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Mexico: Evolution of the Mérida Initiative, 2007-2020

Congress remains concerned about the effects of organized-crime-related violence in Mexico on U.S. security interests and U.S. citizens' safety in Mexico. Homicides in Mexico have reached record levels in each of the last three years as criminal groups have fought for control of smuggling routes into the United States. A year into his term, Mexican President Andrés Manuel López Obrador is under pressure to develop a new security policy.

The November 2019 killing of an extended family of dual citizens near the Arizona border in Mexico has led some Members of Congress to call for increased oversight of bilateral efforts. This product provides a succinct overview of the roughly \$3.1 billion appropriated for the Mérida Initiative, López Obrador's security strategy, and how to assess bilateral security efforts.

Origins of the Mérida Initiative

Prior to FY2007, Mexico did not receive large amounts of U.S. security assistance, partially due to Mexican sensitivity about U.S. involvement in the country's internal affairs. In March 2007, then-Mexican President Felipe Calderón asked for expanded U.S. cooperation to fight criminal organizations and their cross-border trafficking operations. In response, the Mérida Initiative, a package of U.S. antidrug and rule of law assistance to Mexico (and Central America), began in October 2007.

As part of the Mérida Initiative's emphasis on *shared responsibility*, the Mexican government pledged to tackle corruption. The U.S. government pledged to address drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments. The December 2019 U.S. arrest of Calderón's former public security minister for allegedly taking millions in bribes from the Sinaloa Cartel demonstrated Mexico's endemic corruption. High levels of U.S. opioid-related deaths and rising methamphetamine demand illustrate challenges in addressing U.S. drug consumption.

Initial Funding for the Mérida Initiative: FY2008-FY2010

During the first three years of the Mérida Initiative, Congress appropriated some \$1.5 billion, including \$420.7 million in foreign military financing (FMF), which enabled the purchase of equipment, including aircraft and helicopters, to support Mexico's federal security forces (military and police). Congress withheld 15% of certain U.S. aid for the Mexican military and police until the State Department submitted an annual report stating that Mexico was taking steps to meet human rights requirements. U.S. assistance focused on (1) counternarcotics, border security, and counterterrorism; (2) public security; and (3) institution building. U.S. assistance and intelligence supported Mexico's strategy of arresting (and extraditing) kingpins

from each of the major drug trafficking organizations. This "kingpin" strategy also fueled violence, as fractured drug trafficking organizations fought to regroup and reorganize.

The Four-Pillar Strategy: FY2011-FY2017

In 2011, the U.S. and Mexican governments broadened the scope of bilateral efforts under four pillars that prioritized institution building:

1. **Combating transnational criminal organizations** through intelligence sharing and law enforcement operations;
2. **Institutionalizing the rule of law while protecting human rights** through justice sector reform, forensic equipment and training, and federal- and state-level police and corrections reform;
3. **Creating a 21st-century U.S.-Mexican border** while improving immigration enforcement in Mexico and security along Mexico's southern borders; and
4. **Building strong and resilient communities** by piloting approaches to address root causes of violence and supporting efforts to reduce drug demand and build a "culture of lawfulness" through education programs.

Some analysts praised the wide-ranging cooperation between the governments. Others criticized the increasing number of priorities they adopted. Experts warned it would be difficult for Mexico to implement an accusatorial justice system requiring better evidence collection by police and public trials with oral arguments in only eight years. Mexico's Congress established the eight-year transition to a new justice system in 2008 constitutional reforms.

U.S. technology and training under pillar one supported Mexican intelligence-gathering and information-sharing efforts, including biometrics and telecommunications. Under pillar two, U.S. agencies provided more than \$400 million in training, courtroom infrastructure, and technical assistance to support Mexico's transition to an accusatorial justice system at the federal and state levels. Pillar three expanded beyond efforts to modernize the U.S.-Mexican border to include more than \$100 million in training and equipment for securing Mexico's southern border. Under pillar four, the U.S. Agency for International Development (USAID) implemented \$25 million in human rights programs and \$90 million in crime prevention projects. FMF has not been part of the Mérida Initiative since FY2011, but the State Department and the U.S. Department of Defense coordinate their assistance. Although all U.S. security assistance to Mexico is subject to human rights vetting requirements (known as Leahy Laws), additional human-rights-related aid restrictions only apply to FMF.

Trump Administration Priorities

President Trump's executive orders on combatting transnational criminal organizations (E.O. 13773) and enhancing border security (E.O. 13767) refocused the Mérida Initiative. Recent programs have emphasized combating the production and distribution of opioids and other drugs, improving border interdiction and port security, and combating money laundering. In 2019, President Trump praised Mexico's stepped up efforts against illegal migration but criticized Mexico's antidrug performance in his FY2021 "drug majors" determination.

