straight,” June 2009, p. ii. President Calderón further expounded on this strategy in an editorial published in Mexican newspapers on June 13, 2010. It is available in Spanish at http://www.presidencia.gob.mx/prensa/lucha_seguridad_publica/index.html.

¹⁴ U.S. Department of State, *International Narcotics Control Strategy Report (INCSR) 2010*, March 1, 2010.

¹⁵ For other recent results, see U.S. Department of State, “United States-Mexico Security Partnership: Progress and Impact,” press release, May 19, 2010, <http://www.state.gov/t/pa/prs/ps/2010/05/142019.htm>.

criticism of Calderón's military-led anti-drug strategy.¹⁶ The apparent inability of Mexican military forces and/or federal police to curb the violent crimes committed by drug traffickers and their allied gangs has also raised concerns that Calderón's strategy, which for some has exposed the military to corruption and resulted in human rights abuses, may need to be revised.¹⁷ Many experts assert that, in order to regain popular support for its security policies, the Calderón government will have to show success in dismantling the DTOs, while also reducing drug trafficking-related violence. President Calderón and his top advisers began consulting with local and state officials to revise the government's military-led strategy for Ciudad Juárez after the massacre of 15 civilians, many of them teenagers, at a private home there in late January 2010. The new strategy that the Calderón government has developed, "We Are All Juárez"(discussed later in this report) involves significant federal government investments in education, job training, and community development programs to help address some of the underlying factors that have contributed to the violence. It also involved an April 2010 shift from military to federal police control over security efforts in the city, a strategy shift which has yielded mixed results.¹⁸

Potential "Spillover" Violence in the United States¹⁹

The prevalence of drug trafficking-related violence within and between the DTOs in Mexico—and particularly in those areas of Mexico near the U.S. - Mexico border—has generated concern among U.S. policy makers that this violence might spill over into the United States. In particular, an increase in violence in Mexican cities such as Juárez and Nuevo Laredo has sparked fears that the violence may spill into the neighboring U.S. "sister cities" of El Paso and Laredo. For instance, the Department of Homeland Security (DHS) recently issued a safety alert to law enforcement officers in the El Paso area warning that DTOs and associated gangs may target U.S. law enforcement.²⁰ This alert comes at a time when reports indicate that the Mexican DTOs have begun to direct more of their violence at Mexican authorities and to use new forms of weaponry, including grenades and car bombs.²¹

Currently, U.S. federal officials deny that the increase in drug trafficking-related violence in Mexico has resulted in a significant spillover of violence into the United States, but recognize that incidents of violence have occurred and that the potential for increased violence does exist.²² On May 25, 2010, in response to rising state and local concerns about border security, President Obama authorized sending up to 1,200 National Guard troops to the U.S.-Mexico border. The Administration has since announced that the National Guard troops will be deployed on August 1

¹⁶ Jorge C. Castañeda, "What's Spanish for Quagmire?" *Foreign Policy*, January/February 2010.

¹⁷ Ginger Thompson, "Killings Fuel Concerns Over Mexico's Drug Offensive," *New York Times*, March 16, 2010.

¹⁸ Ken Ellingwood, "Mexico Takes Different Tack on Juárez Violence," *Los Angeles Times*, July 12, 2010.

¹⁹ For background, see CRS Report R41075, *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*, coordinated by Jennifer E. Lake and Kristin M. Finklea.

²⁰ "Department of Homeland Security (DHS): Mexican Assassin Teams Targeting U.S. Law Enforcement," *Homeland Security Newswire*, April 6, 2010.

²¹ See, for example, "Mexico: Cartels Changing Tactics in Turf War: Official Says After More Than 22,000 Killed in Gangland Violence, Drug Rivals Now Shifting Attacks to Police," *CBS News*, April 26, 2010; William Booth, "Ciudad Juárez Car Bomb Shows New Sophistication in Mexican Drug Cartels' Tactics," *Washington Post*, July 22, 2010.

²² See for example, testimony of Mariko Silver, Assistant Secretary (Acting), DHS, Office of International Affairs, before a joint House Homeland Security Committee, Subcommittee on Border, Maritime, and Global Terrorism and House Foreign Affairs Committee, Subcommittee on the Western Hemisphere, *U.S.-Mexican Security Cooperation: Next Steps for the Mérida Initiative*, 111th Cong., 2nd sess., May 27, 2010.

, 2010, for a period of one year during which they will serve in law enforcement support roles in high-crime areas along the Southwest border.²³

As a result, Congress faces several policy questions related to potential or actual spillover violence. The first question involves whether the increasing violence between the drug trafficking organizations in Mexico affects either the level or nature of drug trafficking-related violence in the United States. Of note, violent drug trafficking-related crimes have previously existed and continue to exist throughout the United States. However, data currently available on these crimes does not allow analysts to determine whether or how these existing levels of drug trafficking-related violence in the United States have been affected by the surge of violence in Mexico.

If there were evidence of such spillover violence, Congress may be confronted with the issue of whether altering current drug or crime policies may aid in reducing drug trafficking-related violence in the United States. If there were not significant spillover violence, policy makers may debate best practices to prevent the possibility of future spillover violence. As such, another question involves whether U.S. support to Mexico via the extension of the Mérida Initiative—as proposed by the State Department—will be effective not only in reducing drug trafficking-related violence in Mexico but in preventing this violence from reaching the United States.

Development and Implementation of the Mérida Initiative

Evolution of U.S.- Mexican Counterdrug Cooperation

The United States began providing Mexico with equipment and training to eradicate marijuana and opium poppy fields in the 1970s, but bilateral cooperation declined dramatically after Enrique Camarena, a U.S. Drug Enforcement Administration (DEA) agent, was assassinated in Mexico in 1985. From the mid-1980s through the end of the 1990s, bilateral cooperation stalled due to U.S. mistrust of Mexican counterdrug officials and concerns about the Mexican government's tendency to accommodate drug leaders.²⁴ At the same time, the Mexican government was reluctant to accept large amounts of U.S. assistance due to its opposition to U.S. drug certification procedures²⁵ and to concerns about sovereignty. The Mexican government also expressed opposition to the DEA and other U.S. agencies carrying out operations against drug trafficking organizations in Mexican territory without authorization. Mexican military officials proved

²³ DHS, "Obama Administration Announces Aug. 1 National Guard Deployment to Support Federal Law Enforcement Along the Southwest Border," press release, July 19, 2010.

²⁴ Under this system, arrests and eradication took place, but due to the effects of widespread corruption, the system was "characterized by a working relationship between Mexican authorities and drug lords" through the 1990s. Francisco E. González, "Mexico's Drug Wars Get Brutal," *Current History*, February 2009.

²⁵ Beginning in 1986, when the U.S. President was required to certify whether drug producing and drug transit countries were cooperating fully with the United States, Mexico usually was criticized for its efforts, which in turn led to increased Mexican government criticism of the U.S. assessment. Reforms to the U.S. drug certification process enacted in September 2002 (P.L. 107-228) essentially eliminated the annual drug certification requirement, and instead required the President to designate and withhold assistance from countries that had "failed demonstrably" to make substantial counternarcotics efforts.

particularly reticent to cooperate with their U.S. counterparts due to deeply held concerns about past U.S. interventions in Mexico.²⁶

U.S.-Mexican cooperation began to improve and U.S. assistance to Mexico increased after the two countries signed a Binational Drug Control Strategy in 1998. U.S. assistance to Mexico, which totaled some \$397 million from FY2000-FY2006, supported programs aimed at interdicting cocaine; combating production and trafficking of marijuana, opium poppy, and methamphetamine; strengthening the rule of law; and countering money-laundering. In 2007, the Government Accountability Office (GAO) found that while U.S. programs had helped improve Mexico’s counterdrug efforts, seizures in Mexico remained relatively low, and corruption continued to hinder bilateral efforts.²⁷

As previously stated, upon taking office in December 2006, Mexican President Calderón made combating drug trafficking and organized crime a top priority of his administration. In response to the Calderón government’s request for increased U.S. cooperation, in October 2007 the United States and Mexico announced the Mérida Initiative, a new package of U.S. assistance for Mexico and Central America that would begin in FY2008 and last through FY2010. The Mérida Initiative, as it was originally conceived, sought to: 1) break the power and impunity of criminal organizations; 2) strengthen border, air, and maritime controls; 3) improve the capacity of justice systems in the region; and, 4) curtail gang activity and diminish local drug demand. Congress appropriated roughly \$1.3 billion to support the Mérida Initiative in Public Law (P.L.) 110-252, P.L. 111-8, P.L. 111-32, and P.L. 111-117 (see **Table 1**). Congress has also approved \$175 million in funds for justice sector programs in Mexico in the FY2010 Supplemental Appropriations measure (H.R. 4899), which is awaiting President Obama’s signature. Each of these Acts contained human rights conditions on 15% of certain law enforcement and military assistance provided (see “Human Rights Concerns and Conditions on Mérida Initiative Funding” below). U.S. assistance focused on training and equipping military and law enforcement officials engaged in counterdrug efforts, improving border security, and, to a lesser extent, reforming Mexico’s police and judicial institutions. (For overall U.S. assistance to Mexico, see **Table A-1** in **Appendix A**).

Table 1. FY2008—FY2011 Mérida Funding for Mexico by Aid Account and Appropriations Measure
(\$ in millions)

Account	FY2008 Supp. (P.L. 110-252)	FY2009 (P.L. 111- 8)	FY2009 Supp. (P.L. 111- 32)	FY2010 (P.L. 111- 117)	FY2010 Supp. (H.R. 4899)	Account Totals	FY2011 request
ESF	20.0	15.0	0.0	15.0	0.0	50.0	10.0
INCLE	263.5	246.0	160.0	190.0	175.0	1,034.5	292.0
FMF	116.5	39.0	260.0	5.3	0.0	420.8	8.0
Total	400.0	300.0	420.0	210.3	\$175.0	1,505.3	310.0

²⁶ Craig A. Deare, “U.S.-Mexico Defense Relations: An Incompatible Interface,” *Strategic Forum*, Institute for National Strategic Studies, National Defense University, July 2009.

²⁷ U.S. Government Accountability Office (GAO), *U.S. Assistance Has Helped Mexican Counternarcotics Efforts, but the Flow of Illicit Narcotics into the United States Remains High*, 08215T, October 2007.

Sources: U.S. Department of State, FY2008 Supplemental Appropriations Spending Plan; FY2009 Appropriations Spending Plan, and FY2010 Appropriations Spending Plan.

Notes: ESF=Economic Support Fund; FMF=Foreign Military Financing; INCLE=International Narcotics Control and Law Enforcement.

While U.S. and Mexican officials have described the Mérida Initiative as a “new paradigm” for U.S.-Mexican security cooperation, some observers have challenged that description, preferring to describe the Mérida Initiative as a gradual expansion of existing bilateral efforts.²⁸ Regardless of whether it has resulted in a paradigm shift in U.S.-Mexican relations, the Mérida Initiative signaled a major diplomatic step forward for U.S.-Mexican counterdrug cooperation, which in the 1990s had been at a low point. The Mérida Initiative has resulted in increased bilateral communication and cooperation, from law enforcement officials engaging in joint operations on the U.S-Mexico border to cabinet-level officials meeting regularly to discuss bilateral security efforts. Perhaps most importantly for Mexico, as part of the Mérida Initiative, both countries accepted a *shared responsibility* to tackle domestic problems contributing to drug trafficking and crime in the region, including U.S. drug demand. Many Mexican analysts have concurred with these observations, while some have argued that the United States continues to largely dictate the bilateral agenda and that the Mérida Initiative is not that different from previous U.S.-funded counterdrug programs like Plan Colombia.²⁹

Implementation

There has been concern in Congress about the slow delivery of Mérida assistance. On December 3, 2009, the GAO issued a preliminary report for Congress on the status of funding for the Mérida Initiative. By the end of September 2009, GAO found that \$753 million of the \$1.1 billion in Mérida funds appropriated for Mexico as of that time had been obligated by the State Department, but only \$24 million of the funds had actually been spent.³⁰ The GAO report attributed delays in Mérida implementation to “(1) statutory conditions on the funds, (2) challenges in fulfilling administrative procedures [required for obligation and expenditure of the funds] , and (3) the need to enhance institutional capacity on the part of both recipient countries and the United States to implement the assistance.”³¹

Progress has been made in Mérida implementation since the release of the December 2009 GAO report, particularly with respect to Mérida programs in Mexico. According to a follow-up report by the GAO that was released on July 21, 2010, approximately \$790.9 million of the \$1.3 billion in Mérida funds appropriated for Mexico as of that time had been obligated (\$669.7 billion) or

²⁸ U.S. Department of State, “Joint Statement on the Mérida Initiative: A New Paradigm for Security Cooperation,” October 22, 2007. For debates about whether or not the Mérida Initiative is a “new paradigm” for U.S.-Mexican security relations, see: Laura K. Stephens and José de Arimateia da Cruz, “The Mérida Initiative: Bilateral Cooperation or U.S. National Security Hegemony,” *International Journal of Restorative Justice*, 2008, vol. 4, no. 2.; Rafael Velázquez Flores and Juan Pablo Prado Lallande eds. *La Iniciativa Mérida: ¿Una Nueva Paradigma de Cooperación Entre México y Estados Unidos en Seguridad?* Mexico City : National Autonomous University of Mexico, 2009.

