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

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Summary

Ten years after the Mexican government launched an aggressive, military-led campaign against drug trafficking and organized crime, violent crime continues to threaten citizen security and governance in parts of Mexico, including in cities along the U.S. southwest border. Organized crime-related violence in Mexico declined from 2011 to 2014 but rose in 2015 and again in 2016. Analysts estimate that the violence may have claimed more than 109,000 lives since December 2006. High-profile cases—particularly the enforced disappearance and murder of 43 students in Guerrero in September 2014—have drawn attention to the problem of human rights abuses involving security forces. Numerous cases of corruption by former governors, some of whom have fled the country, have increased concerns about impunity.

Supporting Mexico's criminal justice sector reform efforts is widely regarded as crucial for combating criminality and improving 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 almost $2.8 billion since FY2008. U.S. assistance to Mexico 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. Newer areas of focus have involved bolstering security along Mexico's southern border and addressing the production and trafficking of heroin and fentanyl. As of March 2017, more than $1.6 billion of Mérida assistance had been delivered to Mexico.

Mexican President Enrique Peña Nieto has continued U.S.-Mexican security cooperation but struggled to contain rising crime. U.S. intelligence has helped Mexico arrest top crime leaders, including Joaquín "El Chapo" Guzmán, in February 2014. Guzmán's July 2015 prison escape was a major setback, but he was recaptured in 2016 and extradited to the United States in early 2017. The Peña Nieto government met a 2008 constitutional mandate to transition to an accusatorial justice system by June 2016 but has made minimal progress in preventing torture, enforced disappearances, and other serious human rights abuses. A spate of killings of journalists thus far in 2017 and media reports that the government has spied on journalists and human rights defenders have prompted serious domestic and international concern.

On May 18, 2017, Secretary of State Rex Tillerson and Secretary of Homeland Security John Kelly met for the second time with their Mexican counterparts and pledged to continue security cooperation with new "strategies to attack the business model" of criminal organizations. President Trump's FY2018 budget request includes $85 million for the Mérida Initiative (a 38.8% decline from the FY2017 estimated appropriation). It is as yet unclear what types of programs would be most affected by potential funding reductions.

Congress provided $139 million in FY2017 for the Mérida Initiative in the FY2017 Consolidated Appropriations Act (P.L. 115-31), some $10 million above the budget request; it is now considering the FY2018 budget request. The Senate passed a resolution (S.Res. 83) calling for U.S. support for Mexico's efforts to combat illicit fentanyl production and trafficking. Similar legislation has been introduced in the House (H.Res. 268). Bipartisan resolutions that are similar, but not identical, have been introduced in both chambers reiterating the importance of bilateral cooperation (H.Res. 336 and S.Res. 102). Other legislation that has been introduced relates to combating firearms trafficking to Mexico (H.R. 1692). This report will be updated.

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Introduction

For more than a decade, violent crime perpetrated by warring criminal organizations has threatened citizen security and governance in parts of Mexico.[1] 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. Organized crime-related violence has resulted in more than 109,000 killings since December 2006 and contributed to 30,000 disappearances.[2] For the first quarter of 2017, organized crime-related violence in Mexico reached levels not seen since the end of the Felipe Calderón Administration (2006-2012; see **Figure 1**, below).[3]

Although daunting challenges remain, U.S.-Mexican cooperation to improve security and the rule of law has increased significantly as a result of the Mérida Initiative, a bilateral partnership developed by the George W. Bush Administration and the government of Felipe Calderón. Between FY2008 and FY2017, Congress appropriated more than $2.8 billion for Mérida Initiative programs (see **Table 1**), more than $1.6 billion of which has been delivered. Mexico invested some $100 billion of its own resources on security and public safety through 2017.[4]

Mexican President Enrique Peña Nieto took office in December 2012, vowing to reduce violence in Mexico and adjust U.S.-Mexican security efforts to focus on violence prevention. Although Mexico's public relations approach to security issues has changed, its operational approach has remained basically the same. That approach, commonly referred to as the *kingpin strategy*, has focused on taking out the top- and mid-level leadership of Mexico's criminal organizations. Critics maintain that this approach has fueled violence by encouraging succession struggles and turf wars.[5] The government's continued inability to resolve high-profile cases—including extrajudicial killings, torture, and enforced disappearances involving security forces and corruption cases involving former governors—has underscored ongoing problems with impunity. The Peña Nieto Administration's apparent inability to protect journalists and human rights defenders, as well as allegations that it spied on reporters critical of its policies, has generated international concern.[6]

Congress is continuing to fund and oversee the Mérida Initiative. The 115th Congress provided $139 million for the Mérida Initiative in the FY2017 Consolidated Appropriations Act (P.L. 115-

[1] For general information on Mexico and bilateral relations, see CRS Report R42917, *Mexico: Background and U.S. Relations*, by Clare Ribando Seelke. For more on organized crime, see CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel.

[2] See Kimberly Heinle, Octavio Rodríguez Ferreira, and David A. Shirk, *Drug Violence in Mexico: Data and Analysis Through 2016*, Justice in Mexico Project, University of San Diego, March 2017. According to Lantia Consultores, a leading Mexican security firm, there were more than 109,300 organized crime-related killings from December 2006 to April 2017. CRS electronic correspondence with Lantia Consultores, June 19, 2017. "Number of Missing People in Mexico Rises to 30,000 by End-2016," Reuters, April 6, 2017.

[3] Nathaniel Parish Flannery, "Is Mexico Really The World's Most Dangerous War Zone?" *Forbes*, May 10, 2017.

[4] 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 and March 2016. Hereinafter: *INCSR*, March 2016. The 2017 budget stood at roughly $8.8 billion, according to the Mexican Embassy in Washington, DC.

[5] Vanda Felbab-Brown, "Hooked: Mexico's Violence and U.S. Demand for Drugs," The Brookings Institution, May 30, 2017. Hereinafter: Felbab-Brown, May 2017.

[6] Lucy Clement La Rosa, "Award-Winning Journalist Javier Valdez Murdered," *Justice in Mexico*, June 8, 2017; Azam Ahmed, "Mexican President Says Government Acquired Spyware but He Denies Misuse," *New York Times*, June 22, 2017.

31). Congress is now considering President Trump's FY2018 budget request, which would cut funding for the Mérida Initiative by $54 million, or 38.8%, compared to the FY2017 estimated funding level (see **Table 1**). 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. Congress also may seek to ensure that funds support opium poppy drug eradication and interdiction programs given rising heroin, fentanyl (a synthetic opioid more powerful than heroin), and methamphetamine production in Mexico.

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 information on the evolution of congressional funding and oversight of the Mérida Initiative before delving into its four pillars. The report concludes by raising policy issues facing Congress, as it considers continued funding and as it oversees the Mérida Initiative and broader U.S.-Mexican security cooperation.

Background

Drug Trafficking, Organized Crime, and Violence in Mexico[7]

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 the main foreign supplier to the U.S. market of heroin, methamphetamine, and marijuana. It remains a major transit country for cocaine sold in the United States and is a transit and probable supplier country of fentanyl (a potent synthetic opioid often mixed with heroin).[8] Marijuana remains the most widely abused drug in the United States, with some of the supply coming from Mexico, although the quality of most Mexican marijuana has been considered inferior to the marijuana produced domestically. In contrast, more Mexico-produced methamphetamine is being used in the United States than U.S.-produced product. Methamphetamine seizures at the southwest border increased 305% from 2010 to 2015.[9]

There has also been particular concern about the increasing availability of Mexican-produced heroin in the United States, including in eastern states where Colombian-produced heroin used to predominate.[10] The amount of heroin seized along the U.S.-Mexico border more than doubled from 2010 to 2015.[11] Surging U.S. demand has fueled increasing opium cultivation and heroin production in Mexico, as well as drug trafficking-related violence in areas where groups are vying to control production. In June 2016, the Mexican government estimated the average poppy cultivation in Mexico to be 24,000 hectares for 2014-2015.[12]

Mexican transnational criminal organizations (TCOs), often in alliance with U.S. national and local gangs, continue to dominate the U.S. drug market. According to the Drug Enforcement

[7] See CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*, by June S. Beittel.

[8] DEA, *2016 National Drug Threat Assessment Summary*, November 2016, at https://www.dea.gov/resource-center/2016%20NDTA%20Summary.pdf. Hereinafter *NDTA*, November 2016.

[9] *NDTA*, November 2016.

[10] CRS Report R44599, *Heroin Trafficking in the United States*, by Kristin Finklea.

