



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

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Summary

Violence perpetrated by a range of criminal groups continues to threaten citizen security and governance in some parts of Mexico, a country with which the United States shares a nearly 2,000-mile border and more than \$500 billion in annual trade. Although organized crime-related violence in Mexico has generally declined since 2011, analysts estimate that it may have claimed more than 80,000 lives between December 2006 and December 2014. Recent cases—particularly the disappearance of 43 students in Guerrero, Mexico in September 2014—have drawn attention to the problems of corruption and impunity for human rights abuses in Mexico.

Supporting Mexico's efforts to reform its criminal justice system is widely regarded as crucial for combating criminality and better protecting citizen security in the country. U.S. support for those efforts has increased significantly as a result of the development and implementation of the Mérida Initiative, a bilateral partnership launched in 2007 for which Congress has appropriated some \$2.5 billion. U.S. assistance focuses on (1) disrupting organized criminal groups, (2) institutionalizing the rule of law, (3) creating a 21st century border, and (4) building strong and resilient communities.

Inaugurated to a six-year term in December 2012, Mexican President Enrique Peña Nieto has continued U.S.-Mexican security cooperation begun during the Felipe Calderón government. Peña Nieto has requested increased assistance for judicial reform and prevention efforts, but limited U.S. involvement in some law enforcement and intelligence operations. Despite those restrictions, U.S. intelligence has helped Mexico arrest top crime leaders, including Joaquín “El Chapo” Guzmán—the world's most wanted drug trafficker—in February 2014. The Interior Ministry is now the primary entity through which Mérida training and equipment requests are coordinated and intelligence is channeled.

The 114th Congress is continuing to fund and oversee the Mérida Initiative and related domestic initiatives. From FY2008 to FY2015, Congress appropriated roughly \$2.5 billion in Mérida Initiative assistance for Mexico, including some \$194 million provided in the FY2015 Consolidated and Further Continuing Appropriations Act (P.L. 113-235). That total is \$79 million above the Administration's request; it aims to support efforts to secure Mexico's southern border and justice sector programs. As of April 2015, more than \$1.3 billion of Mérida Initiative assistance had been delivered. The FY2016 request for the Mérida Initiative is for \$119 million to help advance justice sector reform, modernize Mexico's borders (north and south), and support violence prevention programs.

Possible questions for oversight may include the following. 1) How is the State Department measuring the efficacy of Mérida programs and improving or eliminating ineffective programs? 2) To what extent is the Mexican government moving judicial and police reform efforts forward, and how is U.S. assistance supporting those reforms? 3) Are Mérida-funded programs helping the Mexican government respond to new challenges and priorities, including securing its southern border? 4) Is Mexico meeting the human rights conditions placed on Mérida Initiative funding?

See also CRS Report R43001, *Supporting Criminal Justice System Reform in Mexico: The U.S. Role*; CRSCRS Report IF10160, *The Rule of Law in Mexico and the Mérida Initiative*.

Contents

Introduction.....	1
Background.....	2
Drug Trafficking, Organized Crime, and Violence in Mexico	2
The Peña Nieto Administration’s Security Strategy	4
The Mérida Initiative: Funding and Implementation.....	6
Implementation.....	8
The Four Pillars of the Mérida Initiative	9
Pillar One: Disrupting the Operational Capacity of Organized Crime	9
Pillar Two: Institutionalizing Reforms to Sustain the Rule of Law and Respect for Human Rights in Mexico	10
Reforming the Police.....	11
Reforming the Judicial and Penal Systems	12
Pillar Three: Creating a “21 st Century Border”	14
Northbound and Southbound Inspections	15
Preventing Border Enforcement Corruption	16
Mexico’s Southern Borders.....	16
Pillar Four: Building Strong and Resilient Communities.....	17
Issues.....	18
Measuring the Success of the Mérida Initiative	18
Extraditions.....	19
Drug Production and Interdiction in Mexico.....	20
Human Rights Concerns and Conditions on Mérida Initiative Funding	21
Role of the U.S. Department Of Defense in Mexico.....	23
Balancing Assistance to Mexico with Support for Southwest Border Initiatives.....	24
Integrating Counterdrug Programs in the Western Hemisphere	25
Outlook	26

Figures

Figure 1. Map of Mexico	3
Figure 2. Current Status and Focus of the Mérida Initiative.....	7
Figure 3. Individuals Extradited from Mexico to the United States	20

Tables

Table 1. FY2010–FY2016 Mérida Funding for Mexico.....	8
Table A-1. U.S. Assistance to Mexico by Account, FY2010-FY2016.....	27

Appendixes

Appendix. U.S. Assistance to Mexico	27
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Contacts

Author Contact Information..... 27

Introduction

For almost a decade, violence and crime perpetrated by warring criminal organizations has threatened citizen security and governance in parts of Mexico. While the illicit drug trade has long been prevalent in Mexico, an increasing number of criminal organizations are fighting for control of smuggling routes into the United States and local drug markets. This violence resulted in more than 60,000 deaths in Mexico during the Felipe Calderón Administration (December 2006–November 2012). Another 20,000 organized crime-related deaths have occurred thus far during the Enrique Peña Nieto Administration.¹ The still unresolved case of 43 missing students who disappeared in Iguala, Guerrero, in September 2014 has drawn attention to the particular issues of extrajudicial killings, enforced disappearances, and impunity in Mexico. The May 1, 2015, shoot down of a Mexican military helicopter in Jalisco, as well as escalating violence in Tamaulipas, have raised security concerns in the lead up to June 7 mid-term elections.²

U.S.-Mexican cooperation to improve security and the rule of law in Mexico has increased significantly as a result of the development and implementation of the Mérida Initiative, a bilateral partnership developed by the Bush and Calderón governments. Between FY2008 and FY2015, Congress appropriated roughly \$2.5 billion for Mérida Initiative programs in Mexico (see **Table 1** for recent aid figures). Of that total, more than \$1.3 billion worth of training, equipment, and technical assistance has been provided. Mexico, for its part, has invested some \$79 billion of its own resources on security and public safety, including \$11 billion in 2015.³ While bilateral efforts have yielded some positive results, the weakness of Mexico's criminal justice system may have limited the effectiveness of those efforts.

Mexican President Enrique Peña Nieto of the Institutional Revolutionary Party (PRI) took office in December 2012 vowing to reduce violence in Mexico and adjust the current U.S.-Mexican security strategy to focus on violence prevention. While Mexico's public relations approach to security issues has changed, most analysts maintain that Peña Nieto has quietly adopted an operational approach similar to that of former president Calderón. The Mexican government has continued law enforcement and intelligence-sharing with U.S. counterparts; it has also used Mérida Initiative equipment to bolster security along its southern border.

Congress is in the process of considering the Obama Administration's FY2016 request of \$119 million for the Mérida Initiative. Congress may analyze how progress under the Mérida Initiative is being measured; how U.S. funds have been used to advance Mexico's police and judicial reform efforts; and the degree to which U.S. programs in Mexico complement other U.S. counterdrug and border security efforts. Compliance with Mérida's human rights conditions may continue to be closely monitored. Congress could also explore how the use of newer tools—such

¹ This figure is an estimate. Kimberly Heinle, Cory Molzahn, and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2014*, Trans-Border Institute (TBI), April 2015; Hereinafter: TBI, April 2015. Eduardo Guerrero Gutiérrez, ¿Bajó la violencia? *Nexos*, February 1, 2015. Hereinafter: Guerrero, February 2015.

² Tracy Wilkinson, "Drug Violence Escalates; as Elections Approach, an Army Helicopter Is Shot Down and a New Cartel Emerges," *Los Angeles Times*, May 7, 2015.

³ Government of Mexico, "Mexico's Fight for Security: Strategy and Main Achievements," June 2011. Marciel Reyes Tepach, *El Presupuesto Público Federal para la Función Seguridad Pública, 2012-2013 and 2013-2014*, Cámara de Diputados, March and December 2013. U.S. Department of State, *International Narcotics Control Strategy Report (INCSR)*, March 2015. Hereinafter: *INCSR*, 2015.

as aerial drones—might bolster current security cooperation efforts, particularly on Mexico’s northern and southern borders.

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 security challenges in Mexico and Mexico’s security strategy. It then provides updated information on congressional funding and oversight of the Mérida Initiative before delving into its four pillars. The report concludes by raising policy issues that Congress may wish to consider as it continues to fund and oversee the Mérida Initiative and broader U.S.-Mexican security cooperation.

Background

Drug Trafficking, Organized Crime, and Violence in Mexico⁴

Countering the movement of illegal drugs from Mexico into the U.S. market has remained a top U.S. drug control priority for decades. Mexico is a major producer and supplier to the U.S. market of heroin, methamphetamine, and marijuana and a major transit country for cocaine sold in the United States. While marijuana remains the “most commonly abused drug in the United States”—with most of the supply coming from Mexico—there has also been particular concern about the increasing availability of Mexican-produced heroin in the United States.⁵ Mexican drug trafficking organizations (DTOs) and their affiliated distribution networks dominate the U.S. drug market. Mexico is also a consumer of illicit drugs, particularly in places where criminal organizations have been paying their workers in product rather than in cash.⁶

Since the mid-2000s, the violence and brutality of the Mexican DTOs has escalated as they have battled for control of trafficking routes into the United States and local drug distribution networks in Mexico. U.S. and Mexican officials now often refer to drug trafficking organizations (DTOs) as transnational criminal organizations (TCOs) since they have branched out into other criminal activities to supplement income earned from drug trafficking. Those include human trafficking, kidnapping (including of migrants), extortion, and illegally tapping oil pipelines.

