



# 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 enactment of the FY2010 Supplemental Appropriations Act (P.L. 111-212) in July 2010, 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 dedicated the vast majority of the funds—roughly \$1.5 billion—to support programs in Mexico, with an early emphasis on training and equipping Mexican military and police forces engaged in counterdrug efforts. Escalating drug trafficking-related violence in Mexico has focused congressional attention on the efficacy of U.S.-Mexican efforts. Reducing violence associated with organized crime (including drug trafficking), which, by Mexican government estimates, has resulted in more than 34,500 deaths since President Felipe Calderón took office in December 2006, has remained a focus of the Mérida Initiative.

With funding for the original Mérida Initiative technically ending in FY2010 and new initiatives underway for Central America and the Caribbean, the Obama Administration worked with the Mexican government to develop a new four-pillar strategy for U.S.-Mexican security cooperation. That strategy, outlined in the FY2011 budget request, focuses on (1) disrupting organized criminal groups; (2) institutionalizing the rule of law; (3) building a 21<sup>st</sup> 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” through the U.S.-Mexico border and to improve conditions in violence-prone border cities. The Administration’s FY2011 budget request included \$310 million for Mérida programs in Mexico. In the absence of FY2011 appropriations legislation, the 111<sup>th</sup> Congress passed a series of continuing resolutions (P.L. 111-242 as amended) to fund government programs at the FY2010-enacted level, with the latest extension set to expire on March 4, 2011. On February 14, 2011, the Obama Administration submitted its FY2012 budget request to Congress. The request includes roughly \$289.8 million in Mérida-related assistance.

The 112<sup>th</sup> Congress is likely to continue funding and overseeing the Mérida Initiative, as well as examining the degree to which the U.S. and Mexican governments 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 the Mérida Initiative complements other counterdrug and border security efforts. Given current budget constraints, Congress may also debate how best to measure the impact 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 Initiative funding are appropriate or sufficient.

For related information, see CRS Report R41576, *Mexico’s Drug Trafficking Organizations: Source and Scope of the Rising Violence*, by June S. Beittel; CRS Report RL32724, *Mexico-U.S. Relations: Issues for Congress*; CRS Report R41075, *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*.

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## Introduction

Escalating drug trafficking-related violence in Mexico, which conservative sources say resulted in close to 11,600 deaths in 2010, has focused congressional attention on the efficacy of U.S.-Mexican counterdrug efforts and related domestic initiatives.<sup>1</sup> 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. On February 15, 2011, two U.S. Immigration and Customs Enforcement (ICE) agents were shot, one fatally, while driving from Mexico City to Monterrey, raising concerns about the safety of U.S. officials working in Mexico.<sup>2</sup> Congressional apprehension about the possibility of 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 March 2010.

Between FY2008 and FY2010, Congress provided \$1.5 billion for Mérida Initiative<sup>3</sup> programs in Mexico, with the bulk of that funding dedicated to training and equipping Mexican military and police forces engaged in counterdrug efforts (see **Table 1**). As of December 2010, roughly \$361.8 million worth of training and equipment had been delivered to Mexico.<sup>4</sup> With funding for the Mérida Initiative, as it was originally conceived, technically ending with the FY2010 budget cycle and new initiatives underway for Central America and the Caribbean<sup>5</sup>, the Obama Administration worked closely with the Calderón government to develop a new strategy for U.S.-Mexican security cooperation. An outline of the new strategy appeared in the Administration’s FY2011 budget request, which included \$310 million for Mérida programs in Mexico.

Shortly after a cabinet-level meeting in Mexico on March 23, 2010, 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.<sup>6</sup> The four pillars of the new “Beyond Mérida” strategy they outlined focus on (1) disrupting organized criminal groups; (2) institutionalizing the rule of law; (3) building a 21<sup>st</sup> century border; and (4) building strong and resilient communities. While the first two pillars

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<sup>1</sup> Many experts use data from the national Mexican newspaper *Reforma* to tabulate deaths that have occurred as a result of drug trafficking-related violence in Mexico. *Reforma* is generally more cautious about classifying a death as drug-trafficking related than are official sources and other media outlets. In January 2011, the Mexican government reported that more than 15,200 people had died in 2010 as a result of violence related to organized crime (including drug trafficking). For a discussion of the government and media figures, see: CRS Report R41576, *Mexico’s Drug Trafficking Organizations: Source and Scope of the Rising Violence*, by June S. Beittel.

<sup>2</sup> “Slain ICE Agent Identified; Another Agent Wounded in Mexico,” *CNN*, February 16, 2011.

<sup>3</sup> This total includes \$175 million for justice sector programs included in the FY2010 Supplemental Appropriations Act (H.R. 4899/P.L. 111-212), signed into law on July 29, 2010. For historical information on the Mérida Initiative, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*.

<sup>4</sup> U.S. Department of State, “Mérida Initiative—Significant Activities,” December 31, 2010; Phone interview with State Department official, January 31, 2011.

<sup>5</sup> In FY2008 and FY2009, Central America received \$165 million in funding through the Mérida Initiative. In the FY2010 Consolidated Appropriations Act (P.L. 111-117), Congress provided \$83 million for combating gangs and drug trafficking under a new Central America Regional Security Initiative (CARSI), splitting Central America from the Mérida Initiative. P.L. 111-117 also included \$37 million for a new Caribbean Basin Security Initiative (CBSI) that was first proposed by the Obama Administration in April 2009. See: CRS Report R41215, *Latin America and the Caribbean: Illicit Drug Trafficking and U.S. Counterdrug Programs*, coordinated by Clare Ribando Seelke.

<sup>6</sup> 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.

largely build upon efforts that began under the George W. Bush Administration, pillars three and four broaden the scope of bilateral cooperation under Mérida. Pillar three includes efforts to facilitate “secure flows” of people and goods through the U.S.-Mexico border, while pillar four aims to promote social and economic development in violence-prone communities. During President Calderón’s state visit to Washington, DC, on May 19-20, 2010, Presidents Obama and Calderón reaffirmed their commitment to the strategy and pledged 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 indicated that it intends to continue Mérida assistance beyond 2012 (when President Calderón leaves office) and to provide assistance to Mexican states and municipalities.<sup>7</sup> It has asked for \$289.8 million in Mérida-related assistance for FY2012.

The 112<sup>th</sup> 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. On August 12, 2010, President Obama signed legislation (P.L. 111-230) that provides \$600 million in supplemental funding to strengthen U.S. border security efforts.<sup>8</sup> Congress is likely to continue debating what types and amounts of funding to provide for U.S.-Mexican security efforts in FY2011 and FY2012.<sup>9</sup> 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.<sup>10</sup>

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 Efforts<sup>11</sup>**

Mexico is a major producer and supplier to the U.S. market of heroin, methamphetamine, and marijuana and the major transit country for more than 90% of the cocaine sold in the United States (see “Dealing with Increasing Drug Production in Mexico”). A small number of Mexican

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<sup>7</sup> U.S. Department of State, *Report to Congress on Mérida and Post-Mérida*, June 11, 2010.

<sup>8</sup> The White House, Office of the Press Secretary, “Statement by the President on the Passage of the Southwest Border Security Bill,” press release, August 12, 2010.