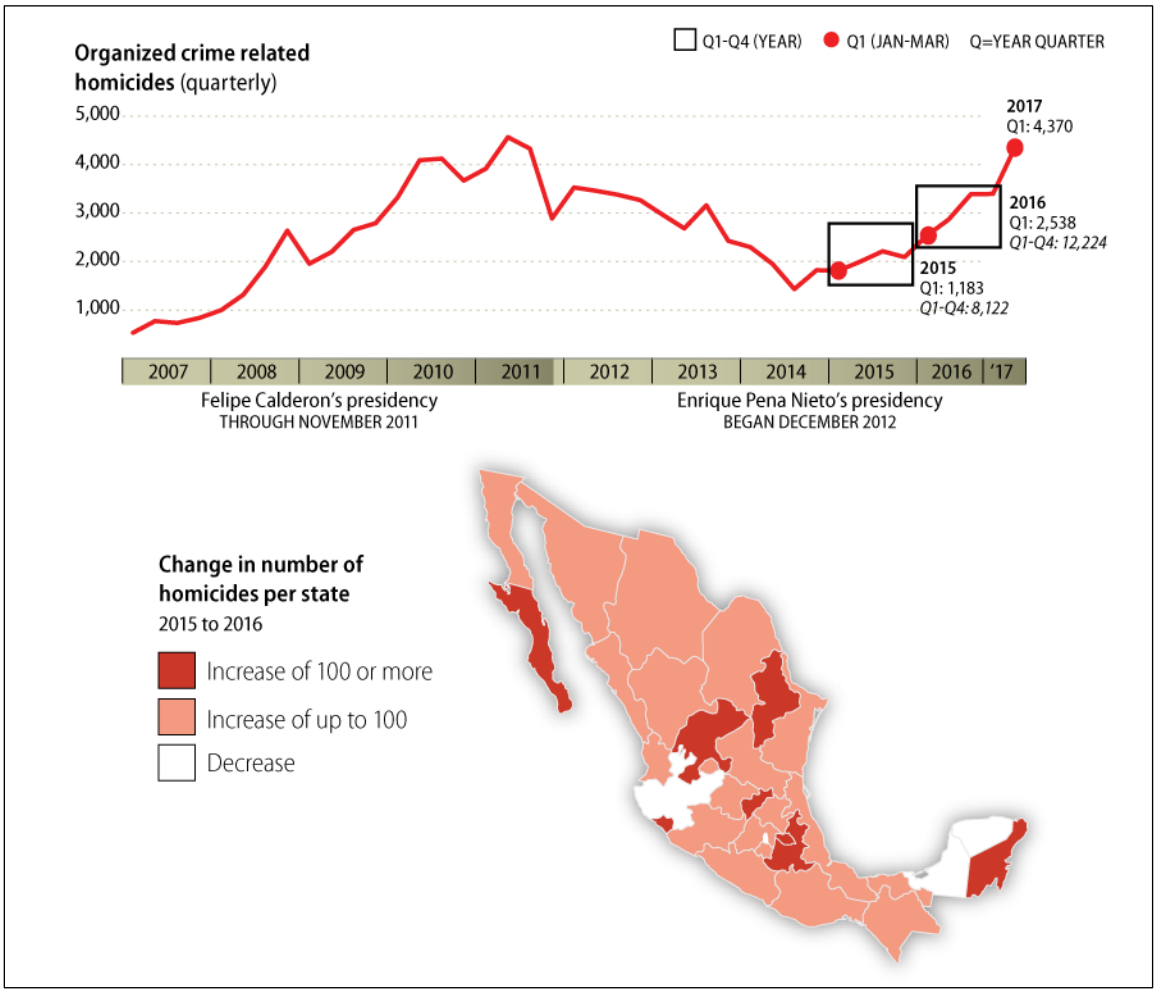
[11] *NDTA*, November 2016.

[12] This figure is cited in U.N. Office on Drugs and Crime (UNODC), *World Drug Report*, June 2016, at http://www.unodc.org/wdr2016/.

Administration (DEA), six major Mexican TCOs operate in the United States. Of those, the Sinaloa organization has the widest reach into U.S. cities.[13]

Mexican TCOs have vied for control of illicit routes into the United States and for control over local drug distribution networks.[14] Mexico's criminal organizations are also continuing to fragment and diversify away from drug trafficking, furthering their expansion into activities such as oil theft, alien smuggling, kidnapping, and human trafficking. Although much of the crime—particularly extortion—disproportionately affects localities and small businesses, fuel theft has become a national security threat, costing Mexico as much as $1 billion a year and fueling violent conflicts between the army and suspected thieves.[15]

Figure 1. Estimated Organized Crime-Related Homicides in Mexico



Source: Lantia Consultores, a Mexican security firm. Graphic prepared by CRS.

[13] *NDTA*, November 2016.

[14] Drug abuse in Mexico is most prevalent in places where criminal organizations have been paying their workers in product rather than in cash.

[15] "Mexico Targets Suppliers, Buyers in Move Against Fuel Theft," Associated Press (AP), May 9, 2017.

Organized crime-related homicides in Mexico rose slightly in 2015 and significantly in 2016. Violence has escalated even further thus far in 2017 (4,370 such killings recorded in the first quarter as compared to 2,538 for that period in 2016). Fragmentation and infighting among criminal groups has intensified since the rise of the Jalisco New Generation or CJNG cartel, a group that shot down a military helicopter in 2015 and a police helicopter in September 2016. The recapture and extradition of "El Chapo" Guzmán has prompted succession battles within Sinaloa and emboldened the CJNG and other TCOs to challenge Sinaloa's dominance.[16] In addition to the larger TCOs, analysts estimate that there has been an increase in smaller, regional crime groups.

The Peña Nieto Administration's Security Strategy

President Peña Nieto initially downplayed security concerns and focused on enacting economic reforms. When discussing security policy, Peña Nieto emphasized violence reduction and the importance of respect for human rights.[17] His security strategy initially focused on (1) planning, (2) prevention, (3) protection and respect of human rights, (4) coordination, (5) institutional reform, and (6) monitoring and evaluation. Early in his term, he launched a national crime prevention plan, established a unified code of criminal procedures to cover the federal and judiciaries, and increased funding for the country's transition to an accusatorial justice system.[18] His proposal to create a large national gendarmerie (police) to replace soldiers engaged in public security was watered down; the proposed force became a part of the federal police. Another goal—to create a centralized intelligence agency—was abandoned. While efforts to target the Zetas proved relatively successful, operations against the CJNG have yet to demonstrate success.

By 2014, violence had begun to increase, high-profile cases of human rights abuses committed by security forces had captured international attention, and President Peña Nieto and his top adviser had become embroiled in conflict-of-interest scandals. Rising insecurity, social protests that have led to deadly clashes with security forces, and the government's apparent lack of new strategies to address either type of violence has continued to prompt significant concern. President Peña Nieto has maintained a reactive approach of deploying federal forces—including the military—to areas in which crime surges rather than focusing on police reform and deterring violence and human rights abuses by strengthening the criminal justice sector. Experts also are concerned about the impacts of fiscal austerity on the justice sector. Mexico's 2017 budget reduced funding for intelligence collection, crime prevention, and the prosecutorial unit charged with investigating cases of people who have disappeared.[19]

Military Involvement in Public Security

Despite criticism from human rights groups and international organizations, the Peña Nieto government has continued to rely on the Mexican military's active involvement in public security efforts. Mexico's defense minister, General Salvador Cienfuegos, has spoken out in favor of

[16] Felbab-Brown, May 2017.

[17] Presidencia de México, "Discurso íntegro del Presidente Peña Nieto a la Nación," December 1, 2012.

[18] Octavio Rodríguez Ferreira and David A. Shirk, *Criminal Procedure Code Reform in Mexico, 2008-2016: the Final Countdown*, Justice in Mexico, University of San Diego, October 2015. Hereinafter Rodríguez Ferreira and Shirk, October 2015.

[19] According to many estimates, the number of disappeared persons in Mexico exceeds 25,000. U.S. Department of State, *Mexico-Mérida Initiative Report (15% Report) for FY2015*, September 6, 2016; "Fiscal Austerity Hits Security," *Latin American Security and Strategic Review*, September 2016.

establishing a legal framework to regulate the military's involvement in internal security.[20] The Mexican congress has debated an internal security law proposed by members of the Institutional Revolutionary Party (PRI) in 2016 but remains divided on whether the law should be approved.[21] Human rights groups and academics hope any legislation that is enacted will increase transparency on the role of the military, hold military forces responsible for their actions (including civilian deaths), and include a plan to replace soldiers engaged in public security efforts with police as soon as possible.[22]

High Value Targeting

In February 2014, the capture of "El Chapo" Guzmán symbolized the capstone of Peña Nieto's "kingpin" strategy. Some 107 of this government's 122 top criminal targets reportedly have been arrested or killed during law enforcement operations.[23] Many have avoided prosecution, however. In addition, many critics fault the kingpin strategy for having caused turf battles, succession struggles, and a proliferation of crime groups. Some analysts have therefore recommend that Mexico focus on taking out the middle layer of one group at a time, focusing on the most violent groups first, as the government appeared to do with the Zetas.[24]

Federal Operations in Violent States

In recent years, federal deployments to states and cities facing crime surges have continued even though many have not led to sustained reductions in violence and some have resulted in human rights abuses committed by security forces.[25] In the state of Michoacán, the emergence of armed civilian "self-defense groups" that clashed with crime groups prompted a federal intervention that yielded mixed results in 2013.[26] The state of Tamaulipas was divided into zones overseen by Mexican military and federal police forces that have captured drug traffickers and purged local police forces, yet violence continued.[27]

[20] It is difficult to ascertain the difference between "internal security," which General Cienfuegos supports, and "public security," which he appears to oppose. Salvador Cienfuegos, "Cienfuegos: No Confundir Seguridad Interior con Seguridad Pública," *El Universal*, December 5, 2016.