The Calderón Administration made combating organized crime its top priority. Government enforcement efforts, many of which were led by military forces, took down leaders from all of the major DTOs, either through arrests or deaths during operations to detain them. The pace of those takedowns accelerated beginning in late 2009, due to increased U.S.-Mexican intelligence-sharing. The Calderón government extradited record numbers of criminals to the United States; however few were prosecuted in Mexico. At the same time, Mexico also experienced record violence, partially in response to government efforts, as criminal groups split and proliferated.

Several sources have reported that organized crime-related homicides in Mexico peaked in 2011, before falling since that time.⁷ Since the government is no longer publicly releasing information

⁴ CRS Report R41576, *Mexico’s Drug Trafficking Organizations: Source and Scope of the Violence*, by June S. Beittel.

⁵ U.S. Department of Justice, Drug Enforcement Administration, *National Drug Threat Assessment Summary 2014*, DEA-DCT-DIR-002-15, November 2014, pp. 1-2.

⁶ *INCSR*, 2015.

⁷ TBI, April 2015.

on trends in organized crime-related killings as opposed to all homicides, it is difficult to analyze the security situation with precision. Nevertheless, according to Mexico’s national security system, homicides in Mexico declined by 16.5% in 2013 and 15% in 2014. Extortions and kidnappings, however, continued to increase until 2014.⁸

The violence has taken place largely in contested drug production and transit zones representing a small percentage of Mexican municipalities. Still, the regions of the country most affected by the violence have shifted over time to include large cities (such as Monterrey, Nuevo León) and tourist zones (Acapulco, Guerrero). There have been incidents of violence across the country, with the security situation in particular areas changing rapidly. For example, violence spiked dramatically in Ciudad Juárez, Chihuahua, in 2008 and remained at extremely high levels through mid-2011, before rapidly declining. While violence has declined in some parts of northern Mexico (including Chihuahua, Baja California, and Nuevo León), it has spiked in the interior of the country and along the Pacific Coast, particularly in Michoacán, Guerrero, and Jalisco. New and more violent groups have emerged; including a group—the New Generation Jalisco Cartel—that shot down a Mexican military helicopter in Jalisco with rocket-propelled grenades in early May 2015. Tamaulipas is also experiencing a serious security crisis.

Figure 1. Map of Mexico



Source: Graphic created by CRS. Map files from Map Resources.

⁸ Guerrero, February 2015.

The Peña Nieto Administration's Security Strategy

Upon taking office in December 2012, Institutional Revolutionary Party (PRI) President Enrique Peña Nieto made violence reduction one of his priorities, although his government focused more of its political capital on enacting economic reforms than on addressing security issues.⁹ The six pillars of Peña Nieto's security strategy include (1) planning; (2) prevention; (3) protection and respect of human rights; (4) coordination; (5) institutional transformation; and (6) monitoring and evaluation. Peña Nieto has taken action on two priority proposals on security: launching a national crime prevention plan¹⁰ and establishing a unified code of criminal procedures to cover judicial procedures for the federal government and the states. Other key proposals—creating a large national gendarmerie (militarized police) and a strong central intelligence agency—have either been delayed or significantly watered down.¹¹

President Peña Nieto secured approval from the Mexican Congress to place the secretariat of public security (including the federal police) and intelligence functions under the interior ministry. That ministry is now the focal point for security collaboration and intelligence-sharing with foreign governments, as well as state and municipal authorities. The states have in turn been divided into five regions and encouraged to stand up unified state police forces.

In addition to enacting a unified code of criminal procedure, the Peña Nieto government has allocated additional funds to support implementation of judicial reforms enacted in 2008. As per those constitutional reforms, Mexico has until June 2016 to move from a closed-door judicial system based on written arguments presented to a judge to an adversarial public trial system with oral arguments and the presumption of innocence. These changes aim to make Mexico's system more transparent and impartial.¹² With only four states fully operating under the new system and 24 partially operating under the new system, significant work remains to be done.

Criticism of Peña Nieto's security strategy has mounted since mid-2014.¹³ Many argue that Peña Nieto has struggled to define his security priorities and how they will be achieved. Others assert that Peña Nieto maintained Calderón's reactive approach of deploying federal forces—including the military—to areas where crime surges rather than engaging in a proactive effort aimed at strengthening institutions to deter crime and violence.¹⁴ In Michoacán, the emergence of armed civilian "self-defense groups" that clashed with crime groups prompted a federal intervention that has yielded mixed results.¹⁵ Tamaulipas has been divided into four zones overseen by Mexican military and federal police forces, yet violence has continued unabated.¹⁶ In those states and

⁹ CRS Report R42917, *Mexico: Background and U.S. Relations*, by Clare Ribando Seelke.

¹⁰ The government budgeted \$19 billion for prevention efforts in 2013-2014; those funds are providing a variety of interventions in municipalities with high crime rates that also exhibit social risk factors. The program has been criticized, however, for lacking a rigorous methodology for selecting and evaluating the communities and interventions that it is funding. México Evalúa, *Prevención del Delito en México: Dónde Quedó la Evidencia?* January 2014.

¹¹ Vanda Felbab-Brown, *Changing the Game or Dropping the Ball? Mexico's Security and Anti-Crime Strategy Under President Enrique Peña Nieto*, Brookings Institution, November 2014. Hereinafter: Felbab-Brown, 2014.

¹² For background, see CRS Report R43001, *Supporting Criminal Justice System Reform in Mexico: The U.S. Role*, by Clare Ribando Seelke.

¹³ Andrés Bello, "The Mexican Morass," *The Economist*, January 24, 2015.

¹⁴ Felbab-Brown, 2014.

¹⁵ Kimberly Heinle, Cory Molzahn, and David Shirk, *Citizen Security in Michoacán*, TBI and Woodrow Wilson Center (WWC) Mexico Institute, January 2015.

¹⁶ Christopher Wilson and Eugenio Weigend, *Tamaulipas: A New Security Strategy for a Troubled State*, WWC (continued...)

elsewhere, high-value targeting of top criminal leaders has continued; at least 93 of 122 high-value targets identified by the government have been detained.¹⁷ While impressive, this strategy has contributed to crime groups splintering, proliferating, and diversifying their activities from drug trafficking into other types of crime.

While declines in overall homicides have been seemingly positive, experts have questioned the veracity of government figures.¹⁸ Moreover, fewer than 20% of homicides have been successfully prosecuted with convictions, suggesting high levels of impunity.¹⁹ Overall, few crimes—perhaps 10%—are reported, and, on average, more than 90% of all reported crimes go unpunished.²⁰

Several cases have drawn attention to the particular problem of impunity for human rights abuses:

- In October 2014, Mexico’s National Human Rights Commission (CNDH) issued a report concluding that at least 12 people had been killed execution-style by the Mexican military in Tlatlaya, Mexico on July 1, 2014.²¹ The military originally claimed that the victims were criminals killed in a confrontation with soldiers. This case has resulted in criticism of not only the military and state prosecutors but federal prosecutors who originally failed to investigate these allegations of extrajudicial killings. The CNDH also documented claims of torture of two witnesses to the killings by the military and prosecutors from the state of Mexico. Seven soldiers and one lieutenant have since been arrested for their involvement.
- The still unresolved case of 43 missing students who disappeared in Iguala, Guerrero, in September 2014 has also drawn attention to the issues of extrajudicial killings, enforced disappearances, and impunity. The disappearance and likely killing of the students—which involved the local police, the Iguala mayor, and his wife—galvanized large protests in Mexico and around the world against corruption and impunity.
- Mexico’s interior minister has launched an investigation into allegations that federal forces may have executed 16 individuals who were unarmed in Apatzingán, Michoacán in January 2015.²²

In response to criticisms of the Tlatlaya and Iguala incidents, Mexican President Enrique Peña Nieto proposed 10 actions to improve the rule of law in November 2014. One of those actions was the *mando único* (unified command)—a constitutional reform that would *require* states to remove the command of police forces from municipalities and place it at the state level. This plan aims to reduce police corruption and improve coordination with federal forces. Some experts question the notion that state forces are any less corrupt and maintain that this change will not

(...continued)

Mexico Institute, October 2014.

¹⁷ “Mexican ‘Decapitation’ Strategy Reaps More Rewards,” *Latin News Daily*, April 20, 2015.

¹⁸ Alejandro Hope, “Mexico Homicides: Something Doesn’t Add Up,” *Insight Crime*, April 11, 2014.

¹⁹ Guillermo Zepeda, *Seguridad y Justicia Penal en los Estados: 25 Indicadores de Nuestra Debilidad Institucional*, Mexico Evalua, March 2012.

²⁰ Marguerite Cawley, “Mexico Victims’ Survey Highlights Under-Reporting of Crime,” *Insight Crime*, October 1, 2014.

²¹ CRS Report IF10160, *The Rule of Law in Mexico and the Mérida Initiative*, by Clare Ribando Seelke.

²² “Mexico Says to Investigate Reports of Police Killings,” Reuters, April 20, 2015.

prevent abuses or strengthen accountability. No constitutional reform has been passed. Little progress has been made on the other proposals, such as establishing a national emergency hotline.