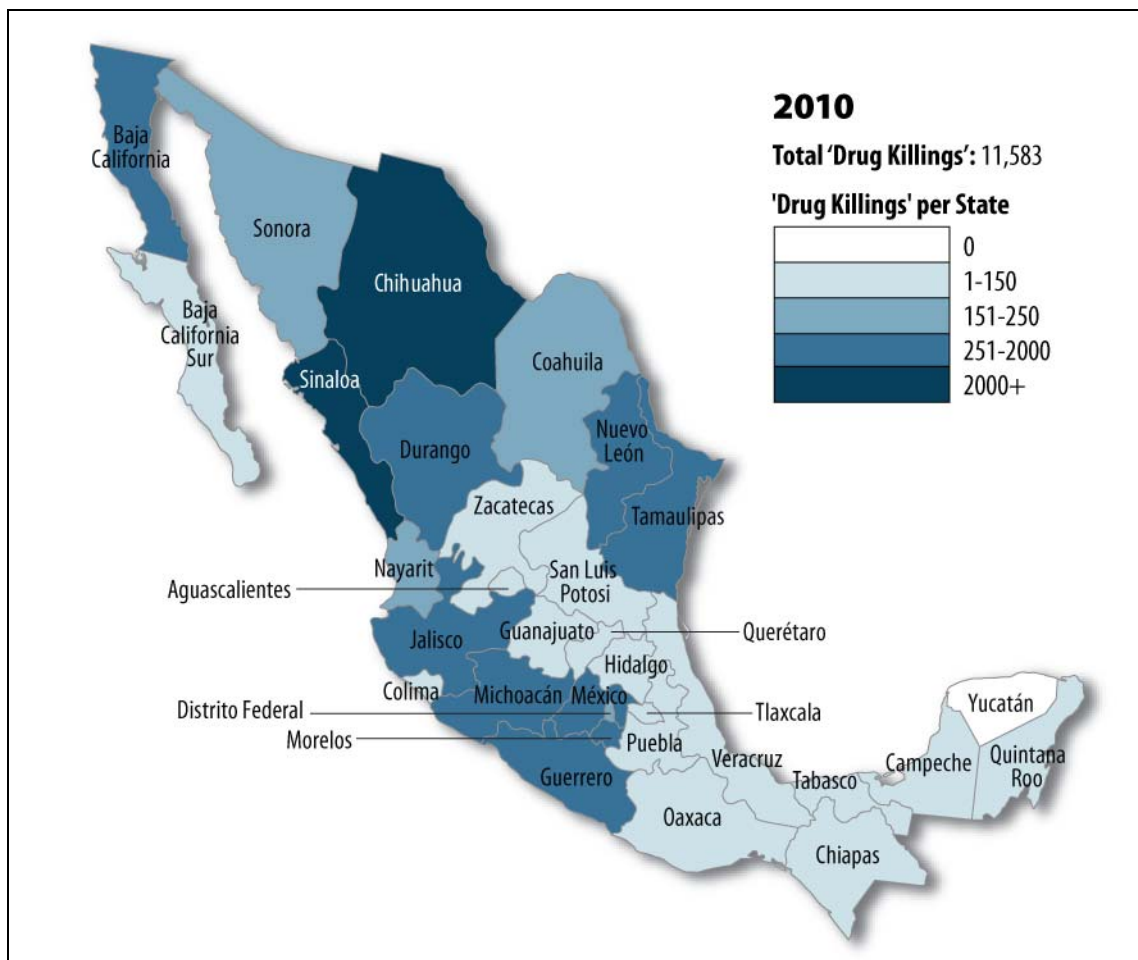
<sup>9</sup> Congress has passed a series of continuing resolutions (P.L. 111-242 as amended) to fund government programs, with the latest extension set to expire on March 4, 2011. The Continuing Resolution, as amended, continues funding most foreign aid programs at the FY2010-enacted level, with some exceptions.

<sup>10</sup> For background, see CRS Report R41286, *Securing America’s Borders: The Role of the Military*, by R. Chuck Mason.

<sup>11</sup> For background, see CRS Report R41576, *Mexico’s Drug Trafficking Organizations: Source and Scope of the Rising Violence*, by June S. Beittel.

drug trafficking organizations (DTOs), often referred to as drug “cartels,”<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> 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 (see **Figure 1**).

**Figure 1. Rates of Drug Trafficking-Related Killings in Mexico by State in 2010**



**Source:** Crime Indicator Database at the Trans-Border Institute (TBI) at the University of San Diego, adapted by CRS. The data represented are from *Reforma* newspaper.

<sup>12</sup> 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.

<sup>13</sup> U.S. Department of Justice’s National Drug Intelligence Center (NDIC), *2009 National Drug Threat Assessment*, December 2008.

<sup>14</sup> NDIC, *2010 National Drug Threat Assessment*, February 2010.

Drug trafficking-related violence resulted in more than 5,100 lives lost in 2008 and 6,500 deaths in 2009. According to conservative estimates, drug trafficking-related deaths in Mexico in 2010 totaled almost 11,600, a more than 70% increase over 2009.<sup>15</sup> As in 2009, a large percentage of the violence occurred 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 and Jalisco as well.<sup>16</sup> Victims of the violence have increasingly included police, soldiers, politicians (including 14 mayors and a gubernatorial candidate killed in 2010), journalists, and other civilians. Kidnapping, robbery, extortion, and migrant smuggling have also increased significantly, as DTOs have branched out into other criminal enterprises. In August 2010, drug traffickers executed 72 U.S.-bound migrants from Central and South America in Tamaulipas for apparently refusing to participate in their organized criminal activities.<sup>17</sup>

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 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).<sup>18</sup> President Calderón has secured legislative approval of a number of constitutional reforms and laws related to national security, including, most recently, an anti-kidnapping law. Other initiatives that he has proposed, including a reform of the national security law and a law to reorganize municipal police forces, remain pending. The Calderón government has also used extradition as a major tool to combat drug traffickers, extraditing 107 individuals in 2009 and 94 individuals in 2010.<sup>19</sup> Increased collaboration and intelligence-sharing with U.S. law enforcement agencies have resulted in significant government victories against the DTOs, which have accelerated since the December 2009 killing of Arturo Beltrán Leyva.<sup>20</sup>

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

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<sup>15</sup> TBI, *Drug Violence in Mexico: Data and Analysis from 2001-2009*, January 2010, citing *Reforma* data; “Mexico Admits 15,273 killed in 2010,” *LatinNews Daily*, January 13, 2011.

<sup>16</sup> TBI, *Justice in Mexico: December 2010 News Report*, December 2010.

<sup>17</sup> See, for example, Dudley Althaus, “7 Arrested in Slayings of Migrants in Northern Mexico,” *Houston Chronicle*, September 8, 2010.

<sup>18</sup> 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](http://www.presidencia.gob.mx/prensa/lucha_seguridad_publica/index.html).

<sup>19</sup> U.S. Department of State, *International Narcotics Control Strategy Report (INCSR) 2010*, March 1, 2010; Email from U.S. Department of Justice, January 4, 2011. For an illustration of trends in extraditions, see **Figure 2**.