[21] Amnesty International, "Mexico: Fresh Evidence of Execution by Military Highlights Flawed Security Strategy," May 25, 2017.

[22] Under the Peña Nieto government, the number of civilians killed by military forces has not been released. See Francisco Sandoval, "El Ejército Esconde el Número de Civiles Muertos a Manos de Militares," *Animal Político*, January 2017. For broader debates, see WOLA, December 2016; Tony Payán and Guadalupe Correa-Cabrera, *Mexican Armed Forces and Security in Mexico*, Baker Institute for Public Policy, May 31, 2016.

[23] Patrick Corcoran, "Mexico President Reprises Controversial Kingpin Strategy," *Insight Crime*, June 6, 2017.

[24] Mark A. R. Kleiman et al., *Reducing Drug Violence in Mexico: Options for Implementing Targeted Enforcement*, Research report submitted to the U.S. Department of Justice, April 2014. Vanda Felbab-Brown, *The United States and Mexico: Moving Beyond the Election's Vitriol and Strengthening a Multifaceted Partnership*, Brookings Institution, November 16, 2016.

[25] Open Society Justice Initiative, *Undeniable Atrocities: Confronting Crimes Against Humanity in Mexico*, June 2016.

[26] For a critical analysis of the policy, see Vanda Felbab-Brown, "The Rise of Militias in Mexico: Citizens' Security or Further Conflict Escalation?" *PRISM*, vol. 5, no. 4 (2015).

[27] Christopher Wilson and Eugenio Weigend, *Plan Tamaulipas: a New Security Strategy for a Troubled State*, Woodrow Wilson Center for Scholars' Mexico Institute, October 2014.

Figure 2. Political Map of Mexico

Source: Map files from Map Resources.

Federal forces operating in the state of Guerrero did not intervene to prevent the September 2014 enforced disappearances and killings of 43 students. In fact, some allege that federal police may have participated in the disappearances.[28] In October 2014, Mexico's National Human Rights Commission 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.[29] In August 2016, the commission concluded that federal police had used excessive force in a May 2015 confrontation in the state of Michoacán that left 42 civilians dead, with at least 22 people arbitrarily killed. In May 2017, Mexico launched an investigation after a video leaked to media outlets appeared to show a soldier killing a civilian who had been detained.[30]

Security and Justice Sector Reform

The Peña Nieto government dedicated significant attention and funding (more than $1.2 billion) to support implementation of judicial reforms enacted in 2008, but experts are concerned about

[28] Francisco Goldman, "The Missing Forty-Three: The Mexican Government Sabotages Its Own Independent Investigation," *The New Yorker*, April 22, 2017. For background, see "Resource Page: Analysis and Information on Mexico's Ayotzinapa Case," WOLA, November 16, 2016.

[29] Michael Evans, *Tlatlaya Revealed: Archive Petition Cracks Open Investigative File on Mexican Army Massacre*, National Security Archive, March 6, 2016.

[30] "Mexico Investigates Video Showing Soldier 'Killing' Man," *BBC*, May 11, 2017.

whether the government will sustain that support to ensure the system's success.[31] As per those constitutional reforms, in June 2016 Mexico transitioned from an inquisitorial, closed-door process based on written arguments presented to a judge to an adversarial system with oral arguments and the presumption of innocence. These changes are expected to make the system more transparent and impartial. Through alternative dispute resolution, the system aims to increase flexibility and efficiency (see "Reforming the Judicial and Penal Systems," below.)

Significant work remains to be done to ensure successful implementation. Pending work includes training police to gather evidence that will stand up in court; providing capacity-building for other justice sector actors (prosecutors, public defenders, judges, forensics experts); and monitoring and evaluating the system.[32] It remains to be seen whether sufficient resources and manpower will be dedicated to the unit within the national public security system (SNSP) that has replaced the technical secretariat within the interior ministry that had won praise for guiding states throughout the transition period.[33] Civil society groups have urged the Mexican Senate to select an independent person through a transparent process to lead the new prosecutor general's office, which will replace Mexico's presidentially appointed attorney general's office, an entity that has long been plagued with problems.[34] The new prosecutor general will serve for nine years, a term longer than Mexico's six-year presidential term.

In response to criticism of his handling of the high-profile human rights cases previously mentioned, President Peña Nieto proposed 10 actions to improve the rule of law in November 2014.[35] Proposals that have advanced include sending federal troops to Guerrero; establishing special economic zones in Guerrero and other poor, southern states; launching a national 911 emergency line; strengthening the national anticorruption system; and enacting a law against torture (approved in April 2017). Other measures, such as enacting legislation against enforced disappearances, remain pending.

Additional policy changes, including police reforms, have been broadly debated but not enacted. The Calderón government made strides in increasing the size, training, and equipment of the federal police, yet that force has still been accused of serious crimes. Federal officials support unified command

National Anticorruption System

In July 2016, Mexico's Congress approved secondary legislation to fully implement the national anticorruption system that was created by a constitutional reform in April 2015. Although the final legislation was somewhat altered, it reflected several of the proposals that had been pushed by a broad spectrum of Mexican civil-society groups. The reforms gave the anticorruption system investigative and prosecutorial powers and a civilian board of directors; increased administrative and criminal penalties for corruption by public officials and private companies; and required three declarations (taxes, assets, and conflicts of interest) from public officials. Some analysts praised the reforms as a step forward for efforts aimed at combating official corruption, whereas others doubt that the reforms would be implemented effectively. The Mexican Senate has yet to approve a prosecutor to lead the system.

[31] Rodríguez Ferreira and Shirk, October 2015. The funding figure is cited in USAID, "Mexico: Rule of Law," fact sheet, November 2016.

[32] Nancy G. Cortés, Octavio Rodríguez Ferreira, and David A. Shirk, *Justiciabarometro 2016*, Justice in Mexico, University of San Diego, November 2016.

[33] Arturo Angel, "El Nuevo Sistema Penal Acusatorio Opera sin Vigilancia en los Estados," *Animal Político*, August 29, 2016.

[34] Ximena Suarez-Enriquez, *Three Key Points about Mexico's New Fiscalía*, WOLA, October 25, 2016; WOLA, DPLF, Fundación para la Justicia, "Organizaciones de la Sociedad Civil Exigen una Modificación Profunda del 102 Constitucional y Transitorios para Garantizar una Fiscalía Autónoma," November 30, 2016.

[35] "Estos son los 10 Puntos que Anunció Peña Nieto en Respuesta al Caso Ayotzinapa," *Animal Político*, November 28,

(*mando único*)—a constitutional reform that would *require* states to remove the command of police forces from municipalities to the state level.[36] In the meantime, vetting of police at all levels has increased, yet many states and municipalities have kept officers on their payrolls even after the officers failed those exams. Protocols on the use of force for federal police have been adopted, as well as other policing standards (see "Reforming the Police," below). The U.N. High Commissioner for Human Rights and others have recommended that similar protocols on the use of force be developed for all of Mexico's security forces.

Community-Based Prevention

Upon taking office, President Peña Nieto launched a National Crime and Violence Prevention (Pronapred) program based, in part, on lessons learned from bilateral efforts in cities such as Cuidad Juárez (see "Pillar Four: Building Strong and Resilient Communities," below). From 2013 to 2016, Pronapred provided some $485 million in subsidies for a variety of interventions in municipalities with high crime rates that also exhibited social risk factors. Throughout its implementation, the program was criticized for lacking a rigorous methodology for selecting and evaluating the communities and interventions that it funded.[37] The government did not include funding for Pronapred subsidies in the 2017 budget. Nevertheless, crime prevention experts hope that states and municipalities will learn from the program and continue to support prevention efforts, possibly with support from public-private partnerships or through other federal programs.

Drug Policy Reform

Mexico has maintained a relatively prohibitionist drug policy, with increased efforts in the past year or two to eradicate opium poppy and to destroy heroin, fentanyl, and methamphetamine labs with support from the United States.[38] Nevertheless, changes have occurred in marijuana policy. In 2015, the government held a national dialogue on marijuana policy in response to calls from some sectors to revisit its position, particularly given moves in some U.S. states to legalize marijuana consumption for medicinal and recreational purposes. In December 2016, the Mexican Senate approved a bill allowing the use of marijuana for medical purposes. The Chamber of Deputies approved the bill in April 2017, and President Peña Nieto signed it into law in June 2017. Because more than 60% of Mexicans polled disagreed with the Mexican Supreme Court's 2015 ruling in support of a person's right to grow and use marijuana recreationally, further drug policy liberalization appears unlikely.[39]

2014.