President Peña Nieto also replaced attorney general Jesus Murillo Karam with former senator Arely Gomez in February 2015. Attorney general Gomez has stated that there are still pending issues in the Iguala case and is working with experts from the Inter-American Commission on Human Rights (IAHCR) on the investigation. IAHCR also intends to help the Mexican government develop search plans for missing persons and improve services for victims' families. Pursuant to reforms enacted in December 2013, the attorney general's office will be replaced by an independent prosecutor general's office.

In April 2015, the Mexican Congress enacted a law establishing a national anti-corruption system with a special prosecutor to handle cases of corruption. The law also gives more power to the existing federal audit office and the public administration ministry. Some analysts have praised the law as a step forward for efforts aimed at combating official corruption, while others have cast doubt on its provisions and the likelihood that it will be implemented effectively.

The Mérida Initiative: Funding and Implementation²³

In October 2007, the United States and Mexico announced the Mérida Initiative, a package of U.S. assistance for Mexico and Central America that would begin in FY2008.²⁴ The Mérida Initiative was developed in response to the Calderón government's unprecedented request for increased U.S. support and involvement in helping Mexico combat drug trafficking and organized crime. As part of the Mérida Initiative's emphasis on *shared responsibility*, the Mexican government pledged to tackle crime and corruption and the U.S. government pledged to address domestic drug demand and the illicit trafficking of firearms and bulk currency to Mexico.²⁵

Whereas U.S. assistance initially focused on training and equipping Mexican security forces for counternarcotic purposes, it has shifted toward addressing the weak government institutions and societal problems that have allowed the drug trade to thrive in Mexico. The strategy now focuses more on institution-building than on technology transfers and broadens the scope of bilateral efforts to include economic development and community-based social programs. There is also increasing funding at the sub-national level for Mexican states and municipalities.

In May 2013, Presidents Obama and Peña Nieto reaffirmed their commitments to the Mérida Initiative's four pillar strategy during President Obama's trip to Mexico. In August 2013, the U.S. and Mexican governments then agreed to focus on justice sector reform, money laundering, police and corrections professionalization at the federal and state level, border security both north and south, and piloting approaches to address root causes of violence. The U.S. and Mexican

²³ For historical information, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, by Clare Ribando Seelke.

²⁴ In FY2008 and FY2009, the Mérida Initiative included U.S. assistance to Mexico and Central America. Beginning in FY2010, Congress separated Central America from the Mérida Initiative by creating a separate Central American Regional Security Initiative (CARSI). For information on CARSI, see CRS Report R41731, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke.

²⁵ For more information on U.S. drug policy, see CRS Report R43749, *Drug Enforcement in the United States: History, Policy, and Trends*, by Lisa N. Sacco. For more information on firearms trafficking, see CRS Report R40733, *Gun Trafficking and the Southwest Border*, by Vivian S. Chu and William J. Krouse.

governments held the third Security Cooperation Group meeting during the Peña Nieto government in Washington, DC, in February 2015 to oversee the Mérida Initiative and broader security cooperation efforts. Issues such as how to address human smuggling, cybersecurity, and heroin production were included on the agenda.²⁶

Congress, with the power of the purse, has played a major role in determining the level and composition of Mérida Initiative funding for Mexico.²⁷ From FY2008 to FY2015, Congress appropriated more than \$2.5 billion for Mexico under the Mérida Initiative (see **Table 1** for Mérida appropriations and **Table A-1 in Appendix** for overall U.S. assistance to Mexico since FY2010). In the beginning, Congress included funding for Mexico in supplemental appropriations measures in an attempt to hasten the delivery of certain equipment. Congress has also earmarked funds in order to ensure that certain programs are prioritized, such as efforts to support institutional reform. From FY2012 onward, funds provided for pillar two have exceeded all other aid categories (see **Figure 2**). In FY2015, Congress provided \$79 million above the Administration’s request of \$115 million for the Mérida Initiative in P.L. 113-235 to be used for helping Mexico secure its southern border and implement justice sector reforms. The bulk of the \$119 million in funds requested by the Obama Administration for FY2016 would continue work on helping Mexico implement judicial and police reform.

Figure 2. Current Status and Focus of the Mérida Initiative



Source: CRS graphics.

Congress has sought to influence human rights conditions and encourage efforts to combat abuses and impunity in Mexico by placing conditions on Mérida-related assistance. Congress directed that 15% of certain assistance provided to Mexican military and police forces would be subject to certain human rights conditions. Congress has also withheld funding due to human rights

²⁶ National Security Council, “The Third Meeting of the U.S.-Mexico Security Coordination Group,” February 25, 2015.

²⁷ For information on the development and history of the Mérida Initiative, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*, by Clare Ribando Seelke.

concerns; some \$33.1 million is currently on hold.²⁸ The conditions included in the FY2014 Consolidated Appropriations Act (P.L. 113-76) and in the FY2015 Consolidated and Further Continuing Appropriations Act (P.L. 113-235) are slightly different than in previous years (see “Human Rights Concerns and Conditions on Mérida Initiative Funding”).

Table I. FY2010–FY2016 Mérida Funding for Mexico
(\$ in millions)

Account	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015 (est)	Account Totals	FY2016 Request
ESF	15.0 ^a	18.0	33.3	32.1	46.1	46.0	179.5	35.0
INCLE	365.0	117.0	248.5	195.1	148.1	148.0	1,743.2	80.0
FMF	5.3	8.0	N/A ^b	N/A	N/A	N/A	428.8	N/A
Total	385.3	143.0	281.8	227.2	194.2	194.0	2,351.5	115.0

Sources: U.S. Department of State, *Congressional Budget Justification for Foreign Operations FY2008-FY2015*.

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.
- b. Beginning in FY2012, FMF assistance is not included as part of the Mérida Initiative.

Implementation

For the past several years, Congress has maintained an interest in ensuring that Mérida-funded equipment and training is delivered efficiently. After initial delays, deliveries accelerated in 2011, with more than \$500 million worth of equipment, training, and technical assistance provided. As of the end of Calderón’s term (November 2012), \$1.1 billion worth of assistance had been provided. That total included roughly \$873.7 million in equipment (including 20 aircraft²⁹ and more than \$100 million in non-intrusive inspection equipment) and \$146.0 million in training.

For most of 2013, delays in implementation occurred largely due to the fact that the Peña Nieto government was still honing its security strategy and determining the amount and type of U.S. assistance needed to support that strategy. The initial procedure the government adopted for processing all requests from Mexican ministries for Mérida Initiative funds through the interior ministry also contributed to delays. By November 2013, the State Department and Mexican foreign affairs and interior ministries had agreed to a new, more agile process for approving new Mérida Initiative projects. The governments have agreed to more than 100 new projects worth some \$550 million. As of April 2015, deliveries still stood at roughly \$1.3 billion, however.

U.S. assistance has increasingly focused on supporting efforts to strengthen institutions in Mexico through training and technical assistance. U.S. funds support training courses offered in new or

²⁸ Electronic correspondence with State Department official, April 23, 2015.

²⁹ Aerial equipment deliveries included four CASA 235 maritime surveillance aircraft, nine UH-60 Black Hawk helicopters, eight Bell 412 helicopters. An Intelligence Surveillance, and Reconnaissance (ISR) Dornier 328-JET arrived in late 2014.

refurbished training academies for customs personnel, corrections staff, canine teams, and police (federal, state, and local).³⁰ Some of that training is designed according to a “train the trainer” model in which the academies train instructors who in turn are able to train their own personnel. Despite the significant number of justice sector officials who have been trained over the past several years, high turnover rates within Mexican criminal justice institutions have limited the impact of U.S. training programs.

The Four Pillars of the Mérida Initiative

Pillar One: Disrupting the Operational Capacity of Organized Crime

Mexico has focused significant effort on dismantling the leadership of the major DTOs. U.S. assistance appropriated during the first phase of the Mérida Initiative (FY2008-FY2010) enabled the purchase of equipment to support the efforts of federal security forces engaged in anti-DTO efforts. That equipment included \$590.5 million worth of aircraft and helicopters, as well as forensic equipment for the Federal Police and Attorney General’s respective crime laboratories. U.S. surveillance equipment and intelligence reportedly aided the Mexican marines in tracking and capturing both Miguel Angel Treviño Morales and Joaquín “El Chapo” Guzmán.³¹ U.S.-funded non-intrusive inspection equipment (more than \$100 million) and canine units (\$16.5 million) have also helped Mexican forces interdict illicit flows of drugs, weapons, and money. In response to rising heroin production in Mexico, the State Department has recently offered to provide Mexico with assistance in drug crop eradication efforts.

As the DTOs continue to employ new weapons, new types of training and/or equipment may be needed to help security officials at the federal, state, and municipal levels work together to combat those new threats. As the Peña Nieto government expands the gendarmerie within the interior ministry and the criminal investigative agency or AIC within the attorney general’s office (PGR), increased assistance may be requested to assist those entities, as well as existing federal forces. As U.S. assistance increasingly flows to state-level law enforcement, assistance may be needed to advance unified commands, build investigative capacity and cooperation between police and prosecutors, and establish police standards and internal accountability mechanisms. U.S. aid has already backed the Peña Nieto government’s focus on improving coordination among federal, state, and municipal forces by helping train joint intelligence task forces that now operate in several parts of the country.

The Mexican government has increasingly been conceptualizing 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, although much more could be done in that area.³² In August 2010, the Mexican government imposed limits on

³⁰ Mérida assistance is also supporting Mexican institutions like the National Public Security System (SNSP), which sets police standards and provides grants to states and municipalities for police training, and the National Institute of Criminal Sciences (INACIPE), which provides training to judicial sector personnel.