<sup>20</sup> Recent high-profile results have included: the July 2010 killing of Ignacio Coronel Villarreal (Sinaloa DTO), the August 2010 arrest of Edgar “La Barbie” Valdez Villarreal (Beltrán Leyva) and the November 2010 killing of Antonio “Tony Tormenta” Ezequiel Cárdenas Guillén (Gulf DTO). See: Stratfor, *Mexican Drug Wars: Bloodiest Year to Date*, December 20, 2010.



criticism of Calderón's military-led strategy.<sup>21</sup> 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.<sup>22</sup> 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. Some have urged President Calderón to press governors and other officials to accelerate efforts to implement much-needed judicial and police reforms, while others have urged the government to concentrate its crime control efforts in the country's most violent municipalities.<sup>23</sup>

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 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. The strategy for Juárez 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.<sup>24</sup>

## **Potential "Spillover" Violence in the United States<sup>25</sup>**

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) 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.<sup>26</sup> 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,

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<sup>21</sup> Jorge C. Castañeda, "What's Spanish for Quagmire?" *Foreign Policy*, January/February 2010; Mathieu von Rohr, "The Mexican Drug War - A Nation Descends into Violence," *Spiegel Online International*, December 23, 2010. According to a November 2010 survey by *Milenio*, a Mexico City newspaper, just 21% of those polled thought the Calderón government was winning its struggle against organized crime.

<sup>22</sup> Ginger Thompson, "Killings Fuel Concerns Over Mexico's Drug Offensive," *New York Times*, March 16, 2010.

<sup>23</sup> Kevin Casas-Zamora, "Mexico's Forever War," *ForeignPolicy.com*, December 22, 2010; Eduardo Guerrero Gutiérrez, "Como Reducir la Violencia en México," *Nexos en Línea*, November 3, 2010.

<sup>24</sup> Katherine Corcoran, "Mexico Program to Clean up Violence-Plagued Border City Ciudad Juárez has Long Way to go," *Associated Press*, January 3, 2011.

<sup>25</sup> For background, see CRS Report R41075, *Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence*, coordinated by Kristin M. Finklea.

<sup>26</sup> "Department of Homeland Security (DHS): Mexican Assassin Teams Targeting U.S. Law Enforcement," *Homeland Security Newswire*, April 6, 2010.

including grenades and car bombs.<sup>27</sup> These expanding techniques have led some scholars and U.S. officials to liken DTOs' tactics to insurgents' tactics.<sup>28</sup>

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.<sup>29</sup> 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 National Guard troops began the deployment process on August 1, 2010, and are scheduled to serve for a period of one year, during which they will serve in law enforcement support roles in high-crime areas along the Southwest border.

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

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<sup>27</sup> 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.

<sup>28</sup> See, for example, U.S. Department of State, Interview With Denise Maerker of Televisa, Interview, Hillary Rodham Clinton, Secretary of State, Teatro Juarez, Guanajuato, Mexico, January 24, 2011, <http://www.state.gov/secretary/rm/2011/01/155254.htm>.

<sup>29</sup> See for example, DHS, "Remarks by Secretary Napolitano at the Border Security Conference," press release, August 11, 2009, [http://www.dhs.gov/ynews/speeches/sp\\_1250028863008.shtm](http://www.dhs.gov/ynews/speeches/sp_1250028863008.shtm).

tendency to accommodate drug leaders.<sup>30</sup> 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 procedures<sup>31</sup> 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 particularly reticent to cooperate with their U.S. counterparts due to deeply held concerns about past U.S. interventions in Mexico.<sup>32</sup>

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.<sup>33</sup>

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 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 Act (P.L. 111-212). 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**).

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<sup>30</sup> 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.

<sup>31</sup> 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.

<sup>32</sup> Craig A. Deare, "U.S.-Mexico Defense Relations: An Incompatible Interface," *Strategic Forum*, Institute for National Strategic Studies, National Defense University, July 2009.

<sup>33</sup> 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.

**Table I. FY2008–FY2012 Mérida Funding for Mexico by Aid Account and Appropriations Measure**  
(\$ in millions)

| <b>Account</b> | <b>FY2008 Supp.<br/>(P.L. 110-252)</b> | <b>FY2009<br/>Bridge (P.L.<br/>110-252)</b> | <b>FY2009 (P.L.<br/>111-8)</b> | <b>FY2009 Supp.<br/>(P.L. 111-32)</b> | <b>FY2010 (P.L.<br/>111-117)</b> | <b>FY2010 Supp.<br/>(P.L. 111-212)</b> | <b>Account<br/>Totals</b> | <b>FY2011<br/>Request</b> | <b>FY2012<br/>Request</b> |
|----------------|--|---|--------------------------------|---------------------------------------|----------------------------------|--|---------------------------|---------------------------|---------------------------|
| ESF            | 20.0                                   | 0.0   | 15.0                           | 0.0                                   | 15.0 <sup>a</sup>                | 0.0                                    | 50.0                      | 10.0                      | 33.3                      |
| INCLE          | 215.5                                  | 48.0  | 246.0                          | 160.0                                 | 190.0                            | 175.0                                  | 1,034.5                   | 292.0                     | 248.5                     |
| FMF            | 116.5                                  | 0.0   | 39.0                           | 260.0                                 | 5.3                              | 0.0                                    | 420.8                     | 8.0                       | 8.0                       |
| <b>Total</b>   | <b>352.0</b>                           | <b>48.0</b>                                 | <b>300.0</b>                   | <b>420.0</b>                          | <b>210.3</b>                     | <b>175.0</b>                           | <b>1,505.3</b>            | <b>310.0</b>              | <b>289.8</b>              |

**Sources:** U.S. Department of State, *FY2008 Supplemental Appropriations Spending Plan*, *FY2009 Appropriations Spending Plan*, *FY2009 Supplemental Spending Plan*, *FY2010 Spending Plan*, and *FY2010 Supplemental Spending Plan*. U.S. Department of State, *Congressional Budget Justification for Foreign Operations FY2011*; U.S. Department of State, *Executive Budget Summary: Function 150 & Other International Programs FY2012*.

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

a. \$6 million was later reprogrammed for global climate change efforts by the State Department.

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.<sup>34</sup> 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.<sup>35</sup>

## 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.<sup>36</sup> 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.”<sup>37</sup>

Progress has been made in Mérida implementation since the release of the December 2009 GAO report. 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 expended (\$121.2 billion) by March 31, 2010.<sup>38</sup> 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 compiling the value of equipment deliveries that

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<sup>34</sup> 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.

<sup>35</sup> Ibid; see the chapters by Mario Cruz Cruz, Juan Pablo Prado Lallande, Jorge Rebolledo, and Alberto Lozano.

<sup>36</sup> GAO, *Status of Funds for the Mérida Initiative*, 10-253R, December 3, 2009, available at <http://www.gao.gov/new.items/d10253r.pdf>.

<sup>37</sup> Ibid.

<sup>38</sup> 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/d10837r.pdf>.

have been made and the value of capacity-building programs that have been provided. According to a recent State Department report, a total of \$276.7 million worth of equipment had been delivered and \$85.1 million worth of training had been provided to Mexico by December 2010.<sup>39</sup> The equipment that has been provided thus far has included seven Bell helicopters valued at \$88 million for the Mexican Army and 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 6,700 Mexican federal police officers having completed U.S.-funded courses. U.S. support for judicial sector training has been slower to get off the ground. By late 2010, however, more than 3,000 prosecutors and justice sector personnel had received U.S. training.<sup>40</sup> Another \$500 million worth of equipment and training are to be provided in 2011.<sup>41</sup> Despite this progress, 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.”<sup>42</sup> 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 2009, about 21.8 million individuals were current (past month) illegal drug users, representing 9% of individuals aged 12 and older.<sup>43</sup> High-ranking Administration officials and experts alike have acknowledged 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.<sup>44</sup> The Obama Administration released its 2010 National Drug

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<sup>39</sup> U.S. Department of State, “Mérida Initiative—Significant Activities,” December 31, 2010; Phone interview with State Department official, January 31, 2011.