[36] SEGOB, "Press Release: Creación del Mando Único Policial Permitirá Contar con Instituciones Fuertes: Osorio Chong," July 27, 2016.

[37] México Evalua, *Prevención del Delito en México: Dónde Quedó la Evidencia?* January 2014; Mónica Ayala and Alan López, "Prevenir Delitos: Crónica de una Muerte Anunciada," *Animal Político*, September 15, 2016.

[38] In March 2017, the U.S. government donated $900,000 in equipment to help Mexican forces safely destroy narcotics labs. U.S. Embassy in Mexico City, "Merida Initiative Supports Mexican Government in Fight Against Clandestine Narcotics Laboratories," March 10, 2017.

[39] "Two-Thirds of Mexicans Against Decriminalizing Marijuana: Poll," Reuters, November 10, 2015.

Evolution of the Mérida Initiative[40]

Origin

In December 2006, Felipe Calderón assumed the Mexican presidency amidst rising drug trafficking-related violence. Combating organized crime became his top domestic priority. In March 2007, Calderón asked then-President George W. Bush for U.S. assistance in combating drug and crime. Mexico had not received large amounts of U.S. counterdrug assistance, partially due to concerns about U.S. government involvement in the country's internal affairs. In FY2007, Mexico received $36.7 million in U.S. antidrug aid (see **Table 1**).

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.[41] 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. Both governments have struggled to fulfill those domestic commitments. A January 2016 Government Accountability Office (GAO) report concluded that 70% of firearms seized by Mexican authorities between 2009 and 2014 came from the United States.[42]

U.S. assistance provided during the first phase of the Mérida Initiative (FY2008-FY2010) enabled the purchase of equipment to support the efforts of federal security forces (military and police). That equipment included $590.5 million worth of aircraft and helicopters. U.S. assistance focused on (1) counternarcotics, border security and counterterrorism; (2) public security and law enforcement; and (3) institution building and the rule of law. Congress withheld 15% of certain U.S. assistance to the Mexican military and police until the State Department submitted a report stating that Mexico was taking steps to meet human rights reporting requirements. Security forces were (and continue to be) subject to vetting requirements set in so-called Leahy laws.[43]

In 2011, Obama Administration and Calderón government officials revised the strategy behind the Mérida Initiative. After months of consultations, the governments agreed to broaden the scope of bilateral efforts to focus on institution building over technology transfers, economic development and community-based social programs, and states and municipalities (especially on the U.S.-Mexican border). Since FY2011, funding for pillar two—building the rule of law while protecting human rights—has exceeded assistance for all other pillars (see **Figure 3**).

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

[41] 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.

[42] See Government Accountability Office (GAO), *GAO 16-223, Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, But Some Collaboration Challenges Remain*, January 2016.

[43] CRS In Focus IF10575, *Human Rights Issues: Security Forces Vetting ("Leahy Laws")*, by Liana W. Rosen.

Figure 3. The Four Pillars of the Mérida Initiative

Source: U.S. Department of State, "Fact Sheet: the Mérida Initiative: an Overview," January 15, 2015; Graphic prepared by CRS Graphics.

From 2013 to 2016, cooperation intensified after an initial pause when President Peña Nieto took office. 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 governments held the fifth Security Cooperation Group meeting during the tenure of the Peña Nieto government in Washington, DC, in November 2016 to oversee the Mérida Initiative and broader security cooperation efforts. Issues such as how to combat drug trafficking—including opium poppy production in Mexico—were on the agenda.[44]

Although the four-pillar strategy ostensibly remains in place, the Trump Administration has proposed a more narrow, security and antidrug-oriented approach reminiscent of the first phase of the Mérida Initiative but with less U.S. foreign assistance. Secretary of State Rex Tillerson and Homeland Security Secretary John Kelly have met twice with their Mexican counterparts and emphasized the importance of partnering with Mexico "to disrupt and destroy the criminal organizations which threaten our citizens, our communities, and our country."[45] The FY2018 budget request further includes "overcoming shared migration challenges, strengthening governance, and combating impunity" as U.S. priorities in bilateral relations with Mexico.

[44] The White House, "Blog Post: Partnering with Mexico to Combat Crime and Secure Our Borders," November 7, 2016.

[45] U.S. Department of State, Secretary of State Rex W. Tillerson, "Press Availability with Secretary of Homeland Security John Kelly, Mexican Secretary of Foreign Relations Luis Videgaray Caso, and Mexican Secretary of Government Miguel Angel Osorio Chong," May 18, 2017.

Funding

Congress has played a major role in determining the level and composition of Mérida Initiative funding for Mexico. From FY2008 to FY2017, Congress appropriated nearly $2.8 billion for Mexico under the Mérida Initiative (see **Table 1** for Mérida appropriations, **U.S**. Assistance to Mexico

Table A-1 for overall assistance to Mexico, and **Figure 4** for funding by account).

Table 1. Estimated Mérida Initiative Funding: FY2007-FY2018 (Request)

($ in millions)

Account	ESF	INCLE	FMF	Total
FY2007	11.4	36.7	0.0	**48.1**
FY2008	20.0	263.5	116.5	**400.0**
FY2009	15.0	406.0	39.0	**460.0**
FY2010	9.0	365.0	265.2	**639.2**
FY2011	18.0	117.0	8.0	**143.0**
FY2012	33.3	248.5	Not Applicable	**281.8**
FY2013	32.1	190.1	Not Applicable	**222.2**
FY2014	35.0	143.1	Not Applicable	**178.1**
FY2015	33.6	110.0	Not Applicable	**143.6**
FY2016	39.0	100.0	Not Applicable	**139.0**
FY2017 (est.)	49.0	90.0	Not Applicable	**139.0**
Total	***284.0***	***2,033.2***	***428.7***	***2,745.9***
FY2018 (request)	25.0[a]	60.0	Not Applicable	**85.0**

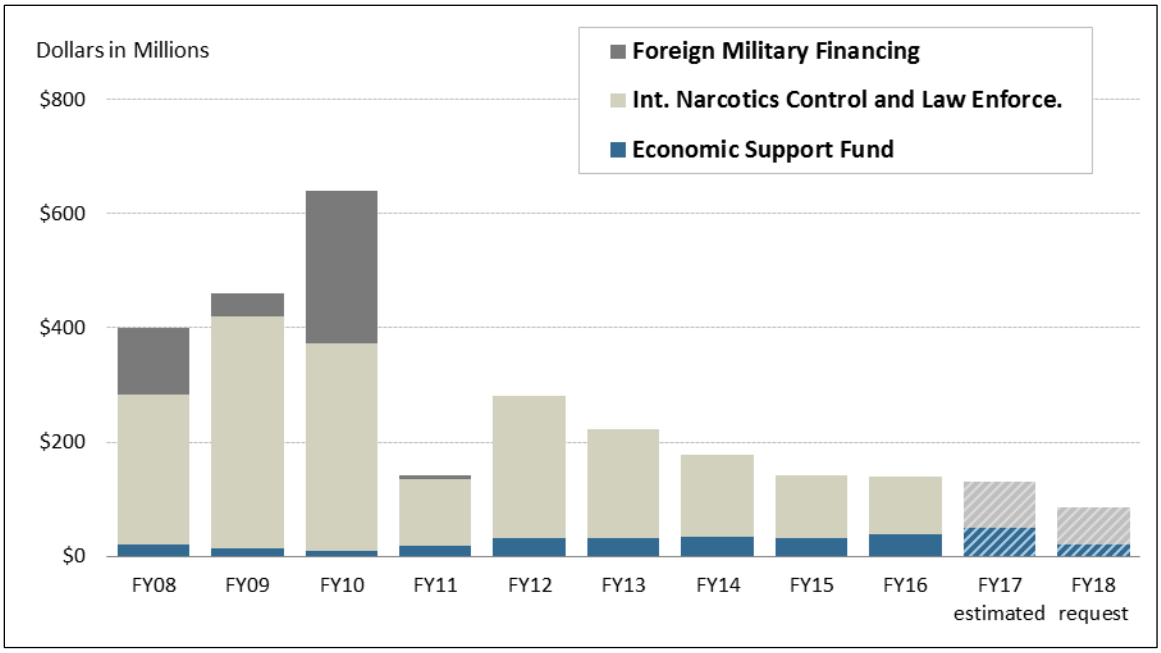
Sources: U.S. Agency for International Development (USAID) budget office, November 3, 2016; U.S. Department of State, November 18, 2016; U.S. Department of State, *Congressional Budget Justification for Foreign Operations, FY2018*.