³¹ “No Shots Fired: Leader of Mexico’s Zetas Cartel Captured in Precision Operation, with U.S. Help,” Associated Press, July 16, 2013; Bill Whitaker, “Behind the Arrest of Public Enemy Number One,” CBS, October 12, 2014.

³² Randal C. Archibold, “Vast Web Hides Mexican Drug Profits in Plain Sight, U.S. Authorities Say,” *New York Times*, (continued...)

the amount of U.S. dollars that individuals can exchange or deposit each month; those restrictions were revised in June 2014. In October 2012, the Mexican Congress approved an anti-money laundering law that established a financial crimes unit within the PGR, subjected additional industries vulnerable to money laundering to new reporting requirements, and created new criminal offenses for money laundering. Mérida assistance has provided \$16 million in equipment, software, training, and technical assistance to the financial intelligence unit, which is helping that unit analyze the increasing volumes of data on suspicious transactions that have occurred in recent years and prepare cases for referral to the attorney general's office.

As mentioned, the DTOs are increasingly evolving into poly-criminal organizations, perhaps as a result of drug interdiction efforts cutting into their profits. As a result, many have urged both governments to focus on combating other types of organized crime, such as kidnapping and human smuggling. Some may therefore question whether the funding provided under the Mérida Initiative is being used to adequately address all forms of transnational organized crime.

Cross-border law enforcement operations and investigations have been suggested as possible areas for increased cooperation. Of note, there already exist a number of U.S.-Mexican law enforcement partnerships, both formal and informal. For instance, Mexican federal police have participated in the Border Enforcement Security Task Force (BEST) initiative, led by U.S. Immigration and Customs Enforcement (ICE).³³

U.S. law enforcement and intelligence officials support Mexican intelligence-gathering efforts in northern Mexico, and U.S. drones gather information that is shared with Mexican officials. A \$13 million cross-border telecommunications system for sister cities along the U.S.-Mexico border that was funded by the Mérida Initiative is facilitating information-sharing among law enforcement in that region.

As Mexico receives U.S. equipment and training to secure its southern borders³⁴ with Guatemala and Belize, the need for more regional partnerships with those countries has also arisen.

Pillar Two: Institutionalizing Reforms to Sustain the Rule of Law and Respect for Human Rights in Mexico³⁵

Reforming Mexico's corrupt and inefficient criminal justice system is widely regarded as crucial for combating criminality, strengthening the rule of law, and better protecting citizen security and human rights in the country. Recent spikes in violence and criminality have overwhelmed Mexico's law enforcement and judicial institutions, with record numbers of arrests rarely resulting in successful convictions. Increasing cases of human rights abuses committed by

(...continued)

March 25, 2014.

³³ The BEST Initiative is a multi-agency initiative 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. For instance, see Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Border Enforcement Security Task Forces*.

³⁴ CRS Report IF10215, *Mexico's Recent Immigration Enforcement Efforts*, by Clare Ribando Seelke.

³⁵ For more information on this pillar, see CRS Report R43001, *Supporting Criminal Justice System Reform in Mexico: The U.S. Role*, by Clare Ribando Seelke.

authorities at all levels, as well as Mexico's inability to investigate and punish those accused of abuses, are also pressing concerns.

Federal police reform got underway during the Calderón Administration, although recent cases of police misconduct in Tamaulipas have exemplified lingering concerns about federal forces. A major challenge has been expanding police reform efforts to the state and municipal level. Mérida funding has been used to extend U.S.-funded federal police training efforts to police from all 32 states through a National Police Training Program.

With impunity rates hovering around 82% for homicide and even higher for other crimes,³⁶ 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, many have argued that U.S.-funded judicial training programs may need to be expanded. While U.S. assistance has helped federal prisons expand and improve, thousands of federal prisoners are still being housed in state prisons that are overcrowded and often extremely insecure.³⁷

Reforming the Police

Police corruption has presented additional challenges to the campaign against DTOs in Mexico. While corruption has most often plagued municipal and state police forces, federal police officers have been involved in drug trafficking and kidnapping as well. Corrupt officials have also been dismissed from the PGR's organized crime unit, as well as its police force.

The Calderón Administration took steps to reform Mexico's police forces by dramatically increasing police budgets, raising selection standards, and enhancing police training and equipment at the federal level. It also created a national database through which police at all levels can share information and intelligence, and accelerated implementation of a national police registry. Two laws passed in 2009 created a federal police force under the secretariat for public security or SSP and another force under the PGR, both with some investigative functions. Whereas initiatives to recruit, vet, train, and equip the federal police advanced (with support from the Mérida Initiative³⁸), efforts to build the PGR's police force lagged behind. The Peña Nieto government has placed the federal police and the SSP under the authority of the interior ministry, created a new national gendarmerie within the federal police, and put the PGR's police within its new investigative agency. U.S. training has been offered to most of the aforementioned entities.

State and local police reform has lagged well behind federal police reform efforts. A public security law codified in January 2009 established vetting and certification procedures for state and local police to be overseen by the national public security system (SNSP). Federal subsidies have been provided to state and municipal units whose officers meet certain standards. Some \$24

³⁶ In other words, about 82% of perpetrators have not been brought to justice. Guillermo Zepeda, *Seguridad y Justicia Penal en los Estados: 25 Indicadores de Nuestra Debilidad Institucional*, Mexico Evalúa, March 2012.

³⁷ Federal prison reform in Mexico began in 2008. U.S. funding supported the refurbishment of a federal penitentiary academy in Veracruz and the accreditation of seven of Mexico's federal facilities and 11 state prisons by the American Correctional Association (ACA). U.S. training has heretofore been provided at Mexico's federal academy and an academy in Chihuahua, as well as in courses offered in Colorado and New Mexico.

³⁸ Mérida funding supported 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.

million in U.S. equipment and training assistance has supported internal affairs investigations, vetting of law enforcement officials, and centralization of personnel records. Nevertheless, as of November 2014, 18,000 of 135,000 Mexican municipal police failed vetting exams and another 20,000 state police failed as well.³⁹

The establishment of unified state police commands that could potentially absorb municipal police forces has been debated in Mexico for years.⁴⁰ The Mexican Congress failed to pass a constitutional reform proposal put forth by the Calderón government to establish unified state police commands. Nevertheless, President Peña Nieto is helping states move in that direction and has introduced his own constitutional reform proposal on that issue.

The outcome of the police reform efforts could have implications for U.S. initiatives to expand Mérida assistance to state and municipal police forces, particularly as the Mexican government determines how to organize and channel that assistance. Mérida funding has supported state-level academies and training courses for state and local police in officer safety, securing crime scene preservation, investigation techniques, and intelligence-gathering.

In order to complement these efforts, some analysts maintain 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. Some maintain that citizen participation councils, combined with internal control mechanisms and stringent punishments for police misconduct, can have a positive impact on police performance and police-community relations. Others have mentioned the importance of establishing citizen observatories to develop reliable indicators to track police and criminal justice system performance, as has been done in some states.

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. The vast majority of drug trafficking-related arrests that have occurred over the last several years have not resulted in successful prosecutions. The PGR has also been unable to secure charges in many high-profile cases involving the arrests of politicians accused of collaborating with organized crime.

Mexican prisons, particularly at the state level, are also in need of significant reforms. Increasing arrests have caused prison population to expand significantly, as has the use of preventive detention. Those suspected of involvement in organized crime can be held by the authorities for 40 days without access to legal counsel, with a possible extension of another 40 days, a practice known as “*arraigo*” (pre-charge detention) that has led to serious abuses by authorities.⁴¹

³⁹ Kyra Gurney, “Corrupt Mexico Police Concentrated in 10 States,” *Insight Crime*, November 27, 2014.

⁴⁰ Proponents of the reform maintain that it would improve coordination with the federal government 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 and argue that there is a role for municipal police who are trained to deal with local issues.

⁴¹ This practice 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* (continued...)

Mexico's former attorney general spoke out against the excessive use of *arraigo*, but the government continues to say it is necessary to facilitate some types of investigations.⁴² Many inmates (perhaps 40%) are awaiting trials, as opposed to serving sentences. As of July 2013, prisons were at 22% over-capacity.⁴³ Prison breaks are common in state facilities, many of which are controlled by crime groups.

In June 2008, then-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. To implement the reforms, Mexico will need to implement the unified code of criminal procedure at the federal and state level, build new courtrooms, retrain current legal professionals, update law school curricula, and improve forensic technology—a difficult and expensive undertaking.

From the beginning, analysts had predicted that progress in advancing judicial reform was likely to be slow due to capacity constraints and entrenched interests in the judicial system (including judges) opposed to the new system. The Calderón government devoted more attention toward modernizing the police than strengthening the justice system.⁴⁴ In addition, some of the tough measures for handling organized crime cases it included in the 2008 judicial reforms appear to run counter to the spirit of the reforms, which include protections for the rights of the accused.⁴⁵ Former President Calderón proposed a new federal criminal procedure code (CPC)—a key element needed to guide reform efforts—in September 2011, but it was not enacted.

President Peña Nieto has repeatedly pledged to advance judicial reform and overhaul the PGR. The Mexican Congress approved a unified code of criminal procedure to cover the entire judicial system in February 2014; it was promulgated in March 2014. Experts have guardedly praised that development.