López Obrador Administration

Inaugurated in December 2018, President López Obrador enjoys high approval ratings even though Mexico experienced record homicides and zero growth in 2019. Mexico's security strategy, released in February 2019, includes a focus on addressing the socioeconomic drivers of violent crime. Thus far, López Obrador has implemented broad social programs rather than the type of targeted crime prevention efforts that USAID has endorsed. (See CRS Report R42917, *Mexico: Background and U.S. Relations.*)

President López Obrador has rejected calls for a "war" on transnational criminal organizations, which he asserts would increase civilian casualties. He has also been hesitant to embrace the so-called kingpin strategy employed by his two predecessors. Instead of bolstering the federal police, which had received significant U.S. equipment and training, López Obrador backed constitutional reforms to allow military involvement in public security for five more years. Those reforms contradict a 2018 Mexico Supreme Court ruling that prolonged military involvement in public security violated the Mexican Constitution.

A dilemma for the future of the Mérida Initiative is whether and how the State Department will support the development of Mexico's new National Guard. López Obrador secured congressional approval of a new National Guard (composed mostly of military and former federal police) to reassert territorial control in high-crime areas throughout Mexico. He has also deployed the National Guard and other security forces to secure oil pipelines. In 2019, under pressure from the United States, President López Obrador directed 25,000 National Guard troops to help detain Central American migrants. Since the National Guard lacks investigatory authority, any evidence it gathers is inadmissible in court. This is a concern for U.S. policymakers who have supported criminal justice reform in Mexico. There are also concerns that its forces may violate human rights.

Civil society and the private sector are urging President López Obrador to fulfill his pledges to combat corruption and impunity. Mexico's congress approved the creation of an independent prosecutor general's office, but the individual selected for that post is the President's close ally. The prosecutor general's office remains underfunded and has proposed reforms that would reverse many key elements of the new justice system. While federal prosecutors have pursued corruption cases against the former head of *Petróleos Mexicanos* and the former social development minister, they have thus far ignored corruption allegations involving López Obrador's allies. The government has not yet specified how it will move forward to implement the national anti-corruption system

established through constitutional reforms in 2017, which has received significant Mérida Initiative support.

In August 2019, the López Obrador Administration created a High-Level Security Cooperation Group with the United States that includes the Mérida Initiative as one aspect of bilateral efforts. The Security Cooperation Group includes eight working groups. Mexico has prioritized combating arms trafficking, but other groups focus on drug policy, criminal justice reform, border security, and money laundering, among other issues. The working groups are likely to inform future Mérida Initiative projects.

Assessing the Mérida Initiative

Many analysts have observed the need for more reporting on Mérida Initiative outcomes to help Congress oversee the funds it has appropriated. The State Department has pointed to some indicators of success. Those include (1) intelligence-sharing and police cooperation that has helped capture and extradite high-profile criminals; (2) the creation of national training standards for police, prosecutors, and judges; and (3) assistance that has helped Mexico receive international accreditation of some of its prisons, labs, and police training institutes.

Despite those results, escalating violence in Mexico and drug overdose deaths in the United States has led many to question the overall efficacy of the Mérida Initiative. For years, the Government Accountability Office (GAO) has urged U.S. agencies working in Mexico to adopt outcome rather than just output measures. Rather than tracking the number of police trained, GAO urges agencies to measure how U.S. training affected police performance. External evaluations of USAID's state-level justice reform programs compare indicators such as case resolution rates and homicide prosecution rates in states where the agency has and has not worked.

Congressional Action

With the bipartisan support of Congress, the Mérida Initiative has comprised the majority of U.S. foreign aid provided to Mexico over the past decade. Congress provided \$139 million in FY2019 for the Mérida Initiative in P.L. 116-6 (\$61 million above the budget request). The increased resources aimed to help address the flow of U.S.-bound opioids. For FY2020, Congress provided \$150 million for accounts that fund the Mérida Initiative in P.L. 116-94 (some \$73 million above the budget request). Congressional concern about the efficacy of U.S.-Mexican security cooperation has increased in the wake of recent high profile massacres in Mexico.

For background, see CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*; CRS In Focus IF10215, *Mexico's Immigration Control Efforts*; and CRS In Focus IF10400, *Transnational Crime Issues: Heroin Production, Fentanyl Trafficking, and U.S.-Mexico Security Cooperation*.

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