Notes: ESF = Economic Support Fund; INCLE = International Narcotics Control and Law Enforcement; FMF = Foreign Military Financing. FY2008-FY2010 included supplemental funding.

a. In the FY2018 budget request, the Trump Administration proposes a new aid account to merge the Economic Support and Development Fund accounts. It is to be known as the Economic Support and Development Fund account, or ESDF.

Congress initially earmarked funds to ensure that certain programs are prioritized, such as efforts to support institutional reform. From FY2011 onward, the amount of foreign military financing (FMF) Congress provided to Mexico declined significantly. By FY2012, FMF was no longer considered part of the Mérida Initiative but rather part of bilateral military assistance.

Figure 4. Funding for the Mérida Initiative by Account



Sources: U.S. Agency for International Development (USAID) budget office, November 3, 2016; U.S. Department of State, November 18, 2016; U.S. Department of State, *Congressional Budget Justification for Foreign Operations, FY2018*.

Congress has sought to encourage efforts to combat human rights abuses and impunity in Mexico by placing conditions on Mérida Initiative assistance. From FY2008 through FY2015, Congress directed that 15% of certain assistance provided to Mexican military and police forces would be subject to certain human rights conditions. In FY2014, Congress reprogrammed funding to other countries due to human rights concerns. (See "Human Rights Concerns and Conditions on Mérida Initiative Funding.") There are no human rights conditions on Mérida Initiative accounts in the FY2017 Consolidated Appropriations Act (P.L. 115-31).

Although budget requests for the Mérida Initiative have been declining, there has been bipartisan support in Congress for sustaining relatively level funding for the Mérida Initiative. In FY2015, Congress provided $28.6 million above the Administration's request in P.L. 113-235, with additional funding for justice sector programs and efforts to help secure Mexico's southern border. In FY2016, Congress provided $20 million above the Obama Administration's $119 million request for the Mérida Initiative in P.L. 114-113.

The Consolidated Appropriations Act, 2017 (P.L. 115-31), signed into law on May 5, 2017, provides $139 million for the Mérida Initiative, some $10 million above the Obama Administration's request. According to the explanatory statement accompanying the act, International Narcotics and Law Enforcement (INCLE) funds provided are to be used to "combat organized crime, reduce corruption and impunity within the security forces, increase border security, promote due process and the rule of law, and reduce the flow of illicit narcotics, particularly heroin and fentanyl, into the United States."

Congress is now considering the FY2018 budget request and overseeing previously appropriated funding for the Mérida Initiative. The Trump Administration's FY2018 budget request suggests that the Administration intends to reduce U.S. assistance to Mexico while shifting toward a more security-oriented strategy. As noted previously, the Administration has requested $85 million in assistance for the Mérida Initiative in FY2018, which is $54 million (38.8%) less than the

FY2017 estimate and the FY2016 enacted funding level. Given its previous support for the Mérida program and security cooperation with Mexico, Congress is likely to set its own level of funding for Mérida at a time when Mexico continues to struggle to address violence, corruption, and human abuses and is working closely with the United States on migration enforcement and antidrug efforts.[46]

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 President 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 aircraft[47] and more than $100 million in nonintrusive inspection equipment) and $146 million in training.

For most of 2013, delays in implementation occurred largely due to the fact that the Peña Nieto government was still developing its security strategy and determining the amount and type of U.S. assistance needed to support that strategy. The initial procedure the Mexican 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 governments had agreed to a new, more agile process for approving new Mérida Initiative projects. They have agreed to more than 100 new projects, half of which are under way. As of March 2017, deliveries stood at more than $1.6 billion.

U.S. assistance has focused on supporting efforts to strengthen institutions in Mexico through training and technical assistance. U.S. funds support training courses offered in new or refurbished training academies for customs personnel, corrections staff, canine teams, and police (federal, state, and local).[48] 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 officials who have been trained over the past decade, high turnover rates within Mexican criminal justice institutions have likely limited the impact of U.S. training programs.

The Four Pillars of the Mérida Initiative

Pillar One: Disrupting the Operational Capacity of Organized Crime

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-TCO efforts. That equipment included $590.5 million worth of aircraft and helicopters, as

[46] Adam Isacson, "Trump's 2018 Foreign Aid Budget Would Deal a Devastating Blow to Latin America," WOLA, May 24, 2017.

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

[48] Mérida assistance is also supporting Mexican institutions like the National Public Security System (SNSP), which sets police standards, provides grants to states and municipalities for police training, and is now overseeing the functioning of the new accusatorial justice system at the federal and state levels. The U.S. government has also supported the National Institute of Criminal Sciences (INACIPE), which provides training to judicial sector personnel.

well as forensic equipment for the Federal Police and Attorney General's respective crime laboratories. U.S.-funded nonintrusive inspection equipment (more than $125 million) and 400 canine teams have also helped Mexican forces interdict illicit flows of drugs, weapons, and money.

Mexico is also experiencing an increase in opium cultivation and in heroin and fentanyl production in response to surging U.S. opioid demand. Recent bilateral efforts have focused on improving and standardizing Mexico's crop eradication efforts, developing Mexican agencies' capacity to detect and destroy drug labs, working with the United Nations to schedule fentanyl and precursor chemicals, and investigating drug traffickers (see "Drug Production and Interdiction in Mexico").

The Mexican government's antinarcotics strategy, and U.S. efforts to support Mexico, have been focusing more attention on disrupting the criminal proceeds used to finance DTO operations, with more to be done in that area.[49] In August 2010, the Mexican government imposed limits on the amount of U.S. dollars that individuals can exchange or deposit each month; restrictions on cash deposits by businesses in the northern border region were eased in September 2014.[50] In October 2012, the Mexican Congress approved an anti-money laundering law that established a financial crimes unit within the Attorney General's office (PGR), subjected additional industries vulnerable to money laundering to new reporting requirements, and created new criminal offenses for money laundering. Despite these efforts, Mexico lags on prosecutions and convictions for money-laundering offenses. From 2010 to 2015, Mérida assistance has allotted $22 million in equipment, software, training, and technical assistance to the financial intelligence unit, which is helping that unit analyze data on suspicious transactions and prepare cases for referral to the PGR.

As mentioned, what were once drug trafficking organizations have evolved into poly-criminal organizations, perhaps as a result of interdiction efforts and border security cutting into their profits. Progress has been made in combating human trafficking, with more data being gathered and cooperation to resolve cross-border cases increasing.[51] Some analysts have urged the U.S. and Mexican governments to focus on combating other types of organized crime, such as kidnapping (including of migrants in transit to the United States) and human smuggling.[52]

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).[53] In September 2015, ICE also launched a Transnational Criminal Investigative Unit composed of vetted Mexican federal police to work on cases of alien smuggling, human trafficking, and other crimes. The State Department and the U.N. Office on Drugs and Crime (UNODC) are working with Mexican law enforcement officials

[49] Randal C. Archibold, "Vast Web Hides Mexican Drug Profits in Plain Sight, U.S. Authorities Say," *New York Times*, March 25, 2014; Aaron Daugherty, "Mexico Reviews Low Asset Seizure Rate," *Insight Crime*, July 29, 2015.

[50] "Mexico Scraps Dollar Cash Deposit Limits to Spur Trade," Reuters, September 12, 2014.

[51] Polaris, "Raising Awareness about Human Trafficking and the National Hotline in Mexico," October 20, 2016; Polaris, *More Than Drinks for Sale: Exposing Sex Trafficking in Cantinas & Bars in the U.S.*, September 2016; "Mexico and U.S. Authorities Dismantle People Trafficking Ring," *Latin News Daily*, November 1, 2016.

[52] Ximena Suárez Enriquez, José Knippen, and Maureen Meyer, *A Trail of Impunity: Thousands of Migrants in Transit Face Abuses amid Mexico's Crackdown*, FUNDAR and WOLA, September 2016.

[53] 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.

to develop a strategy to dismantle smuggling networks and to raise awareness on the risks of smuggler recruitment.

U.S. technology and personnel support Mexican intelligence-gathering and information-sharing efforts in northern and southern Mexico. U.S. drones gather and share information with Mexican officials in the U.S.-Mexican border region. U.S. aid has helped federal, state, and municipal forces form joint intelligence task forces throughout the country. In 2015, the U.S. and Mexican governments approved a $75 million Mérida program to help Mexico develop an automated, interagency biometrics system to help agencies collect, store, and share information on criminals and migrants. In the area of communications, a $13 million telecommunications system for cities along the U.S.-Mexican border, funded by the Mérida Initiative, facilitates cross-border information-sharing among law enforcement in that region. In 2016, the two governments agreed to a $75 million telecommunications project to improve secure communication capabilities among Mexican agencies working in eight southern states.