²⁹ Ibid; see the chapters by Mario Cruz Cruz, Juan Pablo Prado Lallande, Jorge Rebolledo, and Alberto Lozano.

³⁰ GAO, *Status of Funds for the Mérida Initiative*, 10-253R, December 3, 2009, available at: <http://www.gao.gov/new.items/d10253r.pdf>.

³¹ Ibid.

expended (\$121.2 billion) by March 31, 2010.³² That total includes approximately \$14 million in new obligations for Mérida programs in Mexico and \$97 million in new expenditures.

Rather than tracking obligations and expenditures, State Department officials have preferred to report on progress in Mérida implementation by the amount of funds that are being used to support programs in Mexico and the value of equipment deliveries that have been made. On May 28, 2010, for example, Deputy Assistant Secretary of State for Western Hemisphere Affairs, Roberta Jacobson, testified before a joint House hearing that more than \$420 million in funds appropriated for the Mérida Initiative were actively supporting programs in Mexico. In addition, according to a recent State Department report, a total of \$122.5 million worth of equipment had been delivered to Mexico by early June 2010.³³ The equipment provided thus far has included five Bell helicopters valued at \$66 million for the Mexican Army and a \$28 million software package for the Mexican Attorney General's Office (PGR). Another \$216.0 million in equipment is scheduled to be delivered by the end of 2010, including three UH-60 helicopters valued at \$76.5 million for the Secretariat for Public Security (SSP or Federal Police). Among Mérida-funded training programs, police professionalization programs appear to have advanced the furthest, with more than 6,500 Mexican police officers having completed U.S.-funded courses.³⁴ And, although some training programs are just beginning, at least 847 individuals have completed courses administered by the Department of Justice (DOJ) and 10,291 individuals have completed courses offered by the U.S. Agency for International Development (USAID).³⁵ Nevertheless, Congress may retain a particular interest in ensuring that Mérida Initiative equipment and training programs are delivered in a timely manner.

U.S. Efforts to Complement the Mérida Initiative

In the 2007 U.S.—Mexico joint statement announcing the Mérida Initiative, the U.S. government pledged to "intensify its efforts to address all aspects of drug trafficking (including demand-related portions) and continue to combat trafficking of weapons and bulk currency to Mexico."³⁶ Although not funded through the Mérida Initiative, the U.S. government has made efforts to address each of these issues, as discussed below. When debating future support for the Mérida Initiative, Congress may consider whether to simultaneously provide additional funding for these or other domestic activities that would enhance the United States' abilities to fulfill its pledges.

Drug Demand

Drug demand in the United States fuels a multi-billion dollar illicit industry. In 2008, about 20.1 million individuals were current (past month) illegal drug users, representing 8% of individuals aged 12 and older.³⁷ High-ranking Administration officials and experts alike have acknowledged

³² GAO, *Mérida Initiative: The United States has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures*, 10-837R, July 21, 2010, available at: <http://www.gao.gov/new.items/d10837.pdf>.

³³ U.S. Department of State, "Mérida Initiative—Significant Activities," June 4, 2010.

³⁴ U.S. Department of State, *Report to Congress on Mérida and Post-Mérida*, June 11, 2010.

³⁵ U.S. Department of State, "Mérida Initiative—Significant Activities," June 4, 2010.

³⁶ U.S. Department of State and Government of Mexico, "Joint Statement on the Mérida Initiative: A New Paradigm for Security Cooperation," October 22, 2007.

³⁷ See the National Household Survey on Drug Use and Health, an annual survey of approximately 67,500 people, including residents of households, non-institutionalized group quarters, and civilians living on military bases. The survey is administered by the Substance Abuse and Mental Health Services Administration of the U.S. Department of (continued...)

that U.S. domestic demand for illegal drugs is a significant factor driving the global drug trade, including the drug trafficking-related crime and violence that is occurring in Mexico and other source and transit countries.³⁸ The Obama Administration released its 2010 National Drug Control Strategy report on May 11, 2010, which includes an increased focus on reducing U.S. drug demand, particularly among youth. Drug policy experts have praised the Administration's focus on reducing consumption, but criticized its budget request for including a relatively modest increase in funding for treatment programs of 3.7% as compared to FY2010.³⁹ They further maintain that while the request includes an increase in funding for prevention efforts of 13.4%, the funds requested are still less than what was spent in the early 2000s and 5.3% lower than what the Bush Administration funded in FY2009.⁴⁰ Some have questioned whether the federal government allocates enough of the drug budget to adequately address the demand side; the FY2011 drug budget proposes to continue to spend a majority of funds on supply reduction programs including drug crop eradication in source countries, interdiction, and domestic law enforcement efforts. It is important to note, however, that many state, local, and non-profit agencies also channel funds toward demand reduction.

Gun Trafficking⁴¹

Mexican DTOs have reportedly used "military-style" firearms, including assault weapons. The government of Mexico has estimated that more than 80% of the firearms that have been seized and traced since President Calderón took office originated in the United States.⁴² While a significant number of firearms seized by Mexican authorities, some arguably based on "military" designs, have been traced back to the United States in the past few years, only a handful of those firearms have been traced back to U.S. military inventories. Mexican DTOs often obtain their weapons through "straw purchases," whereby people who are legally qualified to buy the weapons from licensed gun dealers or at gun shows in U.S. border states sell them to smugglers who take them across the border. Illicit firearms are used in conflicts between rival DTOs as well as between the DTOs and the Mexican government, military, and police.

The United States has taken various measures to reduce the illegal flow of weapons into Mexico. One such initiative is Project Gunrunner, led by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). It aims to disrupt the illegal flow of guns from the United States to Mexico and

(...continued)

Health and Human Services and is available at <http://oas.samhsa.gov/NSDUHlatest.htm>.

³⁸ See, for example, testimony of R. Gil Kerlikowske, Director, Office of National Drug Control Policy, before the U.S. Congress, House Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, *Transnational Drug Enterprises (Part II): U.S. Government Perspectives on the Threat to Global Stability and U.S. National Security*, 111th Cong., 2nd sess., March 30, 2010. See also "U.S. Secretary of State Hillary Rodham Clinton Remarks With Mexican Foreign Secretary Patricia Espinosa After Their Meeting," March 23, 2010.

³⁹ See, for example, Testimony of John T. Carnevale, President, Carnevale Associates, before the House Oversight and Government Reform Subcommittee on Domestic Policy, April 14, 2010. For an overview of the proposed FY2011 National Drug Control Budget, see: Executive Office of the President of the United States, "National Drug Control Budget: FY2011 Funding Highlights," Feb. 2010, <http://www.whitehousedrugpolicy.gov/publications/policy/11budget/fy11highlight.pdf>.

⁴⁰ Ibid.

⁴¹ For more information on gun trafficking along the Southwest border, see CRS Report R40733, *Gun Trafficking and the Southwest Border*, by Vivian S. Chu and William J. Krouse.

⁴² See, for example, Mexican President Felipe Calderon, "Joint Meeting to Hear an Address by His Excellence Felipe Calderon Hinojosa, President of Mexico," *Congressional Record*, May 20, 2010, p. H3663

enhance U.S. and Mexican law enforcement coordination. Through another anti-trafficking initiative, ATF maintains a foreign attaché in Mexico City to administer an Electronic Trace Submission System (ETSS)—the eTrace program—for Mexican law enforcement authorities. Additionally, through the Border Enforcement Security Task Force (BEST) Initiative, DHS' Immigration and Customs Enforcement leads Operation Armas Cruzadas, a multi-agency effort to disrupt and dismantle weapons smuggling networks.⁴³ In addition to these programs, DHS has implemented measures to enhance its outbound/southbound screening procedures including 100% screening of southbound rail shipments.⁴⁴ Also, the Customs and Border Protection (CBP) scans license plates along the Southwest border with the use of automated license plate readers.

During his address to the Joint Meeting of Congress on May 20, 2010, Mexican President Calderón asked for increased U.S. cooperation in reducing the illegal flow of weapons across the Southwest border. In particular, he asked Congress to ensure the enforcement of current gun laws as well as to consider a reinstatement of an assault weapons ban.⁴⁵ Some argue that reinstating a ban on certain types of weapons may help curb the flow of these weapons into the hands of DTOs and their affiliated gangs and may subsequently reduce the level or severity of violence currently seen in Mexico. Others, however, argue that the DTOs will ultimately circumvent any such measures in order to procure the weapons they desire from U.S. sources or obtain them from other countries.

Money Laundering/Bulk Cash Smuggling

It is estimated that between \$19 billion and \$29 billion in illicit proceeds flow from the United States to drug trafficking organizations and other organized criminal groups in Mexico each year.⁴⁶ Much of the money is generated from the illegal sale of drugs in the United States and is laundered to Mexico through mechanisms such as bulk cash smuggling (the most common method), the Black Market Peso Exchange (BMPE), wire transfers, and prepaid stored value cards. Illicit funds are also placed in financial institutions, cash-intensive front businesses, or money services businesses. The proceeds may then be used by DTOs and other criminal groups to acquire weapons in the United States and to corrupt law enforcement and other public officials.

In 2005, ICE and CBP launched a program known as "Operation Firewall," which increased operations against bulk cash smuggling in the U.S.—Mexico border region. Since 2005, Operation Firewall has resulted in 679 arrests and 3,946 seizures totaling more than \$302 million.⁴⁷ Additionally, in FY2009 alone, CBP seized more than \$37.2 million in southbound currency; this is 270% more than the amount seized in FY2008. Further, in FY2009, over \$17 million in currency was seized as a result of investigatory cooperation between ICE and the

⁴³ Each of these initiatives are discussed in further detail in **Appendix B**.

⁴⁴ Department of Homeland Security, "Fact Sheet: Southwest Border: Next Steps," press release, June 23, 2010, http://www.dhs.gov/xabout/gc_1240606351110.shtm.

⁴⁵ Mexican President Felipe Calderon, "Joint Meeting to Hear an Address by His Excellence Felipe Calderon Hinojosa, President of Mexico," *Congressional Record*, May 20, 2010, p. H3663. For more information on the assault weapons ban, see archived CRS Report RL32585, *Semiautomatic Assault Weapons Ban*, by William J. Krouse.

⁴⁶ DHS, *United States-Mexico Bi-National Criminal Proceeds Study*, June 2010.

⁴⁷ See testimony by Janice Ayala, Assistant Director, Office of Investigations, U.S. Immigration and Customs Enforcement before the U.S. Congress, Senate United States Senate Caucus on International Narcotics Control, *Drug Trafficking Violence in Mexico: Implications for the United States*, 111th Cong., 1st sess., May 5, 2010.

Government of Mexico.⁴⁸ U.S. efforts against money laundering and bulk cash smuggling are increasingly moving beyond the federal level as well, as experts have recommended.⁴⁹ In December 2009, for example, ICE opened a bulk cash smuggling center to assist U.S. federal, state, and local law enforcement agencies track and disrupt illicit funding flows.