<sup>40</sup> “U.S.-Latin American Relations: A Look Ahead,” Remarks by Arturo Valenzuela, Assistant Secretary of State for Western Hemisphere Affairs, at the Brookings Institution, January 6, 2011.

<sup>41</sup> U.S. Department of State, Secretary of State Hillary Rodham Clinton, “Remarks with Mexican Foreign Secretary Patricia Espinosa,” January 24, 2011.

<sup>42</sup> U.S. Department of State and Government of Mexico, “Joint Statement on the Mérida Initiative: A New Paradigm for Security Cooperation,” October 22, 2007.

<sup>43</sup> See the National 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 Health and Human Services and is available at <http://www.oas.samhsa.gov/NSDUH/2k9NSDUH/2k9ResultsP.pdf>.

<sup>44</sup> 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*, 111<sup>th</sup> Cong., 2<sup>nd</sup> 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.

Control Strategy report on May 11, 2010, which includes an increased focus on reducing U.S. drug demand, particularly among youth.<sup>45</sup> Drug policy experts have praised the Administration's focus on reducing consumption, but criticized its budget request for including a relatively modest 3.7% increase in funding for treatment programs compared to FY2010.<sup>46</sup> They further maintain that while the request includes a 13.4% increase in funding for prevention efforts, 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.<sup>47</sup> 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 Trafficking*<sup>48</sup>

Mexican DTOs have reportedly used “military-style” firearms, including assault weapons. 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,<sup>49</sup> 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, enhance U.S. and Mexican law enforcement coordination, and 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.<sup>50</sup> Project Gunrunner has recently been criticized, in part, for not systematically and consistently sharing information with Mexican and U.S. partners as well as for focusing

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<sup>45</sup> For more information on the National Drug Control Strategy and the Office of National Drug Control Policy, see CRS Report R41535, *Reauthorizing the Office of National Drug Control Policy: Issues for Consideration*, by Kristin M. Finklea.

<sup>46</sup> 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>.

<sup>47</sup> Ibid.

<sup>48</sup> 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.

<sup>49</sup> For more information on Project Gunrunner, see CRS Report R41206, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2011*, by William J. Krouse.

<sup>50</sup> 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*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 4, 2010.

investigations on gun dealers and straw purchasers over high-level traffickers.<sup>51</sup> In September, 2010, ATF released a new strategy, "Project Gunrunner – A Cartel Focused Strategy," that reportedly addresses these issues.<sup>52</sup> In addition, on December 17, 2010, the Department of Justice and ATF published a "60-day emergency notice of information collection" in the *Federal Register*,<sup>53</sup> requesting that the Office of Management and Budget (OMB) review and clear a proposed multiple rifle sales reporting requirement by January 5, 2011.<sup>54</sup> However, this review is still under way and, to date, ATF has not received OMB clearance to implement this reporting requirement.<sup>55</sup>

ATF also 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. By late 2009, ATF had deployed eTrace technology to an additional nine U.S. consulates in Mexico. From calendar years 2007-2009, ATF traced more than 69,800 firearms for Mexican authorities, the majority of which appear to have a nexus to the United States.<sup>56</sup>

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.<sup>57</sup> 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.<sup>58</sup> Much of the money is generated from the illegal sale of drugs in the United States and is

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<sup>51</sup> U.S. Department of Justice, Office of the Inspector General, Review of ATF's Project Gunrunner, I-2011-001, November 2010, pp. iii-v, <http://www.justice.gov/oig/reports/ATF/e1101.pdf>.

<sup>52</sup> *Ibid.*, p. ix.

<sup>53</sup> Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, "60-Day Emergency Notice of Information Collection Under Review: Report of Multiple Sale or Other Disposition of Certain Rifles," 76 *Federal Register* 79021, December 17, 2010.

<sup>54</sup> Under the multiple rifle sales reporting initiative, federal firearms licensees (FFLs) operating in Southwest border states (Texas, New Mexico, Arizona, and California) would be required to report to ATF whenever they make multiple sales or other dispositions of more than one rifle within five consecutive business days to an unlicensed person. Such reporting would be limited to firearms that are (1) semiautomatic, (2) chambered for ammunition of greater than .22 caliber, and (3) are capable of accepting a detachable magazine. See ATF, News Release, "Acting Director Announces Demand Letters for Multiple Sales of Specific Long Guns in Four Border States," December 20, 2010.

<sup>55</sup> James V. Grimaldi, "White House Delays Gun Reporting Requirement Along Mexican Border," *Washington Post*, February 4, 2011.

<sup>56</sup> Data is from ATF's Violent Crime Analysis Branch (VCAB), which is housed in its National Tracing Center.

<sup>57</sup> 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.

<sup>58</sup> DHS, *United States-Mexico Bi-National Criminal Proceeds Study*, June 2010.



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 999 arrests and 5,123 seizures totaling more than \$494 million.<sup>59</sup> U.S. efforts against money laundering and bulk cash smuggling are increasingly moving beyond the federal level as well, as experts have recommended.<sup>60</sup> 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. Still, the GAO has identified several ways in which CBP outbound inspections and other U.S. efforts against bulk cash smuggling, particularly those aimed at combating the use of stored value cards, might be improved.<sup>61</sup>

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.<sup>62</sup> 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 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,” 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

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<sup>59</sup> Email from DHS official, February 7, 2011.

<sup>60</sup> 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.

<sup>61</sup> GAO, *Moving Illegal Proceeds: Challenges Exist in the Federal Government’s Effort to Stem Cross Border Smuggling*, GAO-11-73, October 2010.

<sup>62</sup> DHS, *United States - Mexico Bi-National Criminal Proceeds Study*, 2010, p. 4-2.

strategy in its FY2011 budget request, which included \$310 million for Mérida-related programs in Mexico.<sup>63</sup> 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.<sup>64</sup> The four pillars of the strategy are discussed below.

## **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.<sup>65</sup> 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, Arizona<sup>66</sup>) 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.<sup>67</sup> 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,

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<sup>63</sup> 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.

<sup>64</sup> U.S. Department of State, *Report to Congress on Mérida and Post-Mérida*, June 11, 2010.

<sup>65</sup> 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.

<sup>66</sup> 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.

<sup>67</sup> CRS telephone briefing with Mexican Customs Official, June 17, 2010.

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.<sup>68</sup> 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**.

## **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.<sup>69</sup> President Calderón has indicated that the military will remain engaged in public security functions through the end of his term in 2012. Another major challenge will be to expand police reform efforts to the state and municipal level, possibly through the establishment of state level unified police commands. Some Mérida funding is being used to extend U.S.-funded police training and prison reform efforts to states and municipalities, beginning with Ciudad Juárez and the state of Chihuahua.

With impunity rates hovering around 98%,<sup>70</sup> 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.<sup>71</sup> Others also maintain that the country's overcrowded federal and state prisons, whose inmate populations have grown partially as a result of increasing drug-related arrests and more frequent use of pre-trial detentions, merit increased attention.<sup>72</sup>

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<sup>68</sup> 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.

<sup>69</sup> 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, DC, "Fact Sheet: Federal Police Takes Control of Security in Ciudad Juárez," April 2010.

<sup>70</sup> 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.

<sup>71</sup> 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.

<sup>72</sup> Federal police reform in Mexico began in 2008. Between FY2008 and FY2010, some \$14 million in Mérida assistance has been set aside for providing "technical assistance in prison management."