As Mexico receives more than $100 million in U.S. equipment and training that has been obligated to help secure its southern borders 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 Mexico[54]

Violence and criminality have overwhelmed Mexico's law enforcement and judicial institutions, with record numbers of arrests rarely resulting in successful convictions. With impunity rates averaging 78.6% nationally for homicide and even higher for other crimes,[55] experts maintain that it is crucial for Mexico to implement the aforementioned judicial reforms passed in 2008 and to focus on fighting corruption at all levels of government. Increasing cases of human rights abuses committed by authorities at all levels, as well as Mexico's inability to investigate and punish those abuses, are also pressing concerns.

Reforming the Police

Mexican police are tasked with combating constantly evolving and extremely dangerous criminal groups. Police roles are changing under the new adversarial justice system, which requires them to prepare investigations that can be challenged in public oral trials and to serve as witnesses in court. Endemic corruption, abuses of power, a reliance on evidence gathered through confessions (sometimes obtained through torture) rather than forensic evidence, extremely low levels of popular trust, and poor relations with prosecutors have hindered police's ability to combat crime. Low salaries, poor working conditions, and limited opportunities for career advancement have hindered recruiting and retention in some states and municipalities as well.

The Calderón Administration increased police budgets, raised selection standards, and enhanced 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 former secretariat for public security or SSP and another force under the PGR, both with some

[54] 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.

[55] In other words, about 79% of murders have not been solved. Guillermo Raúl Zepeda Lecuona and Paula Guadalupe Jiménez Rodríguez, "Impunidad Frente al Homicidio Doloso en México," *Impunidad Cero*, December 2016.

investigative functions. Whereas initiatives to recruit, vet, train, and equip the federal police advanced (with support from the Mérida Initiative[56]) during the Calderón government, efforts to build the PGR's police force lagged.

The Peña Nieto government has placed the federal police and the SSP under the authority of the interior ministry, created a new gendarmerie within the federal police, and put the PGR's police within its new investigative agency. U.S. training has been offered to each of those entities.[57]

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 million in U.S. equipment and training assistance has supported implementation of codified standards, vetting of law enforcement, the establishment of internal affairs units, and centralization of personnel records. U.S. assistance is also helping police institutions adopt common standards, create career paths, and deter police from engaging in corruption. As of May 2015, roughly 14,100 of 134,600 Mexican municipal police failed vetting exams and another 17,000 state police failed as well.[58] According to *Causa en Comun*, a Mexican civil society organization that has received U.S. funds, the states of Baja California Sur, Michoacán, Nayarit, Tlaxcala, and Zacatecas have not fulfilled their requirements with respect to the 2009 law.

The establishment of unified state police commands (*mando único*) that could potentially absorb municipal police forces has been debated in Mexico for years.[59] The Mexican Congress failed to pass a constitutional reform proposal put forth by the Calderón government to establish unified state police commands. President Peña Nieto has signed agreements to help more than half of the states move in that direction and introduced a similar constitutional reform proposal. Mexico's interior minister and its governor's conference have called for the constitutional adoption of unified command, yet the Mexican Congress has yet to legislate on the matter.[60]

The outcome of police reform efforts could have implications for U.S. initiatives involving state and municipal police forces. Mérida funding has supported state-level academies and training courses for state and local police in first responder education, polygraphing, crime scene preservation, investigation techniques, leadership and supervision, and intelligence-gathering. Training efforts also have focused on helping police work with forensics analysts and prosecutors to investigate crimes and serve as expert witnesses during oral trials. Using a "train the trainer"

[56] 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.

[57] Testimony of William R. Brownfield, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs before the U.S. Congress, Senate United States Senate Caucus on International Narcotics Control, *Drug Trafficking Across the Southwest Border and Oversight of U.S. Counterdrug Assistance to Mexico*, 114th Cong., 1st sess., November 15, 2015.

[58] These data are available by state in Spanish at http://causaencomun.org.mx/programas/radiografia-policial/.

[59] 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.

[60] SEGOB, "Press Release: Creación del Mando Único Policial Permitirá Contar con Instituciones Fuertes: Osorio Chong," July 27, 2016; "CONAGO Acordó Impulsar Mando Único a Rango Constitucional," *Milenio*, January 13, 2016.

model, the State Department trained 230,000 preventive police and 30,000 ministerial (investigative) police in how to function in the new accusatorial justice system.[61]

To complement these efforts, some analysts maintain that it is important to provide assistance to civil society and human rights-related nongovernmental organizations 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 Mexican 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 pretrial detention rate, and an inability to secure convictions.[62] 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*" (precharge detention) that has led to serious abuses by authorities.[63] The government continues to say *arraigo* is necessary to facilitate some types of investigations, although reports that its usage has decreased by 90% in 2015 as compared to 2012.[64] Many inmates are awaiting trials, as opposed to serving sentences. In 2015, Mexico's Human Rights Commission estimated that the country's prisons were at 25% over capacity. Prison breaks and riots are particularly common in state facilities. However, the July 2015 escape by "El Chapo" Guzmán from a maximum security federal prison revealed the dangers posed by corrupt officials inside federal facilities as well. INL has provided training, technical assistance, and equipment to help reform federal and state penitentiary systems and help them obtain independent accreditation from the American Correctional Association (ACA). More than 42 prisons have received ACA accreditation since 2008.

Mexico met the June 2016 deadline (established in 2008 constitutional reforms) to replace its trial procedures at the federal and state level, although it make take many years for the system to be

[61] U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), "Merida Status Update for CRS," November 2016. Hereinafter: INL, November 2016.

[62] Ferreira and Shirk, October 2015.

[63] 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. The Mexican congress may consider legislation in 2017 to end the arraigo. Arturo Angel, "Reforma Penal y Ley Contra Tortura, Entre los 10 Pendientes Claves en Seguridad para 2017," *Animal Político*, January 4, 2017.

[64] Tanya Montalvo, "Para Proteger el Éxito de una Investigación: así Defiende México al Arraigo," *Animal Político*, March, 2014; Gustavo Castillo, "De 2012 a la Fecha ha Disminuido 90 por Ciento la Cifra de Arraigos: PGR," *La Jornada*, December 3, 2015.

perfected.[65] Under the reform, Mexico moved 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. While justice reform efforts at the federal level lagged during the Calderón government, President Peña Nieto has devoted more political capital and resources ($1.2 billion) to support the process. Peña Nieto shepherded a unified code of criminal procedure to cover the entire judicial system through the Mexican Congress in February 2014; it was promulgated in March 2014. The federal government and Mexican states have been building new courtrooms, retraining current legal professionals, updating law school curricula, and improving forensic technology—a difficult and expensive undertaking.

In addition to the police training mentioned above, the State Department has equipped more than 120 courtrooms in 21 states with audio and video recording equipment to record the new oral proceedings.[66] With State Department funding, the Department of Justice (DOJ) has supported judicial reform at the federal level, including providing technical assistance to the Mexican Congress during the drafting and adoption of a unified criminal procedure code through its Office of Overseas Prosecutorial Development and Training (OPDAT). In 2011-2012, DOJ worked with the PGR to design and implement a national training program (Project Diamante) through which approximately 9,000 prosecutors, investigators, and forensic experts were trained in the accusatorial system. The PGR is now using Diamante-certified instructors and jointly developed curricula to transition its personnel and operations to the accusatorial system in all 32 federal branches. OPDAT is also working with the PGR on specialized training programs for prosecutors in anti-money laundering, trafficking in persons, and anti-kidnapping cases.

DOJ OPDAT implemented a capacity-building program in Puerto Rico for Latin American judges, including over 100 Mexican judges. OPDAT Mexico implemented a two-part training program that includes training in Puerto Rico and has trained approximately 200 federal judges.

The U.S. Agency for International Development (USAID) is implementing an $87 million rule of law program that provides assistance to Mexican state and federal authorities in all 31 Mexican states and the Federal District, and to civil society organizations that monitor and support reform efforts. Activities provide comprehensive technical assistance to support effective transition to the new criminal justice system. They include strengthening the legal framework; improving prosecutor and judicial capacity and coordination; public awareness and outreach regarding the reforms; building analytical capacity in justice sector institutions (to better track progress); and supporting victims' assistance and access to justice, particularly for women. USAID also supports training for private lawyers, professors, and bar associations to ensure that legal curricula and technical standards are consistent with the new accusatory, adversarial system. Although progress has not been uniform, pretrial detention rates in some states where USAID has worked have decreased by 25% or more, the use of alternative dispute resolution has freed up resources for courts to address violent crimes, and most defendants have complied with the precautionary measures courts have put on them.[67]

The U.S. 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. 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

[65] "Trials and Errors: Criminal Justice in Mexico," *Economist,* June 18, 2016.

[66] INL, November 2016.

[67] USAID, "Mexico: Rule of Law," fact sheet, November 2016.

(police, prosecutors, courts); how to ensure that Mexico develops a way to monitor and adjust the new criminal justice system, 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 licit 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.[68] CBP uses trusted trader programs to help manage risks at land ports of entry.[69] The Customs-Trade Partnership Against Terrorism (C-TPAT) and the Free and Secure Trade (FAST) programs work in tandem to expeditiously but safely process known and trusted commercial traffic through land ports of entry. Such programs focus CBP inspections on unknown and high-risk cargo flowing through insecure supply chains.