The United States and Mexico have created a Bilateral Money Laundering Working Group to coordinate the investigation and prosecution of money laundering and bulk cash smuggling. A recent Bi-national Criminal Proceeds Study revealed that some of the major points along the Southwest border where bulk cash is smuggled include San Ysidro, CA; Nogales, AZ; and Laredo, McAllen, and Brownsville, TX.⁵⁰ Information provided from studies such as these may help inform policy makers and federal law enforcement personnel and assist in their decisions regarding where to direct future efforts against money laundering.

Beyond Mérida: the New Bilateral Security Strategy

One of the most prominent criticisms of the Mérida Initiative has been its focus on technology transfers, as some believe the plan has thus far neglected to provide adequate attention to capacity building efforts and institutional reforms within Mexico. Experts have argued that a post-Mérida strategy must seek to better address the weak civilian judicial and law enforcement institutions in Mexico while also addressing underlying societal problems, such as poverty and widespread corruption, that have allowed the drug trade to flourish. As such, the development of the new U.S.-Mexican security cooperation strategy has focused heavily on judicial reform, police training, and community building efforts.

With the arrival of U.S. Ambassador Carlos Pascual in August 2009 and as part of the FY2011 budget preparation process, U.S. and Mexican officials began to revise the strategic framework underpinning U.S.-Mexican security cooperation. After several months of consultations, the Obama and Calderón governments agreed to a new strategy, which has been called “Beyond Mérida” or “Mérida 2.0,” that broadens the scope of bilateral security efforts and focuses more on institution-building than on technology and equipment transfers. The Obama Administration outlined the strategy in its FY2011 budget request, which includes \$310 million for Mérida-related programs in Mexico: \$292 million in International Narcotics Control and Law Enforcement (INCLE) funds, \$10 million in Economic Support Funds (ESF), and \$8 million in Foreign Military Financing (FMF).⁵¹ The Administration did not formally announce the new strategy until the Mérida High-Level Consultative Group meeting in Mexico City on March 23, 2010. The State Department has since indicated that it intends to extend Mérida assistance beyond 2012 when President Calderón leaves office and to increase U.S. support for Mexican state and local governments.⁵² The four pillars of the strategy are discussed below:

⁴⁸ U.S. Department of State, "United States - Mexico Security Partnership: Progress and Impact," May 19, 2010.

⁴⁹ Douglas Farah, *Money Laundering and Bulk Cash Smuggling: Challenges for the Merida Initiative*, Woodrow Wilson International Center for Scholars, Working Paper Series on U.S.-Mexico Security Cooperation, May 2010.

⁵⁰ DHS, *United States - Mexico Bi-National Criminal Proceeds Study*, 2010, p. 4-2.

⁵¹ There is a steep decline in “counternarcotics” assistance in the FY2011 budget request. The President's budget requests \$78 million for counternarcotics programs in Mexico under INCLE in FY2011, which is a \$115.5 million decrease below the FY2010 estimated allocation by the State Department.

⁵² U.S. Department of State, *Report to Congress on Mérida and Post-Mérida*, June 11, 2010.

Pillar One: Disrupting the Operational Capacity of Organized Crime

The Calderón government has, until recently, focused most of its efforts on dismantling the power of drug trafficking organizations. To that end, the government has conducted joint police-military operations to arrest DTO leaders, investigated and indicted public officials suspected of collusion, and begun to go after the DTOs' illicit assets.⁵³ A significant percentage of U.S. assistance appropriated during the first phase of the Mérida Initiative has been obligated to purchase equipment to support those efforts, including \$590.5 million worth of aircraft and helicopters. The Mexican government has increasingly begun to conceptualize the DTOs as for-profit corporations. Consequently, its strategy, and U.S. efforts to support it, has begun to focus more attention on disrupting the criminal proceeds used to finance DTOs' operations. These efforts, as well as increased intelligence-sharing and cross-border law enforcement operations and investigations (such as those that have occurred in areas around Nogales, Arizona⁵⁴) have been suggested as possible areas for increased cooperation.

One question that may arise for policy makers as they review the Administration's proposal for continued funding for the Mérida Initiative is whether proposed funding would be used to expand existing bilateral partnerships or whether it would be used to establish new partnerships. The answer to this question may depend on the effectiveness of current partnerships, as well as whether new partnerships are needed to address emerging law enforcement challenges. For example, Mexico recently began conducting southbound inspections of commercial and non-commercial vehicles entering the country, deploying more canine detection teams, and employing risk analysis techniques to improve its ability to detect and seize illicit goods.⁵⁵ Under pillar three of the new strategy discussed below, the Mexican government may seek increased training from CBP and ICE, as well as equipment to build a simulated/model port at the new customs training academy that it is constructing in Querétaro. Should the DTOs begin to employ new weapons, such as grenades or car bombs (as occurred in Ciudad Juárez on July 15, 2010), specific training to combat those new threats could be needed.

Also, as the DTOs increasingly evolve into poly-criminal organizations, perhaps as a partial result of drug interdiction efforts cutting into their profits, some analysts have also urged both governments to focus more on combating other types of organized crime, such as human trafficking and alien smuggling.⁵⁶ Some may therefore question whether the funding provided under the Mérida Initiative will be used to address all forms of transnational organized crime. Examples of current U.S.—Mexico law enforcement partnerships are discussed in **Appendix B**.

⁵³ The Mexican Congress has recently enacted an asset forfeiture law. The Mexican government has also imposed limits on the amount of U.S. dollars that individuals can exchange or deposit each month. "Mexico Targets Dirty Dollars," *BBC News*, June 15, 2010.

⁵⁴ CBP and the Mexican Federal Police within the Secretariat for Public Security (SSP) have been conducting parallel patrols along the Arizona border since September 2009. On February 18, 2010, DHS Secretary Napolitano signed an agreement to expand that type of cooperation with the SSP. In addition, ICE, CBP, and the Mexican Attorney General's Office (PGR) have had an agreement in place that has enabled the PGR to prosecute drug smuggling cases that the U.S. Attorney's Office in Arizona declines to prosecute. That program is now being extended to El Paso.

⁵⁵ CRS telephone briefing with Mexican Customs Official, June 17, 2010.

⁵⁶ Edgardo Buscaglia, a Mexican expert in organized crime, has estimated that between 52 and 55% of the illicit profits earned by Mexican organized criminal groups now come from illicit activities other than drug trafficking. Dolia Estévez, "Juárez: El Futuro de México?" *Poder 360*, March 12, 2010.

Pillar Two: Institutionalizing the Rule of Law in Mexico

Many security experts maintain that the Mexican government needs to focus more on addressing the country's weak law enforcement and judicial institutions. Federal police reform is well underway, but serious questions remain as to when and how the federal police will take over the anti-drug functions currently being carried out by the Mexican military.⁵⁷ It also remains to be seen how federal reform efforts will be expanded to include state and municipal police forces. Some FY2009 Mérida funding is being reprogrammed in order to extend U.S.-funded police training and prison reform efforts to Chihuahua and Juárez as part of a pilot project. Designed by a binational team, the project aims to support the Mexican government's plan for Juárez through training, equipment, professional exchanges, and targeted information-sharing.⁵⁸

With impunity rates hovering around 98%,⁵⁹ experts maintain that it is crucial for Mexico to implement the judicial reforms passed in the summer of 2008 and to focus on fighting corruption at all levels of government. In order for Mexico to transition its criminal justice system to an accusatorial system with oral trials by 2016, some argue that U.S.-funded judicial training programs, some of which are just getting started, may have to be significantly expanded. They are encouraged that \$207 million of the Administration's FY2011 request for Mérida programs in Mexico are under the "Governing Justly and Democratically" category.⁶⁰

Reforming the Police

Police corruption has presented additional challenges to the campaign against DTOs in Mexico. In October 2008, an elite unit within the PGR's Office for Special Investigations of Organized Crime (SIEDO) was implicated in a scandal involving payoffs for sensitive information about antidrug activities, with at least 35 officials fired or arrested.⁶¹ In November 2008, the former head of SIEDO was arrested and accused of accepting bribes from a DTO. The former investigative agency within the PGR, the Federal Agency of Investigations (AFI), which was created in 2001, was, by 2005, widely criticized for corruption, and largely disbanded in June 2009.⁶² Corruption has also plagued federal, state, and municipal police forces.

⁵⁷ On April 8, 2010, Mexican military forces began to withdraw from Ciudad Juárez, leaving primary security responsibilities to 5,000 federal police. The Federal Police opened a new Federal Police Command Center in Ciudad Juárez to coordinate interagency security efforts in the city and share intelligence with the Federal Police Intelligence Center in Mexico City. If this transition from military to federal police control goes smoothly, it could serve as a model for other cities and states to replicate. Embassy of Mexico in Washington D.C., "Fact Sheet: Federal Police Takes Control of Security in Ciudad Juárez," April 2010.

⁵⁸ U.S. Embassy in Mexico City, "Confronting Border Violence in Ciudad Juárez," May 2010, available at: http://mexico.usembassy.gov/eng/merida/emerida_factsheet_ViolenceCJ.html.

⁵⁹ In other words, about 98% of perpetrators have not been brought to justice. This figure is widely cited, see, for example, Guillermo Zepeda, *Índice de Incidencia Delictiva y Violencia 2009*, Center of Research for Development (CIDAC), Mexico City, August 2009, p. 9.

⁶⁰ Eric L. Olson and Christopher E. Wilson, *Beyond Merida: The Evolving Approach to Security Cooperation*, Woodrow Wilson International Center for Scholars, Working Paper Series on U.S.-Mexico Security Cooperation, May 2010.

⁶¹ Tracy Wilkinson, "Mexico Under Siege: Elite Police Tainted by Drug Gang," *Los Angeles Times*, October 28, 2008.

⁶² Robert E. Donnelly and David A. Shirk, eds., *Police and Public Security in Mexico*, San Diego, CA: University Readers, 2010, p. 228.

President Calderón has taken steps to reform Mexico's federal, state, and municipal police forces by enhancing police training at the federal level, creating a national database through which police can share information and intelligence, and accelerating implementation of a national police registry.⁶³ Calderón initially proposed the creation of one unified federal police force under the SSP, but two laws passed in 2009 created a Federal Police (FP) force under the SSP and a Federal Ministerial Police (PFM) force under the PGR to replace the discredited AFI, both with some investigative functions.⁶⁴ A year later, the government is now issuing regulations to delineate the roles and responsibilities for these two new police entities.

Whereas initiatives to recruit, train, and equip the FP under the SSP have rapidly advanced (with support from the Mérida Initiative), efforts to build the PGR's police forces (the PFM) have lagged. According to the State Department, future Mérida funding will support specialized training courses to improve police investigations, intelligence collection and analysis, and anti-money laundering capacity, as well as the construction of regional command and control centers.⁶⁵ The Calderón government has also sought U.S. technical assistance in developing in-service evaluations and internal investigative units to prevent and punish police corruption and human rights abuses. It is possible that Mérida assistance could be used to support the PFM as well as the FP, but the success of U.S.-funded efforts could be hindered without a clear division of responsibilities between the two entities and guidance on how they will collaborate in investigating and developing cases with prosecutors from the PGR.

Thus far, state and local police reform has lagged behind federal police reform efforts. In September 2009, the Calderón government put forth a proposal to reform article 115 of the Mexican Constitution in order to have the country's roughly 2,022 municipal police forces absorbed by state-level police agencies that would then coordinate their efforts with the SSP.⁶⁶ Mexico's National Security Council has approved the proposal, as has the National Governors Conference. The Mexican Congress may vote on the proposed reform later this year. Proponents of the reform maintain that it would improve coordination with the SSP and bring efficiency, standardization, and better trained and equipped police to municipalities. Skeptics argue that police corruption has been a major problem at all levels of the Mexican policing system, including the state and federal police, and argue that there is a role for municipal police who are trained to deal with household and community issues. They urge the Mexican government to concentrate its resources on implementing the vetting and certification procedures for state and local police that were codified in the January 2009 public security law. They also recommend strengthening the National System of Public Security, which is responsible for overseeing state

⁶³ A State Department report submitted to congressional appropriators on April 2, 2010, as required by the Joint Explanatory Statement to P.L. 111-117, described Mexico's national police registry, which was started in 2001, as now being "fully functional," but stated that "not all [Mexican] states and municipalities have permanent, real-time connectivity to the system." The State Department plans to devote up to \$8.8 million in Mérida funding to enhance the registry and make it available across the country. U.S. Department of State, *Report on the Mexican Federal Registry of Police Personnel*, April 2, 2010.