In contrast to this lack of progress at the federal level, the reform has moved forward in many Mexican states. As of August 2013, 26 of Mexico's 32 states had enacted legislation to begin the transition to an oral and adversarial justice system and 16 states had begun operating at least partially under the new system.⁴⁶ Reform states have seen positive initial results as compared to non-reform states: faster case resolution times, less pre-trial detention, and tougher sentences for

(...continued)

Legal Reform in Mexico, University of San Diego, June 2010.

⁴² U.S. Department of State, *Country Report on Human Rights Practices for 2013: Mexico*, February 2014. Hereinafter: State Department, *Country Report: Mexico*, February 2014. The State Department human rights report covering 2014 has not yet been released. Tanya Montalvo, "Para Proteger el Éxito de una Investigación": así Defiende México al Arraigo," *Animal Político*, March, 2014.

⁴³ State Department, *Country Report: Mexico*, February 2014.

⁴⁴ Andrew Selee and Eric L. Olson, *Steady Advances, Slow Results: U.S.-Mexico Security Cooperation After Two Years of the Obama Administration*, Woodrow Wilson Center's Mexico Institute, April 2011.

⁴⁵ For a discussion of these concerns and the reform process in general, see David Shirk, "Criminal Justice Reform in Mexico: An Overview," *Mexican Law Review*, vol. 2, no. 3 (January-June 2011).

⁴⁶ State Department, *Country Report: Mexico*, February 2014.

cases that go to trial.⁴⁷ Still, daunting challenges remain, including the need to improve the investigative capacity of police and prosecutors, address the concerns of counter-reform efforts, and overcome opposition from judges and other key justice sector operators.

The U.S. Agency for International Development (USAID) is implementing a \$76 million rule of law program that provides assistance to Mexican state and federal authorities in all 32 of Mexico's states and to civil society organizations that help monitor and oversee reform efforts. Activities promote prosecutorial efficiency, public support for the new system, the analytical and quality control capacity of justice sector institutions, access to justice, and victim's assistance. USAID also supports training for private lawyers, professors, and bar associations to modify curricula and technical standards to be consistent with the new system.

The Department of Justice (DOJ) has supported judicial reform at the federal level, including providing technical assistance to the Congress during the drafting and adoption of a unified CPC through its Office of Overseas Prosecutorial Development (OPDAT). In 2012, DOJ worked with the PGR to design and implement a national training program through which 7,700 prosecutors, investigators, and forensic experts were trained to work as a team rather than in isolation (as was customary). DOJ also implemented a training program in Puerto Rico for Mexican federal judges.

The PGR is using instructors and the training management and evaluation team from that national training program to transition its personnel and operations to the accusatorial system in nine states. OPDAT is also working with the PGR to develop specialized training programs for prosecutors in anti-money laundering, trafficking in persons, and anti-kidnapping cases. The PGR's investigative police are receiving training from OPDAT and the U.S. Marshalls.

Congress has expressed support for the continued provision of U.S. assistance for judicial reform efforts in Mexico in appropriations legislation, hearings, and committee reports. Congressional funding and oversight of judicial reform programs in Mexico is likely to continue for many years. Over time, Congress may consider how best to divide funding between the federal and state levels; how to sequence and coordinate support to key elements within the rule of law spectrum (police, prosecutors, courts); and how the efficacy of U.S. programs is being measured.

Pillar Three: Creating a "21st Century Border"

The Department of Homeland Security (DHS) Customs and Border Protection (CBP) is charged with facilitating the flow of people, commerce, and trade through U.S. ports of entry while securing the border against threats. While enforcement efforts at the southwest border tend to focus on illegal migration and cross-border crime, commercial trade crossing the border also poses a potential risk to the United States. Since the North American Free Trade Agreement (NAFTA) took effect in 1994, U.S.-Mexico trade has dramatically increased, while investments in port infrastructure and staffing of customs officials along the border have not, until recently, been made. Particularly since the terrorist attacks of September 11, 2001, there have been significant delays and unpredictable wait times at the U.S.-Mexico border. Concerns about those delays has increased in recent years, since roughly 80% of U.S.-Mexico trade must pass through a

⁴⁷ USAID, Justice Studies Center of the Americas, and Coordination Council for the Implementation of the Criminal Justice System and Its Technical Secretariat (SETEC); *Monitoring the Implementation of the Criminal Justice Reform in Chihuahua, the State of Mexico, Morelos, Oaxaca, and Zacatecas: 2007-2011*, November 2012.

port of entry (POE) along the southwest border, often more than once, as manufacturing processes between the two countries have become highly integrated.

On May 19, 2010, the United States and Mexico declared their intent to collaborate on enhancing the U.S.-Mexican border as part of pillar three of the Mérida Initiative. A Twenty-First Century Border Bilateral Executive Steering Committee (ESC)⁴⁸ has met seven times since then to develop bi-national action plans and oversee implementation of those plans. The plans are focused on setting measurable goals within broad objectives: coordinating infrastructure development, expanding trusted traveler and shipment programs, establishing pilot projects for cargo pre-clearance, improving cross-border commerce and ties, and bolstering information sharing among law enforcement agencies. In December 2014, the U.S. and Mexican governments reported that their efforts had resulted in a reduction in wait times at San Isidro from three hours to 30 minutes, the modernization of the Nogales-Mariposa crossing between Arizona and Sonora, and the mutual recognition of each country's respective trusted shipper program.⁴⁹

As Congress carries out its oversight function, questions that may arise include the following: How well is Mexico fulfilling its pledges to increase security along its northern and southern borders and to enforce its immigration laws? How well are the U.S. and Mexican governments balancing security and trade concerns along the U.S.-Mexico border? How will the Mexican Congress' recent enactment of a law that will enable U.S. customs officials to carry weapons in Mexico help advance efforts to develop binational pre-clearance facilities for U.S.-bound cargo in Mexico?

Northbound and Southbound Inspections⁵⁰

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. Policymakers 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 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, CBP scans license plates

⁴⁸ 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. 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.

⁴⁹ U.S. Embassy in Mexico City, "Joint Communiqué: U.S.-Mexico 21st Century Border Management Initiative Executive Steering Committee Policy Meeting," press release, December 4, 2014.

⁵⁰ 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 tend 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.

along the southwest border with the use of automated license plate readers (LPRs). Further, CBP employs non-intrusive inspection (NII) systems—both large-scale and mobile—to aid in inspection and processing of travelers and shipments. As of May 2013, CBP had “309 large-scale NII systems deployed to and in between U.S. ports of entry.”⁵¹

Historically, Mexican Customs had not served the role of performing southbound (or inbound) inspections. As part of the revised Mérida Initiative, CBP has helped 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 investigator training programs and the State Department has provided over 400 canines to assist with the inspections.⁵²

Preventing Border Enforcement Corruption

Another point that policymakers 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. Data from a 2012 Government Accountability Office (GAO) report can provide a snapshot of corruption involving Southwest border officials:

From fiscal years 2005 through 2012, a total of 144 [CBP] employees were arrested or indicted for corruption-related activities, including the smuggling of aliens or drugs... About 65 percent (93 of 144 arrests) were employees stationed along the southwest border.⁵³

To date, the 21st century border pillar 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. Congress may also decide whether to increase funding—as part of or separately from Mérida funding—for the vetting of new and current border enforcement personnel.

Mexico’s Southern Borders⁵⁴

Policymakers may also seek to examine a relatively new element under pillar three of the Mérida Initiative that involves U.S. support for securing Mexico’s porous and insecure southern borders with Guatemala and Belize. With U.S. support, the Mexican government has been implementing a southern border security plan since 2013 that has involved the establishment of 12 naval bases on the country’s rivers and three security cordons that stretch more than 100 miles north of the Mexico-Guatemala and Mexico-Belize borders. Total State Department support for mobile non-intrusive inspection equipment and related equipment and training for Mexico’s southern border strategy was expected to exceed \$86.6 million prior to the enactment of the FY2015 appropriations measure. As previously noted, Congress provided \$79 million in that act (P.L. 113-235) above the Administration’s FY2015 request for the Mérida Initiative in Mexico, including support for efforts to secure Mexico’s southern border. The U.S. Department of Defense (DOD)

⁵¹ U.S. Customs and Border Protection, *Non-Intrusive Inspection (NII) Technology*, Fact Sheet, May 2013.

⁵² Embassy of Mexico, *Fact Sheet: The Mérida Initiative—An Overview*, January 2015.

⁵³ U.S. Government Accountability Office, *Border Security: Additional Actions Needed to Strengthen CBP Efforts to Mitigate Risk of Employee Corruption and Misconduct*, GAO-13-59, January 2013.

⁵⁴ See CRS Report IF10215, *Mexico’s Recent Immigration Enforcement Efforts*, by Clare Ribando Seelke.

has also provided training to troops patrolling the border, communications equipment, and support for the development of Mexico's air mobility and surveillance capabilities.

Pillar Four: Building Strong and Resilient Communities

This pillar focuses on addressing the underlying causes of crime and violence, promoting security and social development, and building communities that can withstand the pressures of crime and violence. Pillar four is unique in that it has involved Mexican and U.S. federal officials working together to design and implement community-based programs in high-crime areas. Pillar four seeks to empower local leaders, civil society representatives, and private sector actors to lead crime prevention efforts in their communities. It has been informed by lessons learned from U.S. and Mexican efforts in Ciudad Juárez, Chihuahua.