Since the North American Free Trade Agreement took effect in 1994, U.S.-Mexican trade has dramatically increased, although large investments in port infrastructure and staffing of customs officials along the border have not, until recently, been made.[70] Particularly since the terrorist attacks of September 11, 2001, there have been reports of delays and unpredictable wait times at the U.S.-Mexican border. Concern about those delays has increased as manufacturing processes between the two countries have become highly integrated. Several governmental and nongovernmental groups have examined this issue and recommended strategies for reducing wait times. For example, a DHS Southwest Border Task Force made 10 recommendations in 2009 for improving U.S.-Mexican commerce, including enhanced trusted trader programs and risk-management systems, faster throughput via improved scanning systems and document reviews, and expanded port infrastructure.[71]

21st-Century Border Bilateral Executive Steering Committee

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) has regularly met since then to develop binational action plans and oversee implementation of those plans.[72] The plans are focused on

[68] Such risks can include those posed by terrorist actors or criminals in addition to health risks posed by communicable diseases.

[69] Trusted trader programs are voluntary public-private partnership programs that permit certain import-related businesses to register with Customs and Border Protection (CBP). After they follow instructions prescribed by the agency to secure their supply chains, they can become eligible for expedited processing and other benefits.

[70] Congress authorized a pilot program in the FY2013 appropriations bill that permitted CBP to enter into public-private partnerships with certain localities and permitted the private sector to fund improvements in border facilities and port services. See Section 560 of the Consolidated and Further Continuing Appropriations Act, FY2013 (P.L. 113-6, Div. D). This is now known as the Reimbursable Services Program. Congress extended and expanded the pilot program in the FY2014 DHS appropriations bill, permitting CBP to accept donations to expand port operations. See Section 559 of the Consolidated Appropriations Act, FY2014 (P.L. 113-76, Div. F). This program is known as the Donations Acceptance Program. In December 2016, Congress passed the Cross-Border Trade Enhancement Act (P.L. 114-279) permanently authorizing the pilot program.

[71] DHS Security Advisory Council, Southwest Border Task Force, *Recommendations*, Washington, DC, September 2009.

[72] 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

setting measurable goals within broad objectives: infrastructure, secure flows of goods and people, and security and law enforcement. In December 2015, the ESC reported that their efforts had resulted in new facilities at the San Isidro-Tijuana port for southbound screenings, a cross-border pedestrian bridge at the Tijuana airport, the opening of the Brownsville-Matamoros International Railway Bridge, and the creation of a "Cargo Pre-Inspection Program."[73] That program, which enables U.S. and Mexican customs officials to work together at three locations (two active, one under development) along the shared border to clear goods before they arrive at a U.S. or Mexican port of entry, aims to minimize the double inspection of shipments. It was enabled by Mexico's 2015 passage of a law enabling U.S. customs and immigration officials to bear arms in Mexico.[74]

Northbound and Southbound Inspections[75]

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 reports screening 100% of southbound rail shipments for illegal weapons, cash, and drugs. Also, CBP scans license plates along the southwest border with the use of automated license plate readers. Further, CBP employs nonintrusive inspection systems—both large-scale and mobile—to aid in inspection and processing of travelers and shipments.

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 more than 400 canines to assist with the inspections. Mexico has reportedly increased its investments in manpower and technology to perform southbound inspections, but those investments, which slow southbound traffic at some ports of entry, reportedly have yet to yield large seizures.[76]

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developments in the bilateral cooperation. See https://www.dhs.gov/executive-steering-committee.

[73] See http://www.gob.mx/sre/prensa/bilateral-executive-steering-committee-for-the-21st-century-border-management-initiative-17496.

[74] "US Border Agents to Inspect US-Bound Trucks on Mexican Soil," Associated Press, January 12, 2016.

[75] 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.

[76] CRS electronic correspondence with Dr. David Shirk, Justice in Mexico project, January 6, 2016.

Preventing Border Enforcement Corruption

Another issue policymakers may confront regarding the strengthening of the southwest border is how to prevent the corruption of U.S. and Mexican border officials. With respect to CBP personnel, data from a 2012 GAO report indicates that from FY2005 to FY2012, 144 CBP employees were arrested or indicted for corruption-related activities and 65% of them were stationed along the southwest border.[77] CBP personnel misconduct has continued to receive attention in recent years,[78] and CBP has taken steps to increase transparency on this issue. For example, in 2016, the CBP Integrity Advisory Council released a publicly available report that included various recommendations on a number of topics,[79] including Border Corruption Task Forces.[80] Additionally, the Federal Bureau of Investigation (FBI), in collaboration with DHS, has launched a campaign to "raise awareness about the dangers of border corruption."[81]

To date, the 21st-century border pillar has not directly addressed the issue of corruption. Congress may consider whether preventing, detecting, and prosecuting the corruption of border enforcement personnel should be a component of the border programs funded by the Mérida Initiative. Congress may also consider how this corruption may exacerbate some of the issues the Mérida Initiative seeks to address. Furthermore, Congress may 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 Borders[82]

Policymakers may also seek to examine a newer 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 advanced 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. Mexico's National Institute of Migration (INAMI) agents have taken on a new enforcement directive alongside federal and state police forces. These unarmed agents have worked with the military and the police to increase immigration enforcement efforts along known migrant routes. U.S. officials have repeatedly

[77] 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.

[78] For example, after a review of court records and internal agency documents, The New York Times found that "over the last 10 years almost 200 employees and contract workers for the Department of Homeland Security have taken nearly $15 million in bribes while being paid to protect the nation's borders and enforce immigration laws." Furthermore, the Center for Investigative Reporting, also maintains a website that tracks individual border corruption cases. At the time of this report, the site had 153 cases. Ron Nixon, "The Enemy Within: Bribes Bore a Hole in the U.S. Border," *The New York Times*, December 28, 2016 and Andrew Becker, *Crossing the Line: Corruption at the Border*, The Center for Investigative Reporting, http://bordercorruption.apps.cironline.org/.

[79] The CBP Integrity Advisory Council is a subcommittee of the Homeland Security Advisory Council.

[80] The National Border Corruption Task Force was established by the Federal Bureau of Investigation (FBI), along with 22 Border Corruption Task Forces/Border Corruption Working Groups. They investigate serious official corruption allegations involving local, state, and federal officials with law enforcement authorities at or near U.S. borders. U.S. Department of Homeland Security, Homeland Security Advisory Council, *Final Report of the CBP Integrity Advisory Panel*, March 15, 2016.

[81] Federal Bureau of Investigation, *Corruption on the Border: New Campaign Enlists the Public's Help*, December 22, 2016, https://www.fbi.gov/news/stories/border-corruption-campaign-enlists-publics-help.

[82] CRS In Focus IF10215, *Mexico's Immigration Control Efforts*, by Clare Ribando Seelke.

praised Mexico's efforts.[83] In contrast, human rights groups have criticized Mexico for abuses committed by its officials against migrants and for failing to provide enough access to humanitarian visas or asylum to migrants who have valid claims to international protection.[84]

The State Department has provided $24 million in equipment and training assistance, including NII equipment, mobile kiosks, canine teams, and training for INAMI officials in the southern border region. It has obligated more than $75 million more in that area. The Department of Defense has provided training and equipment to Mexican military forces as well. Observers have urged U.S. policymakers to consider providing Mexico with support in how to investigate and punish crimes against migrants, training in how to conduct humanitarian screening, and support for Mexico's asylum agency.[85] Increased U.S. funding has been devoted to the U.N. High Commissioner for Human Rights to assist in some of those areas and to help INAMI develop a training program for migration officials to interview vulnerable populations and to conduct humane repatriations.[86]

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 and drug demand reduction 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 Juarez" ("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.

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"[87] 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

[83] David Nakamura, "Obama thanks Mexico for 'Absorbing' Central American Refugees. His own Administration Wants to Turn Them Away," *Washington Post*, September 20, 2016.

[84] José Knippen, Clay Boggs, and Maureen Meyer, *An Uncertain Path: Justice for Crimes and Human Rights Violations Against Migrants and Refugees in Mexico*, Washington Office on Latin America (WOLA), Fundar, et al., November 2015.

[85] Ibid, Jennifer Podkul, Women's Refugee Commission, presentation on December 17, 2015.

[86] The White House, Office of the Press Secretary, "Fact Sheet: United States-Mexico Relations," July 22, 2016.

[87] 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 in more than 10,000 schools, as well as "culture of lawfulness" courses that are being taught to federal and state police.

crime and violence mapping project that enabled Ciudad Juarez'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 Juaréz since 2011.[88] 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.[89] The strategy was not well targeted, however, and monitoring and evaluation of its effectiveness has been relatively weak.