⁶⁴ Daniel Sabet, *Police Reform in Mexico: Advances and Persistent Obstacles*, Woodrow Wilson International Center for Scholars, Working Paper Series on U.S.-Mexico Security Cooperation, May 2010.

⁶⁵ U.S. Department of State, *FY2010 Mérida Initiative Spending Plan for Mexico*, June 10, 2010.

⁶⁶ In order to take effect, the measure would have to be approved by the Mexican Congress and then a majority of the state legislatures, a process which could take several months to a year or more. "Mexico Mulls Plan to Eliminate Municipal Police," *EFE*, March 24, 2010.

and local police reform efforts, as well as continuing to reward state and municipal units whose officers meet certain standards with federal subsidies.⁶⁷

The outcome of the aforementioned reform effort could have implications for U.S. intentions to expand Mérida assistance to state and municipal police forces, which is already planned for the state of Chihuahua.⁶⁸ Some have urged the U.S. and Mexican governments to consider expanding the training programs developed for the SSP training institute at San Luis Potosi to support a number of new regional police academies.⁶⁹ Training courses offered to state and local police might have a slightly different emphasis than those given to federal forces, with more emphasis on, for example, community-oriented policing and dealing with street crime.

In order to complement these efforts, analysts have maintained that it is important to provide assistance to civil society and human rights-related non-governmental organizations (NGOs) in Mexico in order to strengthen their ability to monitor police conduct and provide input on policing policies. Combined with internal control mechanisms and stringent punishments for police misconduct, some maintain that citizen participation councils can have a positive impact on police performance and police-community relations.⁷⁰

Reforming the Judicial and Penal Systems

The Mexican judicial system has been widely criticized for being opaque, inefficient, and corrupt. It is plagued by long case backlogs, a high pre-trial detention rate, and an inability to secure convictions. Recent press reports citing data provided by the PGR maintain that the vast majority of drug trafficking-related deaths that have occurred since President Calderón took office have not been prosecuted.⁷¹ At the same time, increasing arrests have caused the prison population to expand by approximately 8% in the past three years, with inmates housed in facilities that are, on average, 30% over capacity.⁷² Many inmates (perhaps 40%⁷³) are awaiting their trials. Those suspected of involvement in organized criminal activity can be held by the authorities for 40 days without access to legal council, with a possible extension of another 40 days.⁷⁴

In June 2008, President Calderón signed a judicial reform decree after securing the approval of Congress and Mexico's states for an amendment to Mexico's Constitution. Under the reform,

⁶⁷ Phone Interview with Daniel Sabet, Visiting Professor at Georgetown University, April 15, 2010.

⁶⁸ The U.S. government plans to help Mexico develop a standard curriculum for state and municipal police officers; to provide equipment, training, and advisors to state and municipal forces; and to help create a major crimes task force comprised of federal and state police.

⁶⁹ U.S. Congress, Senate Committee on Foreign Relations, *Common Enemy, Common Struggle: Progress in U.S.-Mexican Efforts to Defeat Organized Crime and Drug Trafficking*, 111th Cong., 2nd sess., May 18, 2010.

⁷⁰ Roughly \$2.5 million in International Narcotics and Law Enforcement (INCLE) funding from FY2008 was dedicated to supporting citizen councils and NGOs, but, as of mid-June 2010, those funds had yet to be transferred from the State Department to USAID for implementation.

⁷¹ "Cárteles Perturban al Sistema Carcelario," *El Universal*, June 18, 2010.

⁷² Silvia Otero, "No Investigan 95% de Muertes en "Guerra," *El Universal*, June 21, 2010.

⁷³ Human Rights Watch, *World Report*, 2010.

⁷⁴ This practice, known as "*arraigo*" (pre-charge detention) first came into existence in the 1980s, and was formally incorporated into the Mexican Constitution through a constitutional amendment passed in 2008 as a legal instrument to fight organized crime. Its use has been criticized by several United Nations bodies, the Inter-American Commission for Human Rights of the Organization of American States, and international and Mexican human rights organizations. For more, see Janice Deaton, *Arraigo and Legal Reform in Mexico*, University of San Diego, June 2010.

Mexico has until 2016 to replace its trial procedures at the federal and state level, moving from a closed-door process based on written arguments to a public trial system with oral arguments and the presumption of innocence until proven guilty. In addition to oral trials, judicial systems are expected to adopt additional means of alternative dispute resolution, which should help make it more flexible and efficient thereby relieving some of the pressure on the country's prison system. Implementing these judicial reforms has brought with it major challenges, including the need to revise federal and state criminal procedure codes (CPCs), build new courtrooms, retrain current legal professionals, update law school curricula, and improve forensic technology.

Two years into the reform process, implementation has advanced further in many states than at the federal level. Prior to 2008, six states had already adopted judicial reforms, many with assistance from USAID, while three others had approved but not yet implemented state-level reforms. In January 2010, the federal commission tasked with monitoring implementation of judicial reforms at the state and federal level reported that thirteen states had made progress in complying with the 2008 reforms.⁷⁵ The commission's goal is for at least 19 states to have reforms approved before President Calderón leaves office in 2012. The commission's ability to spur reform efforts have reportedly been hindered, however, by budget constraints and a limited ability to exert pressure on other government entities such as the courts and the PGR.⁷⁶ For example, the Mexican Supreme Court has yet to develop a new federal CPC, a key element needed to guide both federal and state reform efforts.

From the beginning, many analysts had predicted that progress in advancing judicial reform in Mexico was "likely to be very slow as capacity constraints and entrenched interests in the judicial system delay any changes."⁷⁷ Others expressed concerns that the Calderón government appeared to be devoting more funding and political will towards modernizing the police than strengthening the justice system (including the courts and the PGR).⁷⁸ Some analysts questioned whether it would be feasible to revamp the judicial system at a time when the government was under pressure to get tough on organized crime since accountability and due process within the judicial system are sometimes portrayed as impediments to law enforcement efforts.

Despite these challenges, many analysts are hopeful that Mexico will be able to follow the examples of countries like Chile and Colombia that have successfully transformed their judicial systems. In order for that transformation to take place, Mexico will likely need significant training and technical assistance from the United States, as well as European and other Latin American countries. USAID has been supporting CPC reform, judicial exchanges, and alternative dispute resolution in five Mexican states since 2004. With \$44 million in support from the Economic Support Funds (ESF) portion of the Mérida Initiative, USAID is expanding that assistance to reach 10 to 12 of Mexico's 32 states. Further expansion seems unlikely, however, given that the Administration has requested only \$10 million in ESF for FY2011 (\$5 million below the FY2010 enacted level).⁷⁹ For its part, DOJ is administering at least \$19 million in State

⁷⁵ Chihuahua, Mexico State, Morelos, Oaxaca, Nuevo León, and Zacatecas adopted reforms prior to 2008. As of that time, Baja California, Durango, and Hidalgo had adopted but not yet implemented state-level reforms. Matthew Ingraham, *State-Level Judicial Reform in Mexico: The Local Progress of Criminal Justice Reforms*, TBI Working Paper, May 2010.

⁷⁶ David Shirk, *Justice Reform in Mexico: Changes and Challenges in the Judicial Sector*, Woodrow Wilson Center, Working Paper Series on U.S.-Mexico Security Cooperation, April 2010.

⁷⁷ "Mexico Risk: Legal and Regulatory Risk," *Economist Intelligence Unit-Risk Briefing*, January 8, 2010.

⁷⁸ Eric L. Olson, *Police Reform and Modernization in Mexico, 2009*. Woodrow Wilson Center, September 2009.

⁷⁹ The State Department plans to use \$6 million in ESF funds appropriated in FY2010 for projects unrelated to judicial (continued...)

Department and USAID funding in the areas of 1) prosecutorial capacity building; 2) strengthening the internal control systems of the SSP and the PGR; 3) extradition training; 4) asset forfeiture; 5) forensics and 6) victims assistance/witness protection, among other things.⁸⁰ Since no one, including the Mexican government, has published an estimate of how much it is likely to cost to implement the 2008 reforms, the adequacy of Mexican and U.S. investments is extremely difficult to measure.

Pillar Three: Creating a “21st Century Border”

Policy makers have questioned not only what it means to have a 21st century border, but specifically how this will enhance law enforcement’s abilities to combat the drug trafficking organizations and reduce the related violence. In an increasingly globalized world, the notion of a border is necessarily more complex than a physical line between two sovereign nations. Consequently, the proposed 21st century border is based on: 1) enhancing public safety via increased information sharing, screenings, and prosecutions; 2) securing the cross-border flow of goods and people; 3) expediting legitimate commerce and travel through investments in personnel, technology, and infrastructure; 4) engaging border communities in cross-border trade; and 5) setting bilateral policies for collaborative border management.⁸¹

Policy makers may question whether this combination of efforts aimed at creating a 21st century border will simultaneously enhance law enforcement’s abilities to combat organized crime and prevent drug trafficking-related violence from spilling over into the United States.

On May 19, 2010, the United States and Mexico declared their intent to collaborate on enhancing the U.S.—Mexican border.⁸² To head this initiative, they intend to establish a Twenty-First Century Border Bilateral Executive Steering Committee (ESC) by August 19, 2010. The ESC will be charged with developing a bi-national action plan to achieve the goals outlined by both countries. A fundamental policy question is whether this strengthening and enhancing of the shared border means the same thing to the U.S. government as it does to the Mexican government. Of note, both the United States and Mexico spend significant funds—outside of Mérida—related to border security. Because border policies and practices have been different along the U.S. side of the Southwest border and the Mexican side, each country’s goals in further developing the border may necessarily differ as well. A related question is whether funds appropriated under the revised Mérida Initiative should be divided equally or equitably between border initiatives on the U.S. and Mexican sides of the border.

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reform. U.S. Department of State, *FY2010 Mérida Initiative Spending Plan for Mexico*, June 10, 2010.

⁸⁰ U.S. Department of Justice, Criminal Division, Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT), “OPDAT Mexico Mérida Initiative Resident Legal Advisor Program,” press release, April 2010.

⁸¹ U.S. Department of State, “United States - Mexico Partnership: A New Border Vision,” press release, March 23, 2010, <http://www.state.gov/r/pa/prs/ps/2010/03/138926.htm>.

⁸² The White House, “Declaration by The Government Of The United States Of America and The Government Of The United Mexican States Concerning Twenty-First Century Border Management,” press release, May 19, 2010, <http://www.whitehouse.gov/the-press-office/declaration-government-united-states-america-and-government-united-mexican-states-c>. As mentioned, U.S. - Mexican security cooperation along the border did not begin with the Mérida Initiative. This ESC is one of the most recent developments in the bilateral cooperation.

While policy makers may generally question what constitutes a “21st century border,” they may more specifically question which aspects of this border will be mutually beneficial to both U.S. and Mexican efforts to combat the DTOs. Although a key goal of the Mérida Initiative is to combat the DTOs and their criminal activities, the U.S. border strategy does not discriminate between combating drug trafficking-related illicit activities and other illegal behaviors along the border. The current U.S. border strategy strives to secure and manage the U.S. border through obtaining effective control of the borders, safeguarding lawful trade and travel, and identifying and disrupting transnational criminal organizations.⁸³ As such, it remains to be seen whether enhancements to the border will specifically support the Mérida Initiative’s goal of combating the DTOs or whether the funds put toward border development will result in a general strengthening of the security of the border—and, as a byproduct, aid in disrupting drug trafficking-related activities.