## 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.<sup>73</sup> 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.<sup>74</sup> Corruption has also plagued federal, state, and municipal police forces.

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.<sup>75</sup> 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.<sup>76</sup> It took the Mexican government another year to issue regulations delineating the roles and responsibilities of 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 behind. According to the State Department, Mérida funding will support specialized training courses to improve federal police investigations, intelligence collection and analysis, and anti-money laundering capacity, as well as the construction of regional command and control centers.<sup>77</sup> 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. Mérida assistance has recently begun 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 labor 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.<sup>78</sup>

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<sup>73</sup> Tracy Wilkinson, "Mexico Under Siege: Elite Police Tainted by Drug Gang," *Los Angeles Times*, October 28, 2008.

<sup>74</sup> Robert E. Donnelly and David A. Shirk, eds., *Police and Public Security in Mexico*, San Diego, CA: University Readers, 2010, p. 228.

<sup>75</sup> 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, 1010.

<sup>76</sup> 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.

<sup>77</sup> U.S. Department of State, *FY2010 Mérida Initiative Spending Plan for Mexico*, June 10, 2010.

<sup>78</sup> In order to take effect, the measure would have to be approved by the Mexican Congress and then a majority of the (continued...)

Mexico's National Security Council has approved the proposal and the 2011 budget includes funding for its implementation, but the proposal has encountered significant opposition in the Mexican Congress.<sup>79</sup> 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 local issues. They urge the Mexican government to implement the vetting and certification procedures for state and local police that were codified in the January 2009 public security law; strengthening the National System of Public Security, which oversees state and local police reform efforts; and continue rewarding state and municipal units whose officers meet certain standards with federal subsidies.

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.<sup>80</sup> 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.<sup>81</sup> 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.

## **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.<sup>82</sup> 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.<sup>83</sup> Many inmates (perhaps 40%<sup>84</sup>) are awaiting their trials. Those

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(...continued)

state legislatures, a process which could take several months to a year or more.

<sup>79</sup> Melissa Pitts, *Mexico Update: Addressing Police Reform and Climate Changes*, Council of the Americas, December 2, 2010.

<sup>80</sup> 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.

<sup>81</sup> 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*, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 18, 2010.

<sup>82</sup> "Cárteles Perturban al Sistema Carcelario," *El Universal*, June 18, 2010.

<sup>83</sup> Silvia Otero, "No Investigan 95% de Muertes en 'Guerra,'" *El Universal*, June 21, 2010.

<sup>84</sup> Human Rights Watch, *World Report*, 2010.

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.<sup>85</sup>

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, 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 and a half years into the reform process, implementation has advanced further in many states than at the federal level. The Mexican Congress has yet to approve a new federal CPC, a key element needed to guide both federal and state reform efforts. 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.<sup>86</sup> In January 2011, the federal commission tasked with monitoring implementation of judicial reforms at the state and federal level reported that eight states have implemented the reforms and three more states are scheduled to do so in 2011. The commission's goal is for all 32 states to have approved the minimum legal changes necessary to comply with the reforms before President Calderón leaves office. Its 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.<sup>87</sup>

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."<sup>88</sup> 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).<sup>89</sup> 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.

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<sup>85</sup> 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.

<sup>86</sup> 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.

<sup>87</sup> 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.

<sup>88</sup> "Mexico Risk: Legal and Regulatory Risk," *Economist Intelligence Unit-Risk Briefing*, January 8, 2010.

<sup>89</sup> Eric L. Olson, *Police Reform and Modernization in Mexico, 2009*. Woodrow Wilson Center, September 2009.

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 would likely benefit from increased training and technical assistance from the United States and other Latin American countries. USAID has been supporting code reform, judicial exchanges, alternative dispute resolution, and Citizen's Participation Councils, as well as training justice sector operators in five Mexican states since 2004. Using roughly \$19 million of the Economic Support Funds (ESF) appropriated thus far for the Mérida Initiative, USAID is now working comprehensively in seven of Mexico's 32 states. With \$11.5 million in FY2010 supplemental funds, USAID will continue and expand its justice sector reform at the state level.<sup>90</sup> However, at a time when Mexico is supporting the reforms through significant in-kind financial investments, demand appears to be outpacing USAID resources. Additional funding would enable USAID to deepen assistance to target states and further expand into others committed to advancing the reforms.<sup>91</sup> For its part, DOJ is administering at least \$19 million in State 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) witness protection.<sup>92</sup> 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 difficult to measure.

### **Pillar Three: Creating a "21<sup>st</sup> Century Border"**

Policy makers have questioned not only what it means to have a 21<sup>st</sup> 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 21<sup>st</sup> 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.<sup>93</sup>

Policy makers may question whether this combination of efforts aimed at creating a 21<sup>st</sup> 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.

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<sup>90</sup> U.S. Department of State, FY2010 Supplemental Appropriations Spending Plan: Mérida Initiative/Mexico, November 9, 2010.

<sup>91</sup> USAID officials estimate that it would require \$21 million in additional funding to establish a permanent presence in the seven states where it has already been working and \$35 million to deal with the pending requests it has received. USAID will receive \$11.5 million in FY2010 supplemental funding to support judicial sector programs, including prosecutorial training at the state level. Email from USAID official, December 16, 2010.

<sup>92</sup> 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. That figure does not include funds from the FY2010 supplemental appropriations measure.

<sup>93</sup> 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>.

On May 19, 2010, the United States and Mexico declared their intent to collaborate on enhancing the U.S.-Mexican border.<sup>94</sup> To head this initiative, they have established a Twenty-First Century Border Bilateral Executive Steering Committee (ESC). On December 15, 2010, the ESC held its inaugural meeting in Mexico City during which it adopted a bi-national action plan. The plan is focused on: coordinating infrastructure development, expanding trusted traveler and shipment programs, establishing pilot projects for cargo pre-clearance, and improving information sharing among law enforcement agencies.<sup>95</sup> The ESC also issued a joint declaration on preventing border violence, including the use of lethal force by either U.S. or Mexican law enforcement officers.<sup>96</sup>

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 issue 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.

While policy makers may generally question what constitutes a “21<sup>st</sup> 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.<sup>97</sup> 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.

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<sup>94</sup> 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.

<sup>95</sup> A draft version of the binational plan is available at: <http://www.usembassy-mexico.gov/pdf/plan-eng.pdf>.

<sup>96</sup> “Mexico-US Joint Statement on the Prevention of Violence in the Border Region,” press release, <http://www.usembassy-mexico.gov/pdf/fronteriza-eng.pdf>.

<sup>97</sup> 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.



## **Northbound and Southbound Inspections<sup>98</sup>**

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.<sup>99</sup> 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.<sup>100</sup>

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 is assisting Mexican Customs in developing an investigator training program and, as of September 2010, had established 42 new canine teams to assist with the inspections.<sup>101</sup>

## **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

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<sup>98</sup> 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.

<sup>99</sup> 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](http://www.dhs.gov/ynews/testimony/testimony_1272383936754.shtm).

<sup>100</sup> *Ibid.*

<sup>101</sup> U.S. Department of Homeland Security, CBP Canine Program Aids Government of Mexico, September 8, 2010, [http://www.cbp.gov/xp/cgov/newsroom/highlights/canine\\_graduation.xml](http://www.cbp.gov/xp/cgov/newsroom/highlights/canine_graduation.xml).