Ciudad Juárez: : Lessons Learned

In January 2010, in response to the massacre of 15 youths with no connection to organized crime in Ciudad Juárez, the Mexican government began to prioritize crime prevention and community engagement. Federal officials worked with local authorities and civic leaders to establish six task forces to plan and oversee a strategy for reducing criminality, tackling social problems, and improving citizen-government relations. The strategy, "Todos Somos Juárez" ("We Are All Juárez"), was launched in February 2010 and involved close to \$400 million in federal investments in the city. While federal officials began by amplifying access to existing social programs and building infrastructure projects, they later responded to local demands to concentrate efforts in certain "safe zones." Control over public security in the city shifted from the military, to the federal police, and then to municipal authorities.⁵⁵

Prior to the endorsement of a formal pillar four strategy, the U.S. government's pillar four efforts in Ciudad Juárez involved the expansion of existing initiatives, such as school-based "culture of lawfulness"⁵⁶ programs and drug demand reduction and treatment services. Culture of lawfulness (CoL) programs aim to combine "top-down" and "bottom-up" approaches to educate all sectors of society on the importance of upholding the rule of law. U.S. support also included new programs, such as support for an anonymous tip line for the police. USAID supported a crime and violence mapping project that enabled Ciudad Juárez's government to identify hot spots and respond with tailored prevention measures as well as a program to provide safe spaces, activities, and job training programs for at-risk youth. USAID also provided \$1 million in grants to local organizations working in the areas of social cohesion.

It may never be determined what role the aforementioned efforts played in the significant reductions in violence that has occurred in Ciudad Juárez since 2011.⁵⁷ Nevertheless, lessons have been gleaned from this example of Mexican and U.S. involvement in municipal crime prevention that are informing newer programs in Mexico and in Central America. Analysts have praised the sustained, high-level support Ciudad Juárez received from the Mexican and U.S. governments; community and private sector ownership of the effort; and coordination that occurred between various levels of the Mexican government.⁵⁸ The strategy was not well targeted, however, and monitoring and evaluation of its effectiveness has been relatively weak.

⁵⁵ Each of these forces has committed human rights violations and exhibited corruption.

⁵⁶ Key sectors that CoL programs seek to involve include law enforcement, security forces, and other public officials; the media; schools; and religious and cultural institutions. The U.S. government is supporting school-based "culture of lawfulness" programs, as well as "culture of lawfulness" courses that are being taught to federal and state police.

⁵⁷ While many analysts credit the decline in violence to the end of a turf war between the Sinaloa and Juárez DTOs, federal and local officials have variously taken credit for the reduction. See, for example, "Looking back on the Calderón Years," *The Economist*, November 22, 2012.

⁵⁸ Lucy Conger, "The Private Sector and Public Security: The Cases of Ciudad Juárez and Monterrey," *Building Resilient Communities: Civic Responses to Violent Organized Crime in Mexico* (Woodrow Wilson Center's Mexico Institute and the Trans-Border Institute at the University of San Diego, 2014). For lessons learned, see International Crisis Group, *Back From the Brink, Saving Ciudad Juárez*, February 2015.

In April 2011, the U.S. and Mexican governments formally approved a bi-national pillar four strategy focused on (1) strengthening federal civic planning capacity to prevent and reduce crime; (2) bolstering the capacity of state and local governments to implement crime prevention and reduction activities; and (3) increasing engagement with at-risk youth. U.S.-funded pillar four activities were designed to complement the work of Mexico's National Center for Crime Prevention and Citizen Participation, an entity (since renamed) within the Interior Department that implements prevention projects in high crime areas. U.S. support for pillar four has exceeded \$100 million.

In support of this new strategy, USAID has dedicated \$50 million for a crime and violence prevention program in nine target communities identified by the Mexican government in Ciudad Juárez, Monterrey, Nuevo León, and Tijuana, Baja California. The program has supported the development of community strategies to reduce crime and violence in the target localities, including outreach to at-risk youth, improved citizen-police collaboration, and partnerships between public and private sector entities. It included funding for an evaluation of crime in the target communities that will help enable both governments to identify successful models for replication. USAID also awarded local grants to civil society organizations for innovative crime prevention projects that engage at-risk youth and their families.

Pillar four appears to be a top priority for the Peña Nieto government, and future bilateral efforts will likely seek to complement Mexico's National Crime and Violence Prevention Program. As previously stated, that program involves federal interventions in municipalities in high crime areas. To bolster those interventions, USAID may expand the geographic areas in which it is supporting violence prevention programs.

The State Department is supporting other key elements of pillar four: drug demand reduction, culture of lawfulness programs, and efforts to help citizens hold government entities accountable. U.S.-funded training and technical assistance provided by the Inter-American Drug Control Commission has helped Mexico develop a curriculum and train hundreds of drug counselors, conduct research, and expand drug treatment courts throughout the country. U.S. support has also enabled the establishment of community anti-drug coalitions in Mexico. As Mexico has made culture of lawfulness education a required part of middle school curriculum, U.S. support has helped that curriculum reach more than 800,000 students during the 2013-2014 school year.⁵⁹ U.S. assistance has helped a Mexican nongovernment organization establish citizens' watch booths in district attorney's offices in Mexico City and surrounding areas that have helped people report crime, be made aware of their rights, and monitor the services provided by those government entities.

Issues

Measuring the Success of the Mérida Initiative

With little publicly available information on what specific metrics the U.S. and Mexican governments are using to measure the impact of the Mérida Initiative, analysts have debated how bilateral efforts should be evaluated. How one evaluates the Mérida Initiative largely depends on

⁵⁹ U.S. Embassy, February 2014.

how one has defined the goals of the program. While the U.S. and Mexican governments' long-term goals for the Mérida Initiative may be similar, their short-term goals and priorities may be different. For example, both countries may strive to ultimately reduce the overarching threat posed by the DTOs—a national security threat to Mexico and an organized crime threat to the United States. However, their short-term goals may differ; Mexico may focus more on reducing drug trafficking-related crime and violence, while the United States may place more emphasis on aggressively capturing DTO leaders and seizing illicit drugs.

One basic measure by which Congress has evaluated the Mérida Initiative has been the pace of equipment deliveries and training opportunities. A December 2009 GAO report identified several factors that had slowed the pace of Mérida implementation.⁶⁰ It is unclear, though, whether more expeditious equipment deliveries to Mexico have resulted in a more positive evaluation of Mérida. Moreover, if equipment is not adequately maintained, its long-term impact could be reduced. Measures of the volume of training programs administered, including the number of individuals completing each course, have also been used to measure Mérida success. This measure is imperfect, however, as it does not capture the impact that a particular training course had on an individual's performance. U.S. agencies are generally not currently measuring retention rates for those whom they have trained; some agencies have identified high turnover rates within the agencies as an obstacle for the sustainability of U.S. training programs.⁶¹

U.S.-funded anti-drug 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. Some analysts have attributed increased arrests and certain drug seizures (i.e., cocaine and methamphetamine) to success of the Mérida Initiative. Others have also highlighted the downward trend (since 2006) of cocaine availability and purity in the United States as evidence of the success of Mérida and other U.S.-funded antidrug efforts. However, changes in arrest trends, seizure data, and drug prices or purity may not be directly related to U.S.-Mexican efforts to combat the DTOs.

President Enrique Peña Nieto has vowed to reduce drug trafficking-related violence and crimes such as kidnapping and extortion. Should trends in drug trafficking-related deaths, extortions, or kidnapping in Mexico be used as indicators of success or failure for the Mérida Initiative?

In addition to a decline in drug trafficking-related violence and crime, analysts have suggested that success in pillars two and four would be evidenced by, among other things, increases in popular trust in the police and courts. Measuring citizens' perceptions on crime and violence, on the one hand, as well as governmental effectiveness, on the other, could also prove useful.

Extraditions

Another example of Mérida success—in the form of bilateral cooperation—cited by the State Department is the high number of extraditions from Mexico to the United States. Extraditions to

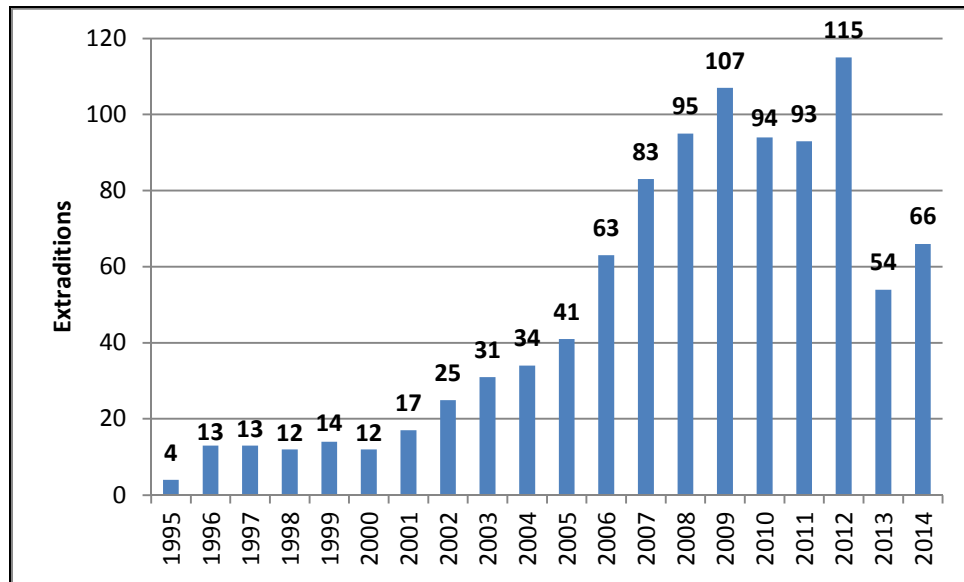
⁶⁰ Government Accountability Office, *Status of Funds for the Mérida Initiative*, 10-253R, December 3, 2009.