Northbound and Southbound Inspections⁸⁴

One element of concern regarding enhanced bilateral border security efforts is that of southbound inspections of people, goods, vehicles, and cargo. In particular, both countries have acknowledged a shared responsibility in fueling and combating the illicit drug trade. Policy makers may question who is responsible for performing northbound and southbound inspections in order to prevent illegal drugs from leaving Mexico and entering the United States and to prevent dangerous weapons and the monetary proceeds of drug sales from leaving the United States and entering Mexico. Further, if this is a joint responsibility, it is still unclear how U.S. and Mexican border officials will divide the responsibility of inspections to maximize the possibility of stopping the illegal flow of goods while simultaneously minimizing the burden on the legitimate flow of goods and preventing the duplication of efforts.

In addition to its inbound/northbound inspections, the United States has undertaken steps to enhance its outbound/southbound screening procedures. Currently, DHS is screening 100% of southbound rail shipments for illegal weapons, cash, and drugs. Also, as previously mentioned, CBP scans license plates along the Southwest border with the use of automated license plate readers (LPRs). As of April 2010, CBP operated 52 outbound LPR lanes at 16 Southwest border crossings, and DHS officials indicate that this number will continue to increase.⁸⁵ In FY2010, Congress provided \$20 million for CBP to acquire Non-Intrusive Inspection Equipment (NIIE) to aid in southbound inspection and processing of travelers and shipments. As of April 2010, CBP had 117 large-scale NIIE systems at Southwest border ports of entry.⁸⁶

⁸³ For more information on the U.S. border strategy, see CRS Report R41237, *People Crossing Borders: An Analysis of U.S. Border Protection Policies*, by Chad C. Haddal. CRS was unable to locate an official Mexican border strategy for comparison with the U.S. border strategy. For information on the roles of various U.S. agencies in border security, see CRS Report RS21899, *Border Security: Key Agencies and Their Missions*, by Chad C. Haddal. For information on the U.S. Border Patrol, see CRS Report RL32562, *Border Security: The Role of the U.S. Border Patrol*, by Chad C. Haddal.

⁸⁴ There is a dearth of open-source data that currently measures the extent of inbound and outbound inspections performed by both the United States and Mexico along the Southwest border. Rather, existing data tends to address seizures of drugs, guns, and money as well as apprehensions of suspects. Therefore, this section addresses current U.S. and additional initiatives to bolster cross-border inspections.

⁸⁵ Department of Homeland Security, "Testimony by Secretary Janet Napolitano, before the United States Senate Committee on the Judiciary, on Oversight of the Department of Homeland Security," press release, April 27, 2010, http://www.dhs.gov/ynews/testimony/testimony_1272383936754.shtm.

⁸⁶ *Ibid.*

Historically, Mexican Customs had not served the role of performing southbound (or inbound) inspections. As part of the revised Mérida Initiative, CBP is helping to establish a Mexican Customs training academy to support professionalization and promote the Mexican Customs' new role of performing inbound inspections. Additionally, CBP will assist Mexican Customs in developing an investigator training program—slated to begin in August 2010—and establishing 44 new canine teams to assist with the inspections.

Preventing Border Enforcement Corruption

Another point that policy makers may question regarding the strengthening of the Southwest border is how to prevent the corruption of U.S. and Mexican border officials who are charged with securing the border. On March 11, 2010, the Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on State, Local, and Private Sector Preparedness and Integration held a hearing on the corruption of U.S. border officials by Mexican DTOs. According to testimony from the hearing, in FY2009, the DHS Inspector General opened 839 investigations of DHS employees. Of the 839 investigations, 576 were of CBP employees, 164 were of ICE employees, 64 were of Citizen and Immigration Services (CIS) employees, and 35 were of Transportation Security Administration (TSA) employees.⁸⁷ It is unknown, however, how many of these cases involve alleged corruption by Mexican DTOs or how many involve suspected corruption of DHS employees working along the Southwest border.

To date, the Administration's proposal for a 21st century border has not directly addressed this issue of corruption. Congress may consider whether preventing, detecting, and prosecuting public corruption of border enforcement personnel should be a component of the border initiatives funded by the Mérida Initiative. If the corruption is as pervasive as officials say,⁸⁸ resources provided for new technologies and initiatives along the border may be diminished or negated by corrupt border personnel. For instance, at the end of 2009, CBP was able to polygraph between 10 and 15% of applicants applying for border patrol positions, and of those who were polygraphed, about 60% were found unsuitable for service.⁸⁹ If this pattern holds true and 85-90% of current new hires were not subjected to a polygraph, anywhere between 51 and 54% of all CBP new-hires may not be found suitable for service. Congress may decide to increase funding—as part of or separately from Mérida funding—for the vetting of new and current border enforcement personnel.

⁸⁷ See testimony by Thomas M. Frost, Assistant Inspector General for Investigations, U.S. Department of Homeland Security before the U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, *New Border War: Corruption of U.S. Officials by Drug Cartels*, 111th Cong., 1st sess., March 11, 2010.

⁸⁸ See testimony by Kevin L. Perkins, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation before the U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, *New Border War: Corruption of U.S. Officials by Drug Cartels*, 111th Cong., 1st sess., March 11, 2010.

⁸⁹ See testimony by James F. Tomscheck, Assistant Commissioner, Office of Internal Affairs, Customs and Border Protection before the U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, *New Border War: Corruption of U.S. Officials by Drug Cartels*, 111th Cong., 1st sess., March 11, 2010.

Pillar Four: Building Strong and Resilient Communities

This pillar is a new focus for U.S.-Mexican cooperation, and may include targeted efforts to assist at-risk youth and curb unemployment and other social problems in communities plagued by drug trafficking and violence. Funding and implementation of pillar four is primarily the responsibility of the Mexican government, with some support from multilateral institutions like the World Bank. Bilateral efforts are focusing on pilot projects in Ciudad Juárez and Chihuahua, but may also be expanded to Tijuana and the state of Baja California. These efforts involve the continuation and expansion of some existing Mérida-funded initiatives, such as school-based “culture of lawfulness” programs and demand reduction and treatment services. Efforts may also involve USAID or other agencies providing technical expertise in how to re-zone neighborhoods to prevent crime, issue municipal bonds to fund infrastructure projects, and/or launch public-private partnerships.

For the past few years, Ciudad Juárez, Chihuahua, a city across the border from El Paso, Texas, has been at the epicenter of Mexico’s drug trafficking-related violence and is now among the world’s most violent cities. Violence has escalated as the Juárez and Sinaloa DTOs have battled for control over the El Paso drug smuggling route or “plaza,” youth gangs have fought over local drug distribution networks, and criminal groups have struggled against Mexican law enforcement and military forces. The violence captured international attention after the massacre of 15 civilians, many of them teenagers, by armed gunmen at a private home in late January 2010, an event which also sparked strong criticism in Mexico of President Calderón’s military-led drug strategy. Mistrust between the citizens of Ciudad Juárez and government officials, as well as amongst officials from different agencies and levels of the Mexican government had reportedly reached an untenable level that was hindering law enforcement efforts.⁹⁰

In an attempt to heal those rifts and counter the escalating violence, President Calderón and his top advisers began consulting with state and local officials to revise the government’s military-led strategy for Ciudad Juárez. After those consultations, the Calderón government launched a new “We Are All Juárez” strategy in mid-February, 2010, that includes significant federal government investments in education, job training, and community development programs to help address some of the underlying factors that have contributed to the violence.⁹¹ Critics argued that the hastily conceived strategy concentrated too much on amplifying existing programs rather than developing new ones to meet the particular needs of the Juárez community. For instance, there are more than 111,000 out-of-school youth in the city. To get at that problem, more than 13,000 families will receive conditional cash transfers in exchange for keeping their kids in school through the *Oportunidades* (Opportunities) program. Critics contend that since the program was designed to confront rural poverty, it has had limited success in urban areas.⁹² More broadly, some observers maintain that any social programs are likely to fail in Ciudad Juárez unless the security situation and rampant corruption now plaguing the city are brought under control.

⁹⁰ Eric L. Olson, *Shattered Dreams and Restoring Hope: Organized Crime and Violence on the U.S.-Mexico Border*, Woodrow Wilson Center, February 22, 2010.

⁹¹ A progress report on how implementation of the strategy is advancing is available in English at: http://www.embassyofmexico.org/files/Todos_Somos_english_may10_v1100.pdf. According to the report, the Mexican government plans to implement 160 concrete policy actions that will involve government investments of more than \$3.3 billion pesos (roughly \$ U.S. dollars).

⁹² Daniela Rea and Silvia Garduño, “Critican en Juárez la Estrategia Social,” April 3, 2010.

U.S. officials are reprogramming FY2009 Mérida funding to complement Mexican government efforts in Ciudad Juárez. In April 2010, USAID launched a program by which civic organizations in Ciudad Juárez could submit proposals to receive grants of up to \$100,000 to support community development projects. Some have urged the United States to fund more projects under pillar four of the new Mérida strategy, including job creation programs to help those who have lost jobs in the maquiladora (export processing) sector. Others have urged the U.S. government to encourage the creation of cross-border citizen's coalitions to help Mexico's expanding middle class push for more effective public policies. Still others have urged both Mexican and U.S. officials to use strategic communications efforts and public diplomacy to improve popular perceptions about the government's capacity to improve security conditions.

Issues

Measuring the Success of the Mérida Initiative

Policy makers and analysts have debated how to measure the success of the Mérida Initiative. One basic measure by which Congress has evaluated the Mérida Initiative has been the pace at which equipment has been delivered and trainings have been carried out. As previously mentioned, a December 2009 GAO report identified several factors that had slowed the pace of Mérida implementation.⁹³ It is unclear whether more expeditious equipment deliveries to Mexico may result in a more positive evaluation of Mérida because this is one of many metrics that may be used for measuring success. Another means by which Mérida success may be measured is through the impact of training programs—such as the number of individuals completing each course. If, for example, the speed of equipment deliveries or the number of Mexican officials trained are used as benchmarks for success, it is unclear whether the Mérida Initiative may still be considered a success if equipment is delivered and training programs are carried out, but the Mexican government is still unable to make significant inroads against drug trafficking organizations and organized criminal groups.

U.S.-funded antidrug programs in source and transit countries (of which Mexico is both) have also traditionally been evaluated by examining the number of DTO leaders arrested and the amount of drugs and other illicit items seized, along with the price and purity of drugs in the United States. The State Department included a list of similar performance measures for each portion of the Mérida Initiative in its FY2008 supplemental spending plan.⁹⁴ As noted in the July 2010 GAO report that was previously discussed, the State Department has yet to update those measures to reflect the new four-pillar strategy for Mérida.⁹⁵ In the Joint Explanatory Statement to the FY2010 Consolidated Appropriations Act (P.L. 111-117), Congress directed the State Department to submit a report to congressional appropriators on progress that has been made thus far in implementing the Mérida Initiative. The report, which was submitted on June 11, 2010, continues to document progress in terms of the amount of equipment that has been delivered and training courses that have been carried out, but does not include information on any other performance indicators.

⁹³ U.S. Government Accountability Office, Status of Funds for the Mérida Initiative, 10-253R, December 3, 2009.

⁹⁴ For a complete list of those indicators, see U.S. Department of State, *FY2008 Supplemental Appropriations Spending Plan, Mexico, Central America, Haiti, and the Dominican Republic*, September 9, 2008, pp. 16-39.

⁹⁵ GAO 10-837.

Nevertheless, recent State Department fact sheets have shown that, with respect to arrests and seizures of some drugs (i.e. cocaine and methamphetamine), the Mérida Initiative may have had some success. Arrests and seizures on both sides of the border have increased.⁹⁶ U.S. officials have also highlighted the fact that cocaine availability and purity in United States has been on a downward trend since 2006 as evidence of the success of Mérida and other U.S.-funded antidrug efforts.⁹⁷

However, a principal challenge in assessing the success of Mérida is separating the results of those efforts funded via Mérida from those efforts funded through other border security and bilateral cooperation initiatives. The data available does not allow U.S. officials or analysts to determine the success that can be directly attributed to Mérida. It is also important to note that changes in seizure data and drug prices may not be directly related to U.S.—Mexican efforts to combat the DTOs. For instance, a decrease in drug seizures may be linked to a decrease in drug production and transshipment across the Southwest border, a decrease in the number of border enforcement officers available to search vehicles and people crossing the border, a shift in the smuggling routes used by the DTOs, a diversification of DTO activities to rely upon other illegal activities to generate income, or a success by the United States and Mexico in combating the drug smuggling activities of the DTOs. It is equally difficult to parcel out the reasons for periodic fluctuations in drug prices and purity in the United States.