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.<sup>102</sup> 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 21<sup>st</sup> 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,<sup>103</sup> 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.<sup>104</sup> 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.

## **Pillar Four: Building Strong and Resilient Communities**

This pillar is a new focus for U.S.-Mexican cooperation, the overall goal of which is to build strong and resilient communities that can withstand the pressures of crime and violence. Programs will consist primarily of targeted efforts to 1) improve strategic planning and communication to reduce risk factors that lead to crime/violence; 2) improve the ability of subnational governments to collaboratively address community needs; and 3) prepare youth to be responsible members of their communities. Funding and implementation of pillar four is primarily the responsibility of the Mexican government, with some support from multilateral institutions like the World Bank. The Mexican government began its efforts under pillar four in Ciudad Juárez, Chihuahua, but has started to expand some social programs to other cities. U.S.- Mexican efforts are focusing on pilot projects in Ciudad Juárez, but, with additional funds, could potentially be expanded to other cities.

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

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<sup>102</sup> 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*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 11, 2010.

<sup>103</sup> 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*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 11, 2010.

<sup>104</sup> See testimony by James F. Tomsheck, 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*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 11, 2010.

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.<sup>105</sup>

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.<sup>106</sup> 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. 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.<sup>107</sup> Possibly in response to those concerns, efforts are being made to concentrate federal efforts in certain "safe zones" that will enable the Juárez government to demonstrate to citizens the benefits that come with successful government control over neighborhoods.

U.S. efforts in Ciudad Juárez have involved the expansion of some existing Mérida-funded initiatives, such as school-based "culture of lawfulness" programs and demand reduction and treatment services, as well as supporting some new initiatives. USAID has reprogrammed existing funding, both Mérida and bilateral, to support an urban mapping project (Mérida) and an at-risk youth program (non-Mérida) administered by international organizations with experience working in the city. Some of USAID's Mérida funding has also been dedicated to supporting social development projects 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. By October 2010, roughly 17 grants worth roughly close to \$1 million had been approved.<sup>108</sup>

USAID will also receive some \$14 million in FY2010 supplemental funding to implement pillar four activities in Ciudad Juárez. Those activities may include: grant funding for crime prevention programs; support for human rights NGOs; assistance to help civic organizations influence local and state politics; municipal exchanges to share best practices in reducing violence; and, support for the development of community crime prevention strategies.<sup>109</sup>

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<sup>105</sup> Eric L. Olson, *Shattered Dreams and Restoring Hope: Organized Crime and Violence on the U.S.-Mexico Border*, Woodrow Wilson Center, February 22, 2010.

<sup>106</sup> The Mexican government plans to implement 160 concrete policy actions that will involve government investments of more than \$3.4 billion pesos (roughly \$274.0 million dollars). A progress report on how implementation of the strategy is advancing is available in Spanish at: <http://www.todosomosjuarez.gob.mx/estrategia/avances.html>.

<sup>107</sup> Katherine Corcoran, "Mexico Program to Clean up Violence-Plagued Border City Ciudad Juárez has Long Way to go," *Associated Press*, January 3, 2011.

<sup>108</sup> Email from USAID official, January 18, 2011.

<sup>109</sup> U.S. Department of State, *FY2010 Supplemental Appropriations Spending Plan: Mérida Initiative/Mexico*, November 9, 2010.

According to the Obama Administration's FY2012 budget request, some of the \$33.3 million in ESF funds requested would be used to support pillar four activities in targeted areas.<sup>110</sup>

## Issues

### Measuring the Success of the Mérida Initiative

Policy makers and analysts have debated how to measure the success of the Mérida Initiative.<sup>111</sup> 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.<sup>112</sup> 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.<sup>113</sup> 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.<sup>114</sup> 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.

Nevertheless, State Department fact sheets and remarks 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.<sup>115</sup> U.S.

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<sup>110</sup> U.S. Department of State, *Executive Budget Summary: Function 150 & Other International Programs FY2012*.

<sup>111</sup> See, for example, Andrew Selee, *Success or Failure? Evaluating U.S.-Mexico Efforts to Address Organized Crime and Violence*, Center for Hemispheric Policy- Perspectives on the Americas Series, December 20, 2010.

<sup>112</sup> U.S. Government Accountability Office, *Status of Funds for the Mérida Initiative*, 10-253R, December 3, 2009.

<sup>113</sup> 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.

<sup>114</sup> GAO 10-837.

<sup>115</sup> U.S. Department of State, "United States-Mexico Security Partnership: Progress and Impact," press release, May 19, (continued...)

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.<sup>116</sup>

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.<sup>117</sup> 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.<sup>118</sup>

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.<sup>119</sup> For instance, the State Department has cited the arrests and killings of nearly two-dozen high-profile DTO leaders that have been made since late 2009 as examples of the results of increased bilateral law enforcement cooperation.<sup>120</sup> Another example of Mérida success—in the form of bilateral cooperation—cited

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(...continued)

2010, <http://www.state.gov/r/pa/prs/ps/2010/05/142019.htm>.

<sup>116</sup> NDIC, *2010 National Drug Threat Assessment*, February 2010.

<sup>117</sup> International Centre for Science in Drug Policy, *Effect of Drug Law Enforcement on Drug-Related Violence: Evidence from a Scientific Review*, 2010.

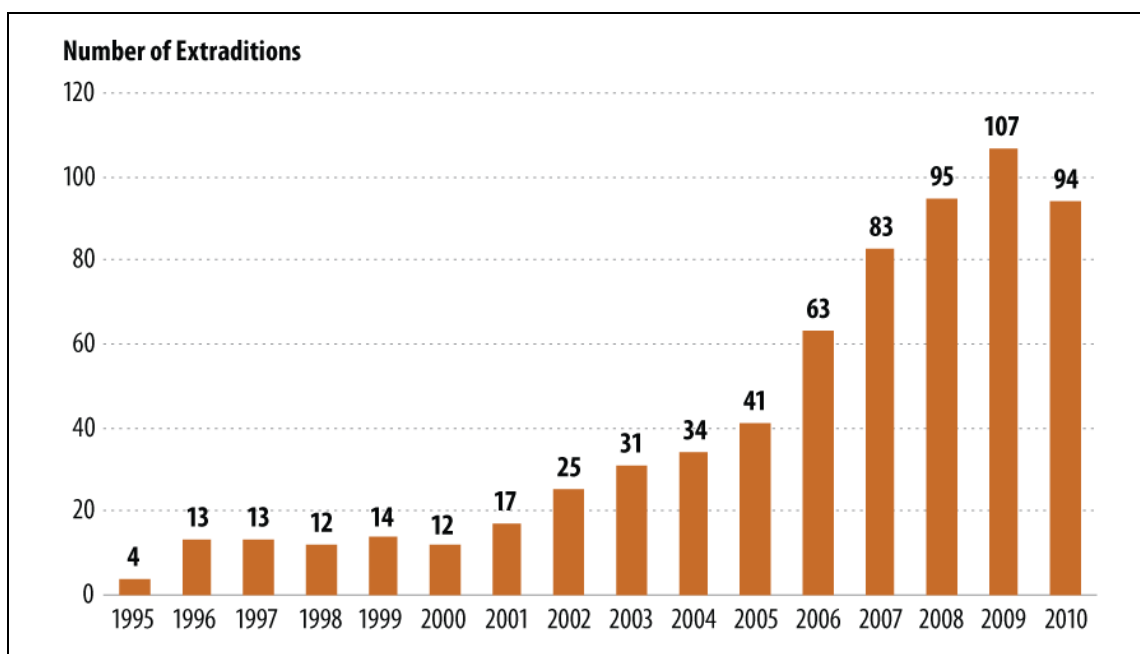
<sup>118</sup> Diana Villers Negroponete, *Measuring Success in the Drug War: Criteria to Determine Progress in Mexico's Efforts to Defeat Narco-traffickers*, The Brookings Institution, May 25, 2010.