⁶¹ U.S. Agency for International Development, Justice Studies Center of the Americas, and Coordination Council for the Implementation of the Criminal Justice System and its Technical Secretariat (SETEC); Executive Summary of the General Report: Monitoring the Implementation of the Criminal Justice Reform in Chihuahua, the State of Mexico, Morelos, Oaxaca, and Zacatecas: 2007-2011, November 2012.

the United States had started to increase under former President Vicente Fox (2000-2006), who like Felipe Calderón was from the opposition PAN, and reached 63 in 2006. Starting at 83 in 2007, in the six full years of the Calderón Administration, extraditions rose to nearly 100 a year. Cooperation on extraditions peaked in 2012, the final year of the Calderón government, with 115 favorable responses to U.S. extradition requests.

Figure 3. Individuals Extradited from Mexico to the United States

1995-2014



Sources: U.S. Department of Justice and U.S. Department of State.

In 2013, the number of extraditions declined to 54. Given the transition to a new administration in Mexico, there are several possible reasons for that decline. According to Mexican officials, extradition requests from the United States to Mexico declined from 108 in 2012 to 88 in 2013. Moreover, the Calderón government did not leave a large backlog of cases waiting to be processed in 2013.⁶² In addition, the Mexican government may be attempting to show that the Mexican justice system, which is in the process of being reformed, is capable of arresting, trying, and convicting drug traffickers.⁶³ In 2014, extraditions from Mexico rose to 66.

Drug Production and Interdiction in Mexico

Drug eradication and alternative development programs have not been a focus of the Mérida Initiative even though Mexico is a major producer of opium poppy (used to produce heroin), methamphetamine, cannabis (marijuana). According to U.S. government estimates, opium production has surged in Mexico as cannabis production has fallen. In addition, despite Mexican government import restrictions on precursor chemicals and efforts to seize precursor chemicals and dismantle clandestine labs, the production of methamphetamine has continued at high levels.

⁶² CRS interview with Mexican official, March 13, 2014.

⁶³ Mark Stevenson, Alicia A. Caldwell, and Adriana Gomez Licon, “Drug Lord ‘El Chapo’ Guzman Charged in Mexico,” *Associated Press*, February 24, 2014.

The Mexican government has engaged its military in drug crop eradication efforts since the 1930s, but personnel constraints have inhibited recent eradication efforts. Increases in drug production have occurred as the government assigned more military forces to public security functions, including anti-DTO operations, than to drug crop eradication efforts. Should Mexicans become increasingly wary of the government's strategy of using the military to perform police functions, there may be calls for the troops to return to more traditional anti-drug functions. Similarly, if drug production in Mexico further expands, particularly production of the potent "black tar" variety of heroin, U.S. policymakers may debate whether to direct some Mérida assistance to support eradication efforts in Mexico. The State Department is already in negotiations with the government of Mexico to direct some funding toward helping with drug crop eradication.

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 collaborated with DTOs out of economic necessity to adopt alternative means of employment. In Colombia, 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.⁶⁴ Despite those findings, alternative development often takes years to show results and requires a long-term commitment to promoting rural development, two factors which may lessen its appeal as a policy tool for Mexico.

While Mexico has made arresting drug kingpins a top priority, it has not given equal attention to the need to increase drug seizures. The State Department's *International Narcotics Control Strategy Reports* covering 2013⁶⁵ asserted that less than two percent of the cocaine estimated to transit Mexico is seized by Mexican authorities. The State Department has provided canines and inspection equipment for interdiction at Mexico's borders and ports of entry that has helped increase seizures, yet cocaine seizures in Central American countries often exceed Mexico's cocaine interdiction figures.

Human Rights Concerns and Conditions on Mérida Initiative Funding

There have been ongoing concerns about the human rights records of Mexico's military and police, particularly given the aforementioned cases (Tlatlaya, Iguala) involving allegations of their involvement in torture, enforced disappearances, and extrajudicial killings. The State Department's annual human rights reports covering Mexico have cited credible reports of police involvement in extrajudicial killings, kidnappings for ransom, and torture.⁶⁶ There has also been concern that the Mexican military has committed more human rights abuses since being tasked

⁶⁴ 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.

⁶⁵ The *International Narcotics Control Strategy Report* covering 2014 does not contain a similar estimate.

⁶⁶ U.S. Department of State, *Country Report on Human Rights Practices for 2012: Mexico*, April 2013; State Department, *Country Report: Mexico*, February 2014.

with carrying out public security functions. According to Mexico's Human Rights Commission (*Comisión Nacional de Derechos Humanos* or CNDH), complaints of human rights abuses by Mexico's Department of Defense (SEDENA) increased from 182 in 2006 to a peak of 1,800 in 2009 before falling since that time. Complaints of abuses against the Secretariat of the Navy (SEMAR) increased by 150% from 2010 to 2011 as its forces became more heavily involved in anti-DTO efforts, before decreasing.⁶⁷ While troubling, only a small percentage of those allegations have resulted in the CNDH issuing recommendations for corrective action to SEDENA and SEMAR, which those agencies have largely accepted.⁶⁸

In addition to expressing concerns about current abuses, Mexican and international human rights groups have criticized the Mexican government for failing to hold military and police officials accountable for past abuses. In May 2014, Mexico revised the country's military justice code to comply with rulings by the Inter-American Court of Human Rights (IACHR) and decisions by Mexico's Supreme Court affirming that cases of military abuses against civilians should be tried in civilian courts. Implementation of that legal change is likely to be closely monitored.

Congress has expressed ongoing concerns about human rights conditions in Mexico. These concerns have intensified as U.S. security assistance to Mexico has increased under the Mérida Initiative. Congress has continued monitoring adherence to the "Leahy" vetting requirements that must be met under the Foreign Assistance Act (FAA) of 1961 as amended (22 U.S.C. 2378d)⁶⁹ and annual Department of Defense (DOD) appropriations⁷⁰ in order for Mexican security forces⁷¹ to receive U.S. support.⁷²

Since FY2008, Congress has also conditioned U.S. assistance to the Mexican military and police on compliance with certain human rights standards. The FY2015 Consolidated and Further Continuing Appropriations Act (P.L. 113-235) requires that 15% of certain International Narcotics and Law Enforcement and Foreign Military Financing assistance be withheld until the Secretary of State reports in writing that:

1. the Government of Mexico is investigating and prosecuting violations of human rights in civilian courts;
2. the Government of Mexico is enforcing prohibitions against torture and the use of testimony obtained through torture;

⁶⁷ These figures are from CNDH's annual activity reports. They are available in Spanish at http://www.cndh.org.mx/Informes_Actividades

⁶⁸ In 2013, for example, the 811 complaints filed with CNDH against SEDENA resulted in 3 recommendations.

⁶⁹ The codified Leahy law (22 U.S.C. 2378d) prohibits the furnishing of assistance authorized by the FAA and the Arms Export Control Act, as amended, (AECA) to any foreign security force unit that is credibly believed to have committed a gross violation of human rights.

⁷⁰ A provision in the annual DOD appropriations legislation prohibits the use of DOD funds to support any training program involving a unit of a foreign security or police force if the unit has committed a gross violation of human rights. P.L. 113-76 expands that prohibition to cover DOD equipment assistance programs as well.

⁷¹ There is no FAA definition for the term "security force." DOD defines the term as "duly constituted military, paramilitary, police, and constabulary forces of a state." (DOD Dictionary of Military and Associated Terms, DOD Joint Publication 1-02, <http://www.dtic.mil>.)

⁷² CRS Report R43361, "*Leahy Law*" *Human Rights Provisions and Security Assistance: Issue Overview*, coordinated by Nina M. Serafino.

3. the Mexican army and police are promptly transferring detainees to the custody of civilian judicial authorities, in accordance with Mexican law, and are cooperating with such authorities in such cases; and,
4. the Government of Mexico is searching for the victims of forced disappearances and is investigating and prosecuting those responsible for such crimes.

Human rights groups initially expressed satisfaction that President Peña Nieto had adopted a pro-human rights discourse and promulgated a law requiring state support for crime victims and their families. If in 2013 they were underwhelmed with his government's efforts to promote and protect human rights, they have vigorously criticized the government's handling of high-profile cases of alleged abuses in 2014 and the lack of protection it has provided for groups vulnerable to abuses (journalists, human rights defenders, migrants).⁷³ Some have therefore urged U.S. policymakers to more closely monitor the Peña Nieto government's compliance with conditions on Mérida assistance.⁷⁴ How the Peña Nieto government moves to improve the ability of Mexico's civilian institutions to investigate and prosecute cases of human rights abuses by security forces, enhance enforcement of prohibitions against torture and other mistreatment, and strengthen protection for human rights defenders, the media, migrants, and other vulnerable groups is likely to be closely scrutinized.