Many experts have argued that Mexican President Calderón needs to reduce drug trafficking-related violence in order to recover popular support for his anti-drug efforts. Should a decrease in drug trafficking-related deaths be used as an indicator of success for the Mérida Initiative, or is an imminent decline in the violence unrealistic given other countries' experiences combating entrenched organized criminal groups? Studies have shown that violence tends to escalate after a government launches a major law enforcement initiative against a DTO or other organized criminal group.⁹⁸ In addition to a decline in drug trafficking-related violence, others have suggested that success would be evidenced by, among other things, increases in popular trust in the police and courts and the return of a free press, particularly in parts of Mexico where attacks on journalists have led to virtual self-censorship.⁹⁹

Still others, including U.S. officials, have maintained that the success of the Mérida Initiative may be measured by a general increase in bilateral cooperation. Some officials have stated that the increasing ability of U.S. and Mexican law enforcement to work collaboratively may be a byproduct of enhanced cooperation fostered in part by Mérida.¹⁰⁰ For instance, the State Department has cited the arrests of several high-profile DTO leaders that have been made since late 2009 as examples of the results of increased bilateral law enforcement cooperation. Another

⁹⁶ U.S. Department of State, "United States-Mexico Security Partnership: Progress and Impact," press release, May 19, 2010, <http://www.state.gov/r/pa/prs/ps/2010/05/142019.htm>.

⁹⁷ NDIC, *2010 National Drug Threat Assessment*, February 2010.

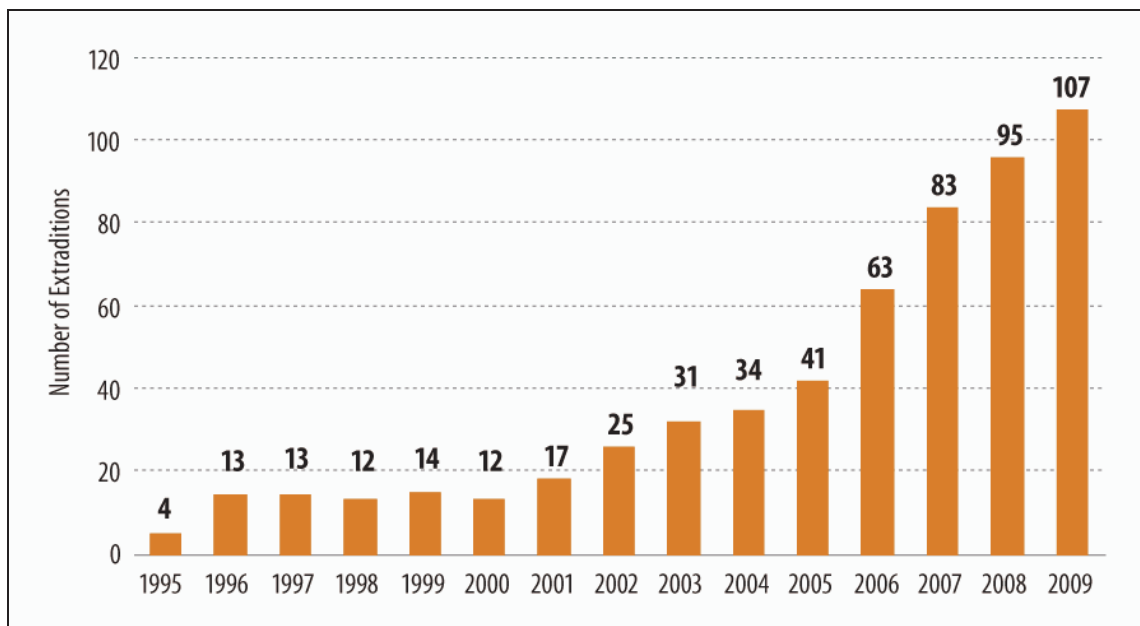
⁹⁸ International Centre for Science in Drug Policy, *Effect of Drug Law Enforcement on Drug-Related Violence: Evidence from a Scientific Review*, 2010.

⁹⁹ Diana Villers Negroponete, *Measuring Success in the Drug War: Criteria to Determine Progress in Mexico's Efforts to Defeat Narco-traffickers*, The Brookings Institution, May 25, 2010.

¹⁰⁰ Testimony by Roberta S. Jacobson, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State, before the U.S. Congress, House Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, and House Committee on Foreign Affairs, Subcommittee on Western Hemisphere, *U.S.-Mexico Security Cooperation: Next Steps for the Merida Initiative*, 111th Cong., 1st sess., May 27, 2010.

example of Mérida success—in the form of bilateral cooperation—cited by the State Department is the increasing number of extraditions from Mexico to the United States: 95 fugitives in 2008 and 107 fugitives in 2009. As illustrated in **Figure 2**, however, these extraditions may be more a reflection of Mexican President Calderón’s commitment to combating the DTOs than of Mérida successes. Extraditions began to increase before the Mérida Initiative was authorized in October 2007 and before the first funds obligated for equipment and training were realized in Mexico.

Figure 2. Individuals Extradited from Mexico to the United States
1995—2009



Source: 1995—2006 data from U.S. Embassy of Mexico, *U.S. - Mexico at a Glance: Law Enforcement at a Glance*, http://www.usembassy-mexico.gov/eng/eataglance_law.html. Data for 2007—2008 from the Trans-Border Institute, *Justice in Mexico, News Report January 2009*, January 2009, <http://www.justiceinmexico.org/news/pdf/justiceinmexico-january2009news-report021709.pdf>. Data for 2009 from the U.S. Department of State, "United States - Mexico Security Partnership: Progress and Impact," press release, May 19, 2010, <http://www.state.gov/r/pa/prs/ps/2010/05/142019.htm>.

Dealing with Increasing Drug Production in Mexico

Mexico is not only a transit country for Andean cocaine bound for the United States, but also a major producer of cannabis (marijuana), opium poppy - used to produce heroin, and methamphetamine. In recent years, U.S. government estimates indicate that marijuana and opium poppy cultivation in rural Mexico has expanded significantly. In 2009, estimated marijuana production in Mexico rose to 12,000 hectares, a 35% increase over 2008 and the highest level recorded since 1992. Similarly, as of September 2009, opium production had risen to 15,000 hectares, a 50% increase over 2008. At the same time, despite Mexican government import restrictions on precursor chemicals, the production of methamphetamine in clandestine labs also

appears to be increasing.¹⁰¹ Despite these trends, neither drug eradication nor alternative development programs have been a focus of Mérida Initiative programs to date.

The Mexican government has engaged its military in drug crop eradication efforts since the 1930s, but personnel constraints have inhibited recent eradication efforts. Indeed, increases in drug production have occurred as President Calderón has assigned more military forces to public security functions, including anti-DTO operations, than to drug crop eradication efforts.¹⁰² As Mexicans become increasingly wary of President Calderón's strategy of using the military to perform police functions, there may be calls for the troops to return to more traditional antidrug functions. Similarly, if drug production in Mexico continues to expand, particularly production of the potent and dangerous "black tar" variety of heroin, U.S. policy makers may decide to direct some Mérida assistance to support eradication efforts in Mexico.

The Mexican government has not traditionally provided support for alternative development even though many drug-producing regions of the country are impoverished rural areas where few licit employment opportunities exist. Alternative development programs have traditionally sought to provide positive incentives for farmers to abandon drug crop cultivation in lieu of farming other crops, but may be designed more broadly to assist any individuals who collaborate with DTOs out of economic necessity. In Colombia, recent studies have found that the combination of jointly implemented eradication, alternative development, and interdiction is more effective than the independent application of any one of these three strategies.¹⁰³ Despite those findings, alternative development often takes years to show results and requires a long-term government and donor commitment to promoting rural development, two factors which may lessen its appeal as a policy tool for Mexico.

Human Rights Concerns and Conditions on Mérida Initiative Funding

Both the Mexican police and military have poor human rights records. According to the State Department's human rights report covering 2009, there have been credible reports of police involvement in extrajudicial killings, kidnappings for ransom, and torture.¹⁰⁴ There has also been increasing concern that the Mexican military, which has had less human rights training and is less accountable to civilian authorities than the police, is committing human rights abuses as it is increasingly tasked with carrying out public security functions.¹⁰⁵ According to Mexico's Human Rights Commission, complaints of human rights abuses by the Mexican military increased from 182 in 2006 to 1,791 in 2009.¹⁰⁶ In December 2009, Amnesty International released a report on

¹⁰¹ U.S. Department of State, *INCSR*, March 2010. Press reports maintain that NDIC's 2010 *National Methamphetamine Threat Assessment*, which has yet to be released, contains evidence that methamphetamine is increasingly available in the United States because of expanding production in Mexico. Charlie Savage and Michael R. Gordon, "Administration Puts Off Release of a Drug Report," *New York Times*, June 9, 2010.

¹⁰² *INCSR*, March 2010.

¹⁰³ Vanda Felbab-Brown, Joel M. Jutkowitz, Sergio Rivas, et al. *Assessment of the Implementation of the United States Government's Support for Plan Colombia's Illicit Crop Reduction Components*, report produced for review by the U.S. Agency for International Development (USAID), April 17, 2009.

¹⁰⁴ U.S. Department of State, *2009 Country Report on Human Rights Practices*, March 11, 2010.

¹⁰⁵ Jorge Rocha Quintero, "Public Security and Human Rights," in *Police and Public Security in Mexico*, edited by Robert A. Donnelly and David A. Shirk. San Diego, CA: University Readers, 2010.

¹⁰⁶ Statistics are available in annual reports of Mexico's Human Rights Commission, available at (continued...)

alleged cases of human rights abuses committed by Mexican military forces engaged in counterdrug efforts that occurred between October 2008 and August 2009.¹⁰⁷

In addition to expressing concerns about current human rights abuses, Mexican and international human rights groups have criticized the Mexican government for failing to hold military and police officials accountable for past abuses. On July 13, 2009, Human Rights Watch issued a statement asserting that “Mexican military courts ... have not convicted a single member of the military accused of committing a serious human rights violation.”¹⁰⁸ In November 2009, Mexican Interior Minister Fernando Gomez Mont reported that, as of that time, one soldier had been convicted of abuses during the Calderón Administration.¹⁰⁹ The Mexican army has since created a unit to handle citizen complaints about human rights abuses and announced that, as of late July 2010, a chief, an officer, and five soldiers have been convicted of abuse in military courts.¹¹⁰

Given these concerns, in 2008, Congress debated what type of human rights conditions should be placed on Mérida assistance beyond the requirements in Section 620J of the Foreign Assistance Act (FAA) of 1961. Section 620J of the FAA states that units of a foreign country’s security forces are prohibited from receiving assistance if the Secretary of State receives “credible evidence” that such units have committed “gross violations of human rights.” In the end, the FY2008 Supplemental Appropriations Act (P.L. 110-252), which provided the first tranche of Mérida funding, had softer human rights conditions than earlier House and Senate versions, in large part because of Mexico’s objections that some of the conditions would violate its national sovereignty. The conditions required that 15% of INCLE and Foreign Military Financing (FMF) assistance be withheld until the Secretary of State reports in writing that Mexico is taking action in four human rights areas:

- improving transparency and accountability of federal police forces;
- establishing a mechanism for regular consultations among relevant Mexican government authorities, Mexican human rights organizations, and other relevant Mexican civil society organizations, to make consultations concerning implementation of the Mérida Initiative in accordance with Mexican and international law;
- ensuring that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the federal police and military forces who have been credibly alleged to have committed violations of human rights, and the federal police and military forces are fully cooperating with the investigations; and
- enforcing the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(...continued)

<http://www.cndh.org.mx>.

¹⁰⁷ Amnesty International, “Mexico: New Reports of Human Rights Violations by Military,” December 2009.

¹⁰⁸ Human Rights Watch, “Mexico: U.S. Should Withhold Military Aid: Rights Conditions in Merida Initiative Remain Unmet,” July 13, 2009, available at: <http://www.hrw.org/en/news/2009/07/13/mexico-us-should-withhold-military-aid>.