<sup>119</sup> 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*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., May 27, 2010.

<sup>120</sup> U.S. Department of State, Secretary of State Hillary Rodham Clinton, "Remarks with Mexican Foreign Secretary Patricia Espinosa," January 24, 2011.

by the State Department is the high number of extraditions from Mexico to the United States: 107 in 2009 and 94 in 2010. As illustrated in **Figure 2**, however, these extraditions may be more a reflection of 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**  
1995–2010



**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](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>. 2010 figures from electronic communication with U.S. Department of Justice.

## 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 have increased significantly.<sup>121</sup> Despite these trends, neither drug eradication nor alternative development programs have been a focus of Mérida Initiative programs to date.

<sup>121</sup> U.S. Department of State, *INCSR*, March 2010. Press reports maintain that NDIC's 2010 *National* (continued...)

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.<sup>122</sup> 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.<sup>123</sup> 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.<sup>124</sup> 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.<sup>125</sup> According to Mexico's Human Rights Commission (CNDH), complaints of human rights abuses by the Mexico's Department of Defense increased from 182 in 2006 to 1,791 in 2009 before falling to 1,415 in 2010. The CNDH also reported that 111 civilians were killed during federal police or army operations in 2010.<sup>126</sup>

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*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.

<sup>122</sup> *INCSR*, March 2010.

<sup>123</sup> 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.

<sup>124</sup> U.S. Department of State, *2009 Country Report on Human Rights Practices*, March 11, 2010.

<sup>125</sup> See, for example, 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; Maureen Meyer, *Abused and Afraid in Ciudad Juarez*, Washington Office of Latin America/Centro Prodh, September 2010.

<sup>126</sup> Statistics are available in annual reports of Mexico's Human Rights Commission (CNDH), available at (continued...)

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.”<sup>127</sup> 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.<sup>128</sup> 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.<sup>129</sup>

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:

1. improving transparency and accountability of federal police forces;
2. 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;
3. 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
4. enforcing the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

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 FY2009 Omnibus Appropriations Act (P.L. 111-8), the 15% conditions applied to all of the funding accounts but

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<http://www.cndh.org.mx>; “Ciento Once Civiles Ajenos a Guerra Contra Crimen Murieron en 2010 en México,” *EFE*, January 27, 2011.

<sup>127</sup> 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>.

<sup>128</sup> U.S. Department of State, *2009 Country Reports on Human Rights Practices*, March 11, 2010.

<sup>129</sup> Ignacio Alzaga. “Sedena se Abre al Escrutinio Público; Sube Quejas a Web.” *Milenio*. July 28, 2010.



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 FY2009 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. In the FY2010 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.<sup>130</sup> Finally, in the FY2010 Supplemental Appropriations Act (P.L. 111-212), the conditions applied to 15% of the INCLE appropriated or roughly \$26 million. 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.”<sup>131</sup> 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.<sup>132</sup>

On September 2, 2010, the State Department submitted a second human rights progress report on Mexico to Congress.<sup>133</sup> According to that report, the Mexican government had demonstrated enough progress since the August 2009 report was issued to enable \$36 million in FY2009 and FY2010 regular funds that had been on hold to be released. The report credited the Calderón government with initiating legislation to strengthen the authority of the CNDH, carrying out human rights training for military and police officials, and formalizing a bilateral dialogue on human rights issues with the United States. It said that further progress had to be made in the areas of transparency and impunity, however, in order for roughly \$26 million in FY2010 supplemental funds that are on hold to be released. The State Department specifically urged the Mexican Chamber of Deputies to approve human rights legislation that had passed the Senate in April 2010 and the Calderón government to submit legislation that would reform the Military Justice Code to have military officials accused of human rights crimes against civilians tried in civilian courts. In October 2010, President Calderón submitted legislation to the Mexican Congress that would establish civilian jurisdiction in cases where soldiers are accused of forced

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<sup>130</sup> 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.

<sup>131</sup> U.S. Department of State, *Mexico- Mérida Initiative Report*, August 2009.

<sup>132</sup> 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.

<sup>133</sup> U.S. Department of State, *Mexico-Mérida Initiative Report*, September 2, 2010.

disappearance, rape, and torture. Both the aforementioned human rights legislation and Calderón's proposed reform of the Military Justice Code are still being debated.

## **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.<sup>134</sup> 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.

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.<sup>135</sup> 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 FY2011, and can provide additional assistance to certain countries as provided for in Sec. 1033 of P.L. 105-85, as amended through FY2011. DOD counternarcotics support to Mexico totaled roughly \$12.1 million in FY2008, \$34.2 million in FY2009, and \$86.1 million in FY2010.<sup>136</sup> 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. Total DOD support to Mexico in FY2011 may exceed \$69.6 million.<sup>137</sup>

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.<sup>138</sup> 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

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<sup>134</sup> 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.

<sup>135</sup> 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.

<sup>136</sup> DOD response to CRS request, September 9, 2010. This data reflects non-budget quality estimates of DOD counternarcotics support provided or efforts in these nations/regions; DOD does not budget counternarcotics programs by regions/countries, but by program. These figures reflect both "direct" support to those countries (e.g., training, equipment, information sharing, infrastructure and other categories) and "indirect" support via DOD and other U.S. Government counterdrug operations with regard to those countries (e.g., transportation, communications, intelligence analysis, radar, air and maritime patrol, liaison personnel, and other categories).

<sup>137</sup> *Ibid.*

<sup>138</sup> "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.

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.<sup>139</sup>

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.”<sup>140</sup>

## **Balancing Assistance to Mexico with Support for Southwest Border Initiatives<sup>141</sup>**

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 send about 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.<sup>142</sup>

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<sup>139</sup> CRS Interview with DOD official from the Office of Defense Coordination at the U.S. Embassy in Mexico City, December 8, 2009.

<sup>140</sup> Robert C. Bonner, “The New Cocaine Cowboys: How to Defeat Mexico’s Drug Cartels,” *Foreign Affairs*, vol. 89, no. 4 (July/August 2010).

<sup>141</sup> CRS Report R41237, *People Crossing Borders: An Analysis of U.S. Border Protection Policies*, by Chad C. Haddal.

<sup>142</sup> Christopher Sherman and Alexandra Olson, “Mexico Condemns Border Patrol Shooting of Teen; Some Demand (continued...)”

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 possibly 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 August 2010, the 111<sup>th</sup> Congress passed legislation (P.L. 111-230) that provides \$600 million in supplemental funding to strengthen U.S. border security efforts. That total includes \$394 million for DHS: \$244 million to hire new CBP officers and Border Patrol agents, \$84 million to hire new ICE agents, \$32 million for two unmanned aerial detection systems, \$6 million for bases for Border Patrol agents, \$14 million for communications equipment, and \$8 million to train new law enforcement personnel. The supplemental funds also include \$196 million to support DOJ efforts on the Southwest border. Those funds will enable the creation of seven new ATF Gunrunner units and five FBI Hybrid Task Forces, as well as support additional DEA agents, federal attorneys, prosecutors, and immigration judges. The supplemental funds will also enable the U.S. government to provide increased technical assistance and training for Mexican law enforcement.<sup>143</sup>

## **Integrating Counterdrug Programs in the Western Hemisphere<sup>144</sup>**

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. Conversely, antidrug funding for Mexico, Central America, and the Caribbean has increased as a result of the Mérida Initiative, which began in FY2008, and two related programs that received initial funding in FY2010, the Central American Regional Security Initiative

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Agent's Extradition to Mexico," *AP Newswire*, June 10, 2010.