The State Department has established a high-level human rights dialogue with Mexico, provided human rights training for Mexican security forces, and implemented a number of human rights-related programs. USAID has supported a \$5 million program being implemented by Freedom House to improve protections for Mexican journalists and human rights defenders. Human rights groups have acknowledged these efforts, but have criticized the U.S. government for failing to enforce Mérida's human rights restrictions.

Congress may choose to augment Mérida Initiative funding for human rights programs, such as ongoing training programs for military and police, or newer efforts, such as support for human rights organizations. Human rights conditions in Mexico, as well as compliance with conditions on Mérida assistance, are also likely to continue to be important oversight issues. As funds are provided to help secure Mexico's southern border, Congress may additionally consider how to help mitigate concerns about migrants' rights in Mexico.⁷⁵

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. The Department of Defense (DOD) did not play a primary

⁷³ José Miguel Vivanco, *Mexico: President's Disappointing First Year on Human Rights*, Human Rights Watch, November 26, 2013; Clay Boggs and Maureen Meyer, "Human Rights Crisis in Mexico Demands Stronger Response from Mexican Government," WOLA, December 9, 2014; WOLA and Peace Brigades International, *The Mechanism to Protect Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities*, February 3, 2015; Adam Isaacson, Maureen Meyer, and Gabriela Morales, *Security, Migration, and the Humanitarian Crisis at the Line with Central America*, WOLA, June 2014.

⁷⁴ Restrictions on certain aid to Mexico's military and police have been included in each of the Mérida appropriations measures since P.L. 110-252. See CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*.

⁷⁵ See CRS Report IF10215, *Mexico's Recent Immigration Enforcement Efforts*, by Clare Ribando Seelke.

role in designing the Mérida Initiative and is not providing assistance through Mérida accounts. However, DOD oversaw the procurement and delivery of equipment provided through the Foreign Military Financing (FMF) account, which was part of Mérida until FY2012.

Despite DOD's limited role in the Mérida Initiative, military cooperation between the two countries has been increasing, as have DOD training and equipment programs to support the Mexican military.⁷⁶ DOD has sent unmanned aerial vehicles into Mexico to gather intelligence on criminal organizations. DOD is also providing training and equipment to Mexican military forces patrolling the country's southern borders. More broadly, DOD assistance aims to support Mexico's efforts to improve security in high-crime areas, track and capture DTO operatives, strengthen border security, and disrupt illicit flows.

There are a variety of funding streams that support DOD training and equipment programs. Some DOD equipment programs are funded by annual State Department appropriations for FMF, which totaled \$6.6 million in FY2014. For their part, International Military Education and Training (IMET) funds, which totaled \$1.4 million in FY2014, support training programs for the Mexican military, including courses provided in the United States (see **Appendix**).

Apart from the Mérida Initiative and other State Department funding, DOD has its own legislative authorities to provide counterdrug assistance. That funding is not subject to the same human rights conditions as State Department appropriations. Programs in Mexico are overseen by U.S. Northern Command (NORTHCOM), which is located at Peterson Air Force Base in Colorado. DOD counternarcotics support to Mexico totaled some \$68.8 million in FY2013 and \$50.8 million in FY2014.

The aforementioned counternarcotics funding has enabled NORTHCOM to train and equip an increasing number of Mexican military personnel. In FY2014, NORTHCOM trained 3,358 military personnel, up from 2,959 in FY2013. Training has included courses on information fusion, surveillance, interdiction, cyber security, logistics, and professional development. Equipping efforts provided non-lethal equipment (such as communications tools, aircraft modifications, night vision, boats, etc.) to support those training courses.

Policymakers may want to receive periodic briefings on DOD efforts in order to guarantee that DOD programs are being adequately coordinated with Mérida Initiative efforts, complying with U.S. vetting requirements, and not reinforcing the militarization of public security in Mexico.

Balancing Assistance to Mexico with Support for Southwest Border Initiatives

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 has expanded to include efforts to build a more modern border (pillar three) and to strengthen border communities (pillar four),

⁷⁶ Richard D. Downie, "Critical Decisions in Mexico: the Future of U.S./Mexican Defense Relations," *Strategic Issues in U.S.-Latin American Relations*, vol. 1, no. 1 (July 2011).

policy makers may consider how best to balance the amount of funding provided to Mexico with support for related domestic initiatives.

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 that the Obama Administration has increased manpower and technology along the border, whereas others maintain that the Administration's efforts have been insufficient to secure the border.⁷⁷ In contrast, some maintain that it is impossible to combat transnational criminal enterprises by 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 maintain 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. Mexican officials from across the political spectrum have expressed concerns about the construction of border fencing and the effects of border enforcement on migrant deaths.⁷⁸

With respect to pillar four of the updated strategy, as previously mentioned, Mexico and the United States have supported programs to strengthen communities in Ciudad Juárez, Monterrey, and Tijuana. In targeting those communities 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. For example, initiatives aimed at providing youth with education, employment, and social outlets might reduce the allure of joining a DTO or local gang. Some may contend that increasing these services on the U.S. side of the border as well as the Mexican side could be beneficial.

Integrating Counterdrug Programs in the Western Hemisphere

U.S. State Department-funded counterdrug assistance programs in the Western Hemisphere are currently in 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 and peaked in the mid-2000s. Anti-drug aid to Mexico increased dramatically in FY2008-FY2010 as a result of the Mérida Initiative, but has since been reduced as well. Conversely, funding for Central America has increased as a result of the Central American Regional Security Initiative (CARSI);⁷⁹ it could increase even more should Congress fund the Obama Administration's \$1 billion FY2016 request for that subregion.⁸⁰ Support for the Caribbean increased in FY2010 and has remained relatively stable due to the Caribbean Basin Security Initiative (CBSI).

The Obama Administration has taken steps to coordinate the aforementioned country and regional antidrug programs and to ensure that U.S.-funded efforts complement the efforts of partner

⁷⁷ For a fuller discussion of U.S. border enforcement efforts, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Lisa Seghetti.

⁷⁸ See, for example, Marc R. Rosenblum, *Obstacles and Opportunities for Regional Cooperation: the U.S.-Mexico Case*, Migration Policy Institute, April 2011.

⁷⁹ CRS Report R41731, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke.

⁸⁰ CRS Report IN10237, *President Obama's \$1 Billion Foreign Aid Request for Central America*, by Peter J. Meyer and Clare Ribando Seelke.

governments and other donors. The Administration has appointed a coordinator within the State Department (the Principal Deputy Assistance Secretary of State for Western Hemisphere Affairs) to oversee the planning and implementation of the aforementioned security assistance packages. The Office of National Drug Control Policy (ONDCP) and the National Security Council conduct annual reviews of counterdrug efforts in the Americas. ONDCP and the State Department use a high-level committee process to oversee programming and planning. The Administration is encouraging countries that have received U.S. assistance in the past—particularly Colombia—to share technical expertise with other countries in the region, a strategy that analysts have recommended. One area in which closer cooperation between the United States, partner governments, and other donors will likely be necessary is in efforts to better secure the porous Mexico-Guatemala and Mexico-Belize borders.

Outlook

Mexican President Enrique Peña Nieto began his Administration focused on enacting economic reforms. By 2014, it became clear that Peña Nieto's economic agenda could not be successful without addressing the rule of law challenges that have long held the country back. Moreover, Peña Nieto's mishandling of several high-profile cases of human rights abuses allegedly involving security officials has increased pressure on him and his government to strengthen the country's criminal justice institutions and to demonstrate the leadership and political will necessary to address crime and corruption. While some observers maintain that U.S. assistance could be helpful, they stress that the outcome of Mexico's reform efforts will depend upon the governments' political will to address issues of corruption and impunity.

Possible questions for oversight of the Mérida Initiative may include 1) To what extent is the Mexican government moving judicial and police reform efforts forward, and how is U.S. assistance supporting those reforms? 2) How is the State Department measuring the efficacy of Mérida programs and improving or eliminating ineffective programs? 3) Are Mérida-funded programs helping the Mexican government respond to new challenges and priorities, including securing its southern border? 4) Is Mexico meeting the human rights conditions placed on Mérida Initiative funding?

Appendix. U.S. Assistance to Mexico

Table A-1. U.S. Assistance to Mexico by Account, FY2010-FY2016
(U.S. \$ millions)

Account	FY2010	FY2011	FY2012	FY2013	FY2014 (est.)	FY2015 (req.)	FY2015 (est.)	FY2016 (req.)
INCLE	365.0	117.0	248.5	195.1	148.1	80.0	148.0	80.0
ESF	15.0	18.0	33.3	32.1	46.8	35.0	46.0	39.0
FMF	5.3	8.0	7.0	6.6	6.6	5.0	7.0	7.0
IMET	1.0	1.0	1.0	1.2	1.4	1.5	n/a	1.5
NADR	3.9	5.7	5.4	3.8	3.9	2.9	n/a	0.0
GHCS	3.5	3.5	1.0	0.0	0.0	0.0	0.0	0.0
DA	10.0	25.0	33.4	26.2	0.0	12.5	0.0	12.5
TOTAL	403.7	178.2	329.6	265.0	206.8	136.9	201.0	140.0

Sources: U.S. Department of State, *Congressional Budget Justification for Foreign Operations FY2010-FY2016*.

Notes: GHCS=Global Health and Child Survival; 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. Funds are accounted for in the fiscal year for which they were appropriated as noted below:

- a. This estimate is based on the FY2015 Consolidated and Further Continuing Appropriations Act (P.L. 113-235). It does not include funding provided for Mexico in the IMET or NADR accounts.

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