¹⁰⁹ U.S. Department of State, *2009 Country Reports on Human Rights Practices*, March 11, 2010.

¹¹⁰ Ignacio Alzaga. “Sedena se Abre al Escrutinio Público; Sube Quejas a Web.” *Milenio*. July 28, 2010.

Similar human rights conditions have been included in subsequent appropriations measures that have funded the Mérida Initiative. In P.L. 110-252, the human rights conditions applied to 15% of the funding for INCLE and FMF, or approximately \$57 million dollars. In the FY 2009 Omnibus Appropriations Act (P.L. 111-8), the 15% conditions applied to all of the funding accounts but excluded amounts for judicial reform, institution building, anti-corruption and rule of law activities, which were earmarked at not less than \$75 million, or roughly \$33.75 million. In the FY 2009 Supplemental (P.L. 111-32), the conditions effectively only applied to the \$160 million in the INCLE account, or \$24 million, because the \$260 million in FMF funds designated for aircraft for the Mexican navy was excluded from the scope of the 15% withholding requirement. Finally, in the FY 2010 Consolidated Appropriations Act (P.L. 111-117), the 15% withholding applies to all of the accounts but it excludes assistance for judicial reform, institution building, anti-corruption and rule of law activities. In this case, Congress did not specify a certain amount for these areas, so the total amount that is subject to the condition will depend on how the State Department allocates funds to particular programs. Human rights organizations generally lauded the inclusion of these human rights conditions in Mérida Initiative appropriations legislation, although some thought they could have been more tightly worded.

On August 13, 2009, the State Department submitted its human rights progress report for Mexico to Congress, thereby meeting the statutory requirements for FY2008 supplemental and FY2009 regular funds that had been on hold to be released. While acknowledging that serious problems remained, the report outlined steps that the Mexican government had taken to comply with the human rights conditions. It acknowledged, however, that human rights complaints against the Mexican military had “increased almost six-fold” since the beginning of the Calderón government. It also stated that “the opaqueness of the [Mexican] military court system makes it difficult to analyze the nature and type of complaints filed, the status of cases against members of the military alleged to have violated human rights, or the results of the military prosecution.”¹¹¹ Human rights groups criticized the State Department report and the release of Mérida funds that were on hold. They have urged the State Department not to issue another favorable human rights progress report to Congress until measurable improvements have been made.¹¹² In the meantime, some FY2009 supplemental and FY2010 funds remain on hold.

Role of the U.S. Department Of Defense in Mexico

In contrast to Plan Colombia, the Mérida Initiative does not include an active U.S. military presence in Mexico, largely due to Mexican concerns about national sovereignty stemming from past conflicts with the United States.¹¹³ The Department of Defense (DOD) did not play a primary role in designing the Mérida Initiative and is not providing assistance through Mérida aid accounts. However, DOD is administering assistance provided through the FMF account. As an implementing agency, DOD’s role has largely involved overseeing the procurement and delivery of Mérida-funded equipment for Mexican security forces.

¹¹¹ U.S. Department of State, *Mexico- Mérida Initiative Report*, August 2009.

¹¹² Fundar, et al., “Obama Administration’s Alleged Release of Mérida Funds: A Violation of U.S. Law That Will Encourage Serious Human Rights Violations in Mexico,” August 2009; Washington Office on Latin America (WOLA) et al., “Joint Letter to Secretary of State Hillary Clinton: Human Rights Concerns to Inform the U.S. Department of State’s Merida Initiative Reporting on Mexico,” May 27, 2010.

¹¹³ See: Testimony of Roderic Ai Camp before the Congressional Policy Forum, “Role of Military to Military Cooperation and the Implications and Potentials Risks to Civil-Military Relations,” May 9, 2008.

Despite its limited role in the Mérida Initiative, DOD assistance to Mexico has been increasing, as has military cooperation between the two countries and Mexican participation in DOD training programs in the United States.¹¹⁴ Apart from the Mérida Initiative, DOD has its own legislative authorities to provide certain counterdrug assistance. DOD programs in Mexico are overseen by the U.S. Northern Command (NORTHCOM), which is located at Peterson Air Force Base in Colorado. DOD can provide counterdrug assistance under guidelines outlined in Sec. 1004 of P.L. 101-510, as amended through FY2010, and can provide additional assistance to 22 countries as provided for in Sec. 1033 of P.L. 105-85, as amended through FY2010. Under these authorities, DOD counternarcotics assistance to Mexico totaled roughly \$12.1 million in FY2008, \$34.2 million in FY2009, and \$34.5 million in FY2010.¹¹⁵ DOD is developing a plan to use some \$50 million in FY2011 per Sec.1033 of P.L. 105-85 funds to improve security along the Mexico-Guatemala-Belize border.

Defense Secretary Robert Gates and Joint Chiefs Chairman Admiral Mike Mullen traveled to Mexico along with Secretary Clinton in March 2010 to offer increased military assistance and collaboration to their Mexican counterparts. Admiral James Winnefeld, the new NORTHCOM Commander, recently said that he sees a “tremendous opportunity” to strengthen ties between the U.S. and Mexican militaries through training and intelligence-sharing. As an example, he said that the Mexican government has asked NORTHCOM to help it establish a joint intelligence center.¹¹⁶ DOD officials in Mexico City have predicted that while DOD is unlikely to provide Mexico with the same amount of funds it has provided to Colombia, the same variety of programs may be funded. Future training programs may focus on how to work with police forces, conduct anti-drug operations and investigations, and pursue DTO leaders.¹¹⁷

Since DOD counterdrug assistance is obligated out of global accounts and the agency is not required to submit country-specific requests to Congress for its programs, obtaining recent data on DOD programs and plans for Mexico may be difficult. Regardless, policy makers may want to receive periodic briefings on those efforts in order to guarantee that current and future DOD programs are being adequately coordinated with Mérida Initiative efforts. They may also want to ensure that DOD-funded programs are not inadvertently reinforcing the militarization of public security in Mexico. Experts have urged the United States “not to focus too much on military assistance and neglect other, more effective forms of aid...[such as assistance for] the development, training, and professionalization of Mexico's law enforcement officers.”¹¹⁸

¹¹⁴ These trends preceded the Mérida Initiative. Roderic Ai Camp, *Armed Forces and Drugs: Public Perceptions and Institutional Challenges*, Woodrow Wilson Center, Working Paper Series on U.S.-Mexico Security Collaboration, May 2010.

¹¹⁵ These figures reflect both “direct” support (e.g. training, equipment, information sharing, infrastructure and other categories) and “indirect” support via DOD and other U.S. Government counterdrug operations (e.g. transportation, communications, intelligence analysis, radar, air and maritime patrol, liaison personnel, and other categories). GAO-10-827.

¹¹⁶ “NORTHCOM Chief Cites Mexico Partnership as Top Priority,” *U.S. Fed. News*, June 2, 2010; Bill Gertz, “NORTHCOM’s New Leader Boosts Focus on Mexico,” *Washington Times*, July 5, 2010.

¹¹⁷ CRS Interview with DOD official from the Office of Defense Coordination at the U.S. Embassy in Mexico City, December 8, 2009.

¹¹⁸ Robert C. Bonner, “The New Cocaine Cowboys: How to Defeat Mexico's Drug Cartels,” *Foreign Affairs*, vol. 89, no. 4 (July/August 2010).

Balancing Assistance to Mexico with Support for Southwest Border Initiatives¹¹⁹

The Mérida Initiative was designed to complement domestic efforts to combat drug demand, drug trafficking, weapons smuggling, and money laundering. These domestic counter-drug initiatives are funded through regular and supplemental appropriations for a variety of U.S. domestic agencies. As the strategy underpinning the Mérida Initiative expands to include efforts to build a more modern border (pillar three) and to strengthen border communities (pillar four), policy makers may consider how best to balance the amount of funding provided to Mexico with support for related domestic initiatives, particularly those focused on the U.S. side of the Southwest border.

Regarding support for law enforcement efforts, some would argue that there needs to be more federal support for states and localities on the U.S. side of the border that are dealing with crime and violence originating in Mexico. Of those who endorse that point of view, some are encouraged by President Obama's decision to request \$500 million in supplemental assistance for border security efforts and send 1,200 National Guard troops to the border, whereas others maintain that those steps are insufficient to secure the border. In contrast, some maintain that it is impossible to combat transnational criminal enterprises by adopting a "fortress-like" mentality solely focused on the U.S. side of the border, and that domestic programs must be accompanied by continued efforts to build the capacity of Mexican law enforcement officials. They warn that if recent U.S. efforts are perceived as an attempt to "militarize" the border, they may damage U.S.-Mexican relations and hinder bilateral security cooperation efforts. Further, Mexican officials from across the political spectrum have been critical of Arizona's recently enacted state law against illegal immigration (S.B. 1070) and have expressed concerns about the treatment of Mexican migrants in the United States. The Mexican government was particularly incensed after two Mexican youth were killed by U.S. Border Patrol agents within a ten-day span, including one youth shot on June 7, 2010, at the El Paso-Ciudad Juárez border crossing.¹²⁰

With respect to pillar four of the updated strategy, Mexico and the United States have discussed the possibility of launching pilot programs to strengthen communities in the Ciudad Juárez-El Paso and Tijuana-San Diego areas. In targeting those cities most affected by the violence, greater efforts will necessarily be placed on community building in Ciudad Juárez and Tijuana than on their sister cities in the United States. However, if the U.S. government provides aid to these communities in Mexico, some may argue that there should also be federal support for the adjacent U.S. border cities. Take, for example, initiatives directed at providing youth with education, employment, and social outlets such that the allure of joining a DTO or local gang is reduced. Some may contend that providing these services on the U.S. side of the border as well as the Mexican side could prevent youth in the U.S. from becoming involved in a local gang with ties to drug trafficking.

In the 111th Congress, several bills have been introduced that would provide funding for various types of domestic support to complement the Mérida Initiative.¹²¹ On July 28, 2010, the House

¹¹⁹ CRS Report R41237, *People Crossing Borders: An Analysis of U.S. Border Protection Policies*, by Chad C. Haddal.

¹²⁰ Christopher Sherman and Alexandra Olson, "Mexico Condemns Border Patrol Shooting of Teen; Some Demand Agent's Extradition to Mexico," *AP Newswire*, June 10, 2010.

¹²¹ For general information, see CRS Report R41232, *FY2010 Supplemental for Wars, Disaster Assistance, Haiti Relief, and Other Programs*.

passed the Emergency Border Security Supplemental Appropriations Act of 2010 (H.R. 5875), which would provide \$701 million to strengthen U.S. border security efforts. Another bill that has been introduced, the Southern Border Security Assistance Act (S. 3273) cites the need for domestic law enforcement initiatives to complement the funding provided to Mexican law enforcement and would authorize \$300 million for DHS to provide grants to law enforcement agencies along the Southwest border for activities combating drug trafficking, smuggling, and violence. It would also direct the President to appoint more district judges for the region. The Southwest Border Violence Reduction Act of 2009 (H.R. 495, S. 205) would authorize funding for the ATF to provide agents, equipment, and training to Mexican law enforcement to combat firearms trafficking and criminal organizations; it would also authorize additional domestic funding for ATF to expand Project Gunrunner. Other bills such as the Southern Border Security Task Force Act of 2009 (H.R. 1437), the Border Reinforcement and Violence Reduction Act of 2009 (H.R. 1448), and the Border Violence Prevention Act of 2009 (H.R. 1867) would provide support for various domestic law enforcement activities. These activities would include enhancing infrastructure used by CBP agents, hiring additional law enforcement agents, expanding resources for operations such as Project Gunrunner and Operation Armas Cruzadas, and establishing border-specific task forces.

Integrating Counterdrug Programs in the Western Hemisphere¹²²

U.S. State Department-funded drug control assistance programs in the Western Hemisphere are currently undergoing a period of transition. Counterdrug assistance to Colombia and the Andean region is in decline after record assistance levels that began with U.S. support for Plan Colombia in FY2000. Funding for Mexico, Central America, and the Caribbean through the Mérida Initiative regional assistance program was slated to conclude in FY2010, with at least three successor programs in various stages of development or initiation. The successor programs include (1) continued Mérida support to Mexico under a new four pillar strategy; (2) the Central American Regional Security Initiative (CARSI), and (3) the Caribbean Basin Security Initiative (CBSI). CARSI and CBSI include some anti-drug components, but are focused on broader security issues in those sub-regions.

