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Mexico: Evolution of the Mérida Initiative, 2007-2019

Background

For more than a decade, violent crime perpetrated by warring criminal organizations has threatened security and governance in parts of Mexico. This situation affects U.S. security interests, particularly in the Southwest border region. Although the illicit drug trade has long been prevalent in Mexico, violence has escalated as more transnational criminal organizations (TCOs) have fought for control of smuggling routes into the United States.

In 2007, Mexico and the United States created the Mérida Initiative, a security and rule-of-law partnership to address drug trafficking and crime. Through this partnership, which is now the centerpiece of bilateral security cooperation, both countries have invested in a broad range of efforts to combat transnational crime and its consequences. U.S. appropriations for the Mérida Initiative since FY2008 (nearly $2.9 billion) have constituted only 2% of Mexico's total security budget but have enabled the U.S. government to help shape Mexico's policies.

The Mérida Initiative has helped advance bilateral law enforcement cooperation and intelligence sharing. Nevertheless, homicides in Mexico and opioid-related deaths in the United States have surged. A revision of the Mérida Initiative strategy and programs is likely to occur after the government of Andrés Manuel López Obrador takes office in Mexico on December 1, 2018.

Origins of the Mérida Initiative

Prior to FY2007, Mexico did not receive large amounts of U.S. antidrug 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 U.S. assistance in combating drug and weapons trafficking. In response to this historic request, the George W. Bush and Calderón Administrations proposed the Mérida Initiative, a package of U.S. counter-drug and anti-crime assistance to Mexico (and Central America) in October 2007. 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 drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments.

Initial Funding for the Mérida Initiative: FY2008-FY2010

During the first phase 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). 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 TCOs, but this strategy also fueled violence, as fractured criminal groups fought to regroup and reorganize. 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.

The Four-Pillar Strategy: FY2011-FY2017

In 2011, the Obama Administration and the Calderón government broadened the scope of bilateral efforts to a four-pillar strategy that prioritized institution building. In 2012, incoming Mexican President Enrique Peña Nieto initially sought to scale back U.S. involvement in some law enforcement operations. By mid-2013, however, the U.S. and Mexican governments agreed to focus on these four pillars:

1. **Combating TCOs** through intelligence sharing and law enforcement operations, with a new focus on money laundering;
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 also 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.

Although some analysts praised the wide-ranging cooperation between the governments, others criticized the increasing number of priorities they adopted. Experts warned that 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.

U.S. technology and personnel working on pillar one supported Mexican intelligence-gathering and information-sharing efforts, including in the areas of 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 (adopted in 2008) 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 has implemented $25 million in human rights programs and $90 million in crime prevention projects. FMF has not been included as part of the Mérida Initiative since FY2011, although the State Department and the U.S. Department of Defense coordinate their assistance. Unlike FMF, Mérida Initiative funds have not been subject to human rights conditions since FY2016.

Trump Administration's Focus for the Mérida Initiative: FY2018-FY2019

President Trump's executive orders on combatting TCOs (E.O. 13773) and enhancing border security (E.O. 13767) have led to a new focus for the Mérida Initiative. Trump Administration officials have held three Cabinet-level dialogues on security with the Mexican government focused on attacking the TCOs' business model. As a result, recent Mérida Initiative programs have focused on combating the production and distribution of opioids and other drugs, improving border interdiction and port security, training forensic experts to gather evidence and testify in criminal trials, and combating money laundering.

The future of the Mérida Initiative is in flux as Andrés Manuel López Obrador, a leftist who was elected president with 53% of the vote and captured a legislative majority in elections held on July 1, 2018, prepares to take office. Although his security policies are still being defined, they appear to emphasize anti-corruption initiatives, social investments in at-risk youth, drug policy reform, police reform, and transitional justice for nonviolent criminals. It is unclear whether he supports creating an independent attorney general's office and strengthening the national anti-corruption system established in 2017 (both initiatives are backed by civil society and the private sector). López Obrador's polices are likely to affect the level and emphasis of future U.S.-Mexican security cooperation (See CRS In Focus IF10867, *Mexico's 2018 Elections: Results and Potential Implications*).

Assessing the Mérida Initiative

Many analysts have observed the need for more reporting on Mérida Initiative outcomes, such as the impact of U.S. training on police performance. The State Department has pointed to some indicators of success: (1) intelligence-sharing and law enforcement cooperation that has helped capture high-profile criminals; (2) the establishment of national training standards for police, investigators, prosecutors, and judges; (3) increased extraditions; (4) Mexico's seizure of more than $4 billion in illicit drugs and currency; and (5) Mexico's apprehension of more than 400,000 Central American migrants from 2015 to 2017.

Critics of Mexico's security policy have focused on continued violence, the government's poor human rights record, and prosecutors' inability to secure convictions. Homicides in Mexico reached record levels in 2017. Fighting among TCOs has intensified since the rise of the Jalisco New Generation cartel and the extradition of Joaquín "El Chapo" Guzmán. Many groups compete for control over opium production and trafficking. They also have expanded their involvement in oil theft, kidnapping, extortion, and other crimes.

Mexico continues to send troops to areas facing crime surges, even though most deployments have not led to sustained reductions in violence. In December 2017, the government enacted an internal security law to provide legal authority for continued military deployments despite criticism from domestic and international human rights groups. At President Peña Nieto's request, the law is under review by Mexico's Supreme Court to ensure that it does not violate the constitution prior to taking effect.

Mexico's human rights record has been widely criticized, as has the justice system's inability to effectively address corruption and impunity. Mexico's attorney general's office has failed to solve high-profile cases, such as that of 43 students who were forcibly disappeared in September 2014. Prominent human rights defenders and 12 journalists were killed in 2017; most of the murders remain unsolved.

Congressional Action for FY2018-FY2019

There has been bipartisan support in Congress for the Mérida Initiative. The FY2018 Consolidated Appropriations Act (P.L. 115-141) provided $145 million for the Merida Initiative ($60 million above the request). The increased resources are primarily for addressing the production and trafficking of heroin and fentanyl in Mexico. The act required a plan on how the State Department is addressing illicit opioid flows.

Congress is considering the Administration's $76.3 million FY2019 budget request for the Mérida Initiative. According to the request, U.S. assistance aims to help address the "domestic opioid crisis, enhance border security, disrupt transnational organized crime, and build Mexico's capacity to investigate and prosecute crime." The budget asked for $56 million for International Narcotics Control and Law Enforcement (INCLE) aid to combat TCOs, improve drug interdiction, and train Mexican law enforcement and judicial personnel. It asked for $20.3 million in Economic Support Funds (ESF) to strengthen the rule of law, combat corruption, bolster human rights, and prevent crime.

The House and Senate Appropriations Committees have approved their respective FY2019 Department of State, Foreign Operations, and Related Programs appropriations measures. H.Rept. 115-829 to the House committee bill (H.R. 6385) recommends providing $120 million in INCLE for Mexico; it does specify an ESF amount. S.Rept. 115-282 to the Senate committee bill (S. 3108) recommends providing $163 million in Mérida aid ($100 million in INCLE and $63 million in ESF). See CRS In Focus IF10215, *Mexico's Immigration Control Efforts*; CRS In Focus IF10400, *Transnational Crime Issues: Heroin Production, Fentanyl Trafficking, and U.S.-Mexico Security Cooperation*; and CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*.

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