<sup>143</sup> Other bills were introduced in the 111<sup>th</sup> Congress that would have provided additional funds for law enforcement and related efforts along the Southwest border. For example, the Southern Border Security Assistance Act (S. 3273), which cited the need for domestic law enforcement initiatives to complement the funding provided to Mexican law enforcement, would have authorized \$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 have directed the President to appoint more district judges for the region. The Southwest Border Violence Reduction Act of 2009 (H.R. 495, S. 205) would have authorized funding for the ATF to provide agents, equipment, and training to Mexican law enforcement to combat firearms trafficking and criminal organizations; it would also have authorized 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 have provided support for various domestic law enforcement activities. These activities would have included 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.

<sup>144</sup> 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.

(CARSI) and the Caribbean Basin Security Initiative (CBSI). The strategy undergirding the Mérida Initiative has broadened from primarily providing equipment and training to Mexican officials engaged in combating DTOs to place more of an emphasis on building democratic institutions. It also includes a new focus on facilitating "secure flows" of people and goods through the U.S.-Mexico border and promoting social and economic development in violence-prone communities. Similarly, CARSI and CBSI include some anti-drug components as part of broader regional security packages that are also aimed at institutional strengthening and community development.

Some policy makers have raised questions regarding whether there is the need for a more integrated approach to counternarcotics policies in the region. For instance, some 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.<sup>145</sup> Some have also argued that a more integrated effort might include having the State Department develop 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.<sup>146</sup> Some observers have praised these proposals, while others feel they would be unnecessary given that there are already mechanisms in place by which the State Department develops and coordinates its regional counterdrug programs and policies.

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 and Central America.<sup>147</sup> 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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<sup>145</sup> Office of Senator Robert Menendez, "Press Release: Menendez-Kerry Bill to Strengthen Counternarcotics Cooperation in the Americas," March 26, 2010.

<sup>146</sup> 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 U.S. Drug Policy in Latin America From All Angles," *U.S. Fed News*, October 19, 2009.

<sup>147</sup> Juan Forero, "Colombia Shares its Cartel-Fighting Expertise with Mexican Forces," *Washington Post*, January 22, 2011.

## Appendix A. U.S. Assistance to Mexico

**Table A-1. U.S. Assistance to Mexico by Account, FY2007-FY2012**

U.S. \$ millions

| Account                | FY2007      | FY2008 <sup>a</sup> | FY2009 <sup>ab</sup> | FY2010<br>(est.)   | FY2011 req.  | FY2012 req.  |
|------------------------|-------------|---------------------|----------------------|--------------------|--------------|--------------|
| <b>INCLE</b>           | 36.7        | 242.1               | 454.0 <sup>e</sup>   | 365.0 <sup>f</sup> | 292.0        | 248.5        |
| <b>ESF</b>             | 11.4        | 34.7                | 15.0                 | 15.0               | 10.0         | 33.3         |
| <b>FMF</b>             | 0.0         | 116.5               | 299.0 <sup>d</sup>   | 5.3                | 8.0          | 8.0          |
| <b>IMET</b>            | 0.1         | 0.4                 | 0.8                  | 1.1                | 1.1          | 1.7          |
| <b>NADR</b>            | 1.3         | 1.4                 | 3.9                  | 5.7                | 5.7          | n/a          |
| <b>CSH<sup>c</sup></b> | 3.7         | 2.7                 | 2.9                  | 3.5                | 0.0          | 3.7          |
| <b>DA</b>              | 12.3        | 8.2                 | 11.2                 | 10.0               | 26.3         | 33.4         |
| <b>TOTAL</b>           | <b>65.4</b> | <b>405.9</b>        | <b>786.8</b>         | <b>405.6</b>       | <b>346.6</b> | <b>328.6</b> |

**Sources:** U.S. Department of State, *Congressional Budget Justification for Foreign Operations FY2008-FY2011*, *FY2010 Supplemental Spending Plan*; *Executive Budget Summary: Function 150 & Other International Programs FY2012*.

**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.
- f. \$175 million of this funding provided in the FY2010 supplemental (P.L. 111-212) and counted here as FY2010 funding was considered by appropriators as “forward funding” intended to address in advance a portion of the FY2011 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.<sup>148</sup> 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.<sup>149</sup> BEST 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.<sup>150</sup> 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.<sup>151</sup> This program is supported by the Border Patrol International Liaison Unit, which is responsible for establishing and maintaining working relationships with foreign counterparts in order to enhance border security.

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<sup>148</sup> 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](http://www.ice.gov/pi/news/factsheets/080226best_fact_sheet.htm).

<sup>149</sup> 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](http://www.dhs.gov/xlibrary/assets/dhs_congressional_budget_justification_fy2011.pdf).

<sup>150</sup> 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*, 109<sup>th</sup> Cong., April 26, 2006.

<sup>151</sup> 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 Initiative*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., May 27, 2010.

## **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.<sup>152</sup> The program was initiated in Nogales, TX, in October 2009 and subsequently 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 Gunrunner<sup>153</sup>**

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.<sup>154</sup> Project Gunrunner has recently been criticized, in part, for not systematically and consistently sharing information with Mexican and U.S. partners as well as for focusing investigations on gun dealers and straw purchasers over high-level traffickers.<sup>155</sup> In September, 2010, ATF released a new strategy, "Project Gunrunner – A Cartel Focused Strategy," that reportedly addresses these issues.<sup>156</sup>

## **Electronic Trace Submission System<sup>157</sup>**

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).<sup>158</sup> From calendar years 2007-2009, ATF traced more than 69,800 firearms for Mexican authorities, the majority of which appear to have a nexus to the

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<sup>152</sup> 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>.

<sup>153</sup> For more information on Project Gunrunner, see CRS Report R41206, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations for FY2011*, by William J. Krouse.

<sup>154</sup> 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*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 4, 2010.

<sup>155</sup> U.S. Department of Justice, Office of the Inspector General, Review of ATF's Project Gunrunner, I-2011-001, November 2010, pp. iii-v, <http://www.justice.gov/oig/reports/ATF/e1101.pdf>.

<sup>156</sup> *Ibid.*, p. ix.

<sup>157</sup> 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 FY2011*, by William J. Krouse.

<sup>158</sup> 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.



United States.<sup>159</sup> 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.<sup>160</sup> These week-long seminars, hosted at least four 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.<sup>161</sup>

## **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.<sup>162</sup> 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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<sup>159</sup> Data is from ATF's Violent Crime Analysis Branch (VCAB), which is housed in its National Tracing Center.

<sup>160</sup> For more information, see Federal Bureau of Investigation, *On the Border: Training Our Mexican Colleagues*, May 11, 2009, <http://elpaso.fbi.gov/boader051109.htm>.

<sup>161</sup> From CRS communication with FBI representative, April 27, 2010.

<sup>162</sup> For more information on PISA, see the website at <http://www.azpisa.org/>.