Some in the 111th Congress have raised questions regarding whether there is the need for a more integrated approach to counternarcotics policies in the region. Some Members have expressed concern that the overall effectiveness of hemispheric counterdrug efforts has been hindered by “fragmented management, unclear reporting chains, and duplicative and overlapping agendas” among the many agencies charged with implementing aspects of antidrug programs in the region.¹²³ Some have argued that a more integrated effort might include the State Department developing a multi-year drug strategy for the region that would seek to avoid the so-called “balloon effect” in which successful efforts in one area drive drug-related activities to another area. Others have urged the Administration to establish a coordinator within the State Department to oversee the planning and implementation of the various counterdrug assistance programs in Latin America.¹²⁴ Some observers have praised these proposals, while others feel they would be

¹²² This section is drawn from CRS Report R41215, *Latin America and the Caribbean: Illicit Drug Trafficking and U.S. Counterdrug Programs*, coordinated by Clare Ribando Seelke.

¹²³ Office of Senator Robert Menendez, “Press Release: Menendez-Kerry Bill to Strengthen Counternarcotics Cooperation in the Americas,” March 26, 2010.

¹²⁴ See, for example, the Opening Statement of Chairmen Eliot L. Engel at a Subcommittee on the Western Hemisphere hearing on “Assessing U.S. Drug Policy in the Americas,” October 15, 2009; “Rep. Connie Mack: We Must Examine (continued...)”

unnecessary given that there are already mechanisms in place by which the State Department develops and coordinates its counterdrug programs and policies for the region.

Regardless of whether the State Department develops a multi-year hemispheric drug policy or designates a hemispheric drug policy coordinator, many analysts maintain that it is crucial for U.S.-funded efforts in Mexico to complement other U.S. counterdrug efforts in the region. They are encouraged by the fact that Colombian law enforcement and judicial officials who received U.S. training through Plan Colombia are now sharing their expertise with counterparts in Mexico. They are also supportive of efforts to coordinate hemispheric antidrug initiatives through the Inter-American Drug Abuse Control Commission of the Organization of American States and other, less formal mechanisms, like the Tuxtla dialogue involving leaders from Mexico, Colombia, and the Central American nations.

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U.S. Drug Policy in Latin America From All Angles,” *U.S. Fed News*, October 19, 2009.

Appendix A. U.S. Assistance to Mexico

Table A-1. U.S. Assistance to Mexico by Account, FY2007-FY2011
U.S. \$ millions

Account	FY2007	FY2008 ^a	FY2009 ^{ab}	FY2010 (est.)	FY2011 req.
INCLE	36.7	242.1	454.0 ^e	365.0	292.0
ESF	11.4	34.7	15.0	15.0	10.0
FMF	0.0	116.5	299.0 ^d	5.3	8.0
IMET	0.1	0.4	0.8	1.1	1.1
NADR	1.3	1.4	3.9	5.7	5.7
CSH^c	3.7	2.7	2.9	3.5	0.0
DA	12.3	8.2	11.2	10.0	26.3
TOTAL	65.4	405.9	786.8	405.6	346.6

Sources: U.S. Department of State, Congressional Budget Justification for Foreign Operations FY2008-FY2011, FY2009 Supplemental Appropriations Act (P.L. 111-32).

Notes: CSH= Child Survival and Health; DA=Development Assistance; ESF=Economic Support Fund; FMF=Foreign Military Financing; IMET=International Military Education and Training; INCLE=International Narcotics Control and Law Enforcement; NADR=Non-proliferation, Anti-terrorism and Related Programs.

- a. FY2008 assistance includes funding from the Supplemental Appropriations Act, 2008 (P.L. 110-252). FY2009 assistance includes FY2009 bridge funding from the Supplemental Appropriations Act, 2008 (P.L. 110-252).
- b. FY2009 assistance includes funding from the Supplemental Appropriations Act, 2009 (P.L. 111-32).
- c. Beginning with the FY2010 request, the Child Survival and Health Account became known as Global Health and Child Survival—USAID.
- d. \$260 million provided under the FY2009 supplemental (P.L. 111-32) and counted here as FY2009 funding was considered by appropriators “forward funding” intended to address in advance a portion of the FY2010 request.
- e. \$94 million provided under P.L. 111-32 and counted here as part of FY2009 funding was considered by appropriators “forward funding” intended to address in advance a portion of the FY2010 request.

Appendix B. Selected U.S.—Mexican Law Enforcement Partnerships

Border Enforcement Security Task Forces (BEST)

The BEST Initiative is a multi-agency initiative, led by Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS), wherein task forces seek to identify, disrupt, and dismantle criminal organizations posing significant threats to border security—both along the Southwest border with Mexico as well as along the Northern border with Canada.¹²⁵ Through the BEST Initiative, ICE partners with the U.S. Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Federal Bureau of Investigation (FBI), U.S. Coast Guard, and U.S. Attorneys' Offices, as well as local, state, and international law enforcement agencies. In particular, the Mexican Secretariat for Public Security (SSP) or federal police is a partner along the Southwest border. There are currently 17 BEST teams around the country, 10 of which are along the Southwest border and one in Mexico City. For FY2011, the Administration's budget request includes an additional \$10 million for the BEST Initiative.¹²⁶

BEST teams provide the platform for Operation Armas Cruzadas, an ICE-led operation to disrupt and dismantle weapons smuggling networks.¹²⁷ Operation Armas Cruzadas involves several components such as training stakeholders in database management, laws, resources, and methods to combat organized crime. It also is the umbrella for the Vetted Arms Trafficking Group, the Weapons Virtual Task Force, and the ICE Border Liaison Program.

Operation Against Smugglers (and Traffickers) Initiative on Safety and Security (OASISS)

CBP and the Mexican government have partnered through OASISS, a bi-lateral program aimed at enhancing both countries' abilities to prosecute alien smugglers and human traffickers along the Southwest border.¹²⁸ Through OASISS, the Mexican government is able to prosecute alien smugglers apprehended in the United States. From the time of its inception in August 2005 through May 2010, OASISS generated 2,031 cases.¹²⁹ This program is supported by the Border

¹²⁵ Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Border Enforcement Security Task Forces*, November 3, 2009, http://www.ice.gov/pi/news/factsheets/080226best_fact_sheet.htm.

¹²⁶ Department of Homeland Security, Departmental Management and Operations, *Fiscal Year 2011 Congressional Justification*, http://www.dhs.gov/xlibrary/assets/dhs_congressional_budget_justification_fy2011.pdf.

¹²⁷ U.S. Immigration and Customs Enforcement, *Armas Cruzadas*, November 2, 2009, http://www.ice.gov/pi/news/factsheets/armas_cruzadas.htm.

¹²⁸ See testimony by Audrey Adams, Deputy Assistant Commissioner, Office of International Affairs, U.S. Customs and Border Protection, U.S. Department of Homeland Security before the U.S. Congress, House Committee on International Relations, Subcommittee on the Western Hemisphere, *U.S. - Mexico Relations*, 109th Cong., April 26, 2006.

¹²⁹ Testimony by Allen Gina, Assistant Commissioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection, Department of Homeland Security before the U.S. Congress, House Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, and House Committee on Foreign Affairs, Subcommittee on Western Hemisphere, *U.S.-Mexico Security Cooperation: Next Steps for the Merida* (continued...)

Patrol International Liaison Unit, which is responsible for establishing and maintaining working relationships with foreign counterparts in order to enhance border security.

Illegal Drug Program (IDP)

The Illegal Drug Program (IDP) is an agreement between ICE and the Mexican Attorney General's Office (PGR) wherein ICE can transfer cases of Mexican nationals smuggling drugs into the United States to the PGR for prosecution.¹³⁰ The program was initiated in Nogales, TX in October 2009 and most recently adopted in El Paso, TX. Under the IDP, the U.S. Attorneys' Offices review the cases and then transfer them to the PGR rather than to local law enforcement agencies, as was previously done. The PGR has agreed to accept any drug smuggling case referred by the U.S. Attorneys, regardless of quality, quantity, or type of illegal drug seized.

Project Gunrunner¹³¹

Project Gunrunner is an initiative led by ATF in DOJ. Its goal is to disrupt the illegal flow of guns from the United States to Mexico. In addition to its domestic objectives, Project Gunrunner also aims to bolster U.S. and Mexican law enforcement coordination along the border in firearms and violent crime cases as well as to train U.S. and Mexican law enforcement officials to identify firearms traffickers. As of March 2010, Project Gunrunner had led to the arrest of 1,397 defendants—850 of which had been convicted—and the seizure of over 6,688 firearms.¹³²

Electronic Trace Submission System¹³³

ATF maintains a foreign attaché in Mexico City to administer an Electronic Trace Submission System (ETSS), also known as the eTrace program, for Mexican law enforcement authorities. In January 2008, ATF announced that e-Trace technology would be deployed to an additional nine U.S. consulates in Mexico (Mérida, Juarez, Monterrey, Nogales, Hermosillo, Guadalajara, Tijuana, Matamoros, and Nueva Laredo).¹³⁴ In the past three calendar years (2007-2009), ATF has traced more than 69,800 firearms for Mexican authorities, the majority of which appear to have a

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Initiative, 111th Cong., 1st sess., May 27, 2010.

¹³⁰ For more information on the IDP, see U.S. Immigration and Customs Enforcement, "ICE, Mexican authorities meet and agree to prosecution plan for drug smugglers captured at the border: DHS, Government of Mexico announce new agreement to help curb narcotics smuggling," press release, April 15, 2010, <http://www.ice.gov/pi/nr/1004/100415elpaso.htm>.

¹³¹ For more information on Project Gunrunner, see CRS Report R41206, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2010*, by William J. Krouse.

¹³² Statement of Kenneth E. Melson, Deputy Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, before the U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Commerce, Justice, Science, and Related Agencies Appropriations*, 111th Cong., 1st sess., March 4, 2010.

¹³³ For more information on the Electronic Trace Submission System, see CRS Report R41206, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2010*, by William J. Krouse.

¹³⁴ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Office of Public Affairs, "ATF Expands Efforts to Combat Illegal Flow of Firearms to Mexico," January 16, 2008.

nexus to the United States.¹³⁵ By late 2009, ATF had deployed a Spanish language version of the eTrace software to Mexico, a move which may eventually result in increased tracing requests.

Mexican American Liaison and Law Enforcement Training (MALLET)

The FBI created Mexican American Liaison and Law Enforcement Training (MALLET) seminars in 1988.¹³⁶ These week-long seminars, hosted at least 4 times annually in the United States throughout the four Southwest border states, train Mexican law enforcement officers on various topics including law enforcement management and investigative techniques. The Mexican law enforcement officials participating in these trainings come from all levels of government—federal, state, and municipal. These seminars provide not only training, but opportunities for building trusted partnerships on both sides of the border. The MALLET seminars are funded through the FBI's Office of International Operations.¹³⁷

Policia Internacional Sonora Arizona (PISA)

The Policia Internacional Sonora Arizona (PISA) is a non-profit organization that was established in 1978 and has continued to enhance international law enforcement communication and train officers in laws and procedures across borders.¹³⁸ With nearly 500 representatives from various levels of Mexican and U.S. government, PISA promotes training and mutual assistance to extradite fugitives and solve crimes from auto thefts to homicides. For example, state and local law enforcement from Arizona have been involved in providing tactical, SWAT, and money laundering training to Mexican police.

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¹³⁵ Data is from ATF's Violent Crime Analysis Branch (VCAB), which is housed in its National Tracing Center.

¹³⁶ For more information, see Federal Bureau of Investigation, *On the Border: Training Our Mexican Colleagues*, May 11, 2009, <http://elpaso.fbi.gov/boader051109.htm>.

¹³⁷ From CRS communication with FBI representative, April 27, 2010.

¹³⁸ For more information on PISA, see the website at <http://www.azpisa.org/>.