

Mexico: Evolution of the Mérida Initiative, 2007-2021

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 four years as criminal groups have fought for control of smuggling routes into the United States. President Andrés Manuel López Obrador is under pressure to improve his security policy.

Congress has increased oversight of bilateral efforts since the November 2019 killing of an extended family of dual citizens near the Arizona border in Mexico. U.S. arrests of a former Mexican public security minister (December 2019) and a former defense minister (October 2020) on drug trafficking-related charges have raised congressional concerns about endemic corruption in Mexico. This product provides an overview of the roughly \$3.3 billion appropriated for the Mérida Initiative and assesses Mexico's security strategy and bilateral security efforts.

Origins of the Mérida Initiative

Prior to FY2008, 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. While impunity for public corruption continues in Mexico, U.S. opioid-related deaths and methamphetamine demand illustrate challenges in addressing U.S. drug consumption.

Initial Phase: FY2008-FY2010

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-Pillars: 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 police and corrections reform;
3. **Creating a 21st-century U.S.-Mexican border** while improving immigration enforcement in Mexico; and,
4. **Building strong and resilient communities** by piloting approaches to address root causes of violence, 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. Priorities included reducing drug production, 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 his government has struggled to address rising homicides, the Coronavirus Disease 2019 (COVID-19) pandemic, and a deep recession. 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.

President López Obrador has rejected calls for a "war" on transnational criminal organizations, which he asserts would increase civilian casualties. Nevertheless, López Obrador backed constitutional reforms to allow military involvement in public security for five more years. Those reforms came despite a 2018 Mexico Supreme Court ruling that prolonged military involvement in public security violated the Mexican Constitution. Initially, López Obrador resisted the so-called *kingpin strategy* employed by his two predecessors, although high-level arrests and extraditions increased in early 2020.

Instead of bolstering the federal police, which received U.S. equipment and training, President López Obrador secured congressional approval of a new National Guard (composed of mostly military and former federal police). He deployed the National Guard to secure oil pipelines, reassert territorial control in high-crime areas, and secure Mexico's borders. There are concerns about the National Guard violating human rights and operating as a branch of the military. Critics have faulted the administration for not adequately investing in state and local police forces, which investigate most crimes, including homicide.

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. Although federal prosecutors have pursued corruption cases against the former head of *Petróleos Mexicanos* (extradited from Spain) and the former social development minister, they have ignored allegations involving López Obrador's allies thus far. The government has not moved to implement the national anti-corruption systems established through constitutional reforms in 2017.

In August 2019, the Trump Administration agreed to a Mexican government proposal to create a high-level security working group, which included the Mérida Initiative as one part of bilateral efforts. The working group—as well as requests from the Mexican government to assist in priority programs, such as addressing disappeared persons—has informed recent projects. Nevertheless, the COVID-19 pandemic has hindered bilateral cooperation.

In October 2020, the U.S. arrest of former Defense Minister Salvador Cienfuegos on drug charges surprised and angered

the Mexican government. Although the United States dropped the case and allowed Cienfuegos to return to Mexico in November, Mexico enacted a law requiring foreign law enforcement officials to share any information they gather with designated Mexican federal authorities and Mexican state and local officials to report contacts with foreign officials. Experts fear the law, if not revised, could severely limit law enforcement cooperation.

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) the 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 its prisons, labs, and police training institutes.

Despite those results, escalating violence in Mexico and drug overdose deaths in the United States have led many to question the Mérida Initiative's overall efficacy. For years, the Government Accountability Office (GAO) has urged U.S. agencies working in Mexico to adopt outcome rather than just output measures. A May 2020 GAO report asserted that USAID followed "key monitoring practices and tracked performance data" for its programs, but the State Department did not.

Congressional Action

With the bipartisan support of Congress, the Mérida Initiative has comprised the majority of U.S. foreign aid to Mexico since FY2008. Congress provided \$133 million in FY2020 for the Mérida Initiative in P.L. 116-94. The FY2020 National Defense Authorization Act (NDAA; P.L. 116-92) required a classified assessment of drug trafficking, human trafficking, and alien smuggling in Mexico.

The FY2021 budget request for Mérida Initiative accounts was \$61.3 million. Congress provided nearly \$159 million for Mexico (including \$150 million in accounts that fund the Mérida Initiative) in the FY2021 Consolidated Appropriations Act (P.L. 116-260). The explanatory statement expanded the withholding requirements on FMF to include a State Department determination that the Mexican government "is implementing credible counternarcotics and law enforcement strategies." It also included reporting requirements from H.Rept. 116-444, which require a comprehensive strategy on the Mérida Initiative and reports on steps Mexico is taking to meet human rights standards and address highway crimes. The FY2021 NDAA (P.L. 116-283) requires a report on U.S. support to Mexican security forces. See also CRS In Focus IF10215, *Mexico's Immigration Control Efforts*, and CRS In Focus IF10400, *Trends in Mexican Opioid Trafficking and Implications for U.S.-Mexico Security Cooperation*.

Clare Ribando Seelke, Specialist in Latin American Affairs

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