In April 2011, the U.S. and Mexican governments formally approved a binational 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 Department of the Interior that implements prevention projects. U.S. support for pillar four has exceeded $100 million.

USAID is dedicating $90 million for crime and violence prevention programs in Mexico.[90] Some funding has been directed toward helping the federal government design and monitor prevention programs and developing a "lab" of best practices, while other funds have been targeted at communities. Community-based programs have supported the development of local strategies to reduce crime and violence in certain localities in Ciudad Juárez, Monterrey, Nuevo León, and Tijuana, Baja California. Strategies that have been evaluated for possible replication have included outreach to at-risk youth, improved citizen-police collaboration, and partnerships between public and private sector entities. Programs have reached 35,000 at risk youth in the three cities. Of those, 70% of some 9,000 at-risk youth who participated in after-school activities and employability programs in Tijuana and Ciudad Juárez found an internship or jobs or returned to school within six months. USAID also awarded local grants to civil society organizations for innovative crime prevention projects. A follow-on program is expanding successful initiatives to other cities in Chihuahua, Jalisco, Michoacán, and Nuevo León.

Initially, pillar four appeared to be a priority for the Peña Nieto government. However, Mexico's National Crime and Violence Prevention Program has been defunded for 2017, and it is unclear how states will receive federal support for prevention programs.[91] As previously stated, that program involved federal interventions in municipalities in high crime areas.

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.

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

[89] Lucy Conger, "The Private Sector and Public Security: The Cases of Ciudad Juarez 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.

[90] USAID, "Mexico: Crime and Violence Prevention," November 2016.

[91] "Dejan sin un Peso al Programa para Prevenir el Delito, Aunque hay Incremento en la Violencia," *Animal Político*, November 16, 2016.

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 supported the establishment of community anti-drug coalitions in Mexico and at least 25 drug courts. 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 10,000 schools. 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 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 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 TCOs—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 TCO leaders and seizing illicit drugs.

For years, the GAO has urged U.S. agencies working in Mexico to adopt outcome-based measures, not just output measures.[92] For example, rather than calculating the number of police trained, the GAO would urge the creation of a measure to see how U.S. training affected police performance. The State Department has worked internally, with external contractors, and with two different Mexican governments to try to develop a set of indicators to measure the efficacy of Mérida Initiative programming without overstating the impact—positive or negative—of U.S. programs. In 2015, a contractor developed 200 indicators. These indicators have yet to be made public but have been accepted by both governments and reportedly contain a mix of output (e.g., number of people trained), outcome (e.g., impact of that training on performance), and crime perception variables.[93] Mérida aid also is supporting efforts to measure public perception of implementation of the accusatory justice system.

In the meantime, the State Department has pointed to some indications of success:

- cooperation among law enforcement and intelligence officials that has led to the capture and extradition of top criminal leaders, including Joaquín "El Chapo" Guzmán;
- Mexico's transition to an accusatorial justice system with oral trials in June 2016;

[92] GAO, *Merida Initiative: The United States Has Provided Counternarcotics and Anticrime Support But Needs Better Performance Measures*, GAO-10-837, July 21, 2010.

[93] U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), "Merida Status Update for Congressional Research Service, November 2016.

- the improvements in infrastructure and policies that helped more than 55 Mexican correctional facilities (including all federal prisons) achieve international accreditation; and
- Mexico's apprehension of more than 150,000 Central American migrants in FY2015 and FY2016, as well as migrants from Africa and Asia.

Despite these achievements, Mexico continues to face considerable security challenges. The Peña Nieto government has been criticized for its security policy failures, particularly the escape of "El Chapo" Guzmán, and for its continued reliance on military forces to perform public security functions. Mexico's human rights record has been widely criticized, as has the continued corruption and impunity in its justice system. Mexico's attorney general's office has failed to solve emblematic cases, such as that of 43 students who were forcibly abducted and killed in Ayotzinapa, Guerrero, in September 2014, even with significant international support. More recently, the government has faced serious allegations that it used Israeli-made spyware to surveil its critics in the nonprofit and journalism sectors.[94]

Critics of Mexico's security strategy also have often criticized U.S. programs, even though the programs are limited in size and scope in relation to Mexico's overall budget for public security and national defense. In 2016, Mexico's security budget exceeded $15 billion and U.S. assistance provided for the Mérida Initiative was $139 million.[95]

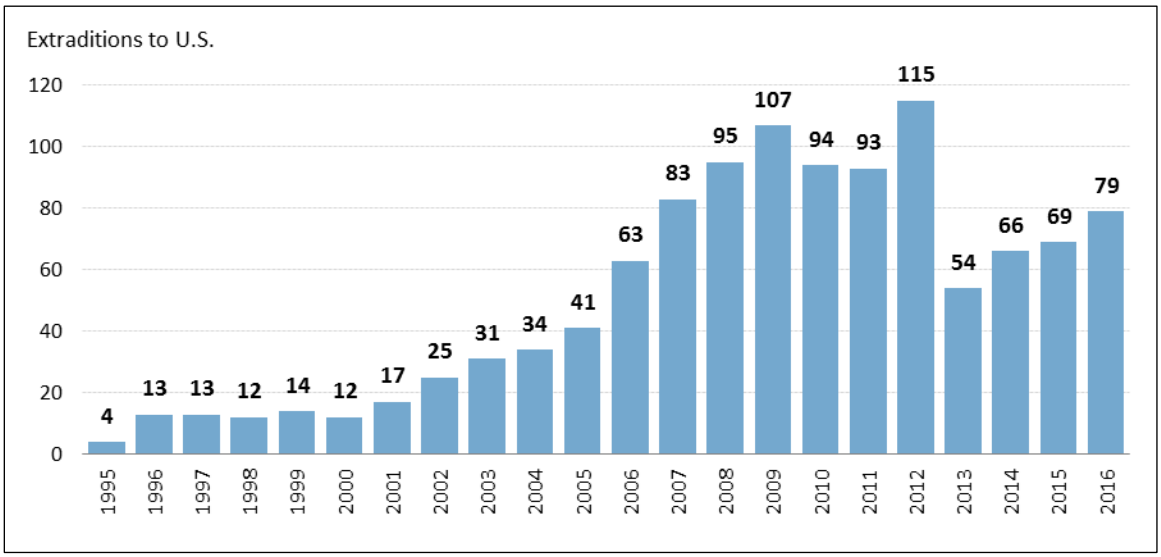
Extraditions

During the Calderón government, extraditions were another indicator that the State Department used as an example of the Mérida Initiative's success. Under the Calderón government, Mexico extradited more than 100 individuals per year to the United States, on average, a large increase over the prior Administration. When President Peña Nieto took office, extraditions fell to 54 in 2013 but have since risen to 79 in 2016 (see **Figure 5**).

[94] Azam Ahmed, "Mexican President Says Government Acquired Spyware but He Denies Misuse," *New York Times*, June 22, 2017.

[95] *INCSR*, 2016.

Figure 5. Individuals Extradited from Mexico to the United States
(1995-2016)



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

Some U.S. policymakers hope that "El Chapo" Guzmán's July 2015 prison escape and recent extradition has definitively changed the Peña Nieto government's position on extraditions. Although Mexico resisted pressure to extradite Guzmán to the United States (where he faces multiple charges) following his initial capture in 2014, the Mexican government has since demonstrated more willingness to approve U.S. extradition requests. Mexico extradited 13 top drug traffickers to the United States in September 2015 and quickly initiated procedures to extradite Guzmán following his January 8, 2016, recapture. He was extradited to the United States on January 19, 2017.

Congress may increase pressure on the Department of Justice and the State Department to push harder for extraditions in the future due to concerns about the security of Mexico's prisons and general corruption in its criminal justice system.

Drug Production and Interdiction in Mexico[96]

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, and cannabis (marijuana). According to U.S. and Mexican government estimates, opium production has surged in Mexico as cannabis production has fallen. U.S. estimates for Mexican poppy cultivation stood at 28,000 hectares in 2015 and a reported 32,000 hectares in 2016.[97] In addition, despite Mexican government import restrictions on precursor chemicals and efforts to seize precursor chemicals and dismantle clandestine labs, the production of methamphetamine, which has an average purity of some 96%, has continued at high levels.[98]

[96] CRS In Focus IF10400, *Heroin Production in Mexico and U.S. Policy*, by Clare Ribando Seelke and Liana W. Rosen.

[97] *INCSR*, March 2017; Gabriel Stargardter, "Exclusive: U.S. Offers to Fund Mexico Heroin Fight as 2016 Output Jumps - U.S. Official," Reuters, April 21, 2017.

[98] Seelke and Rosen, op. cit.

The Mexican government has engaged its military in drug crop eradication efforts since the 1930s, but personnel constraints have inhibited recent eradication efforts. Because of the terrain where drug crops are grown and the small plot sizes involved, Mexican eradication efforts have predominantly been conducted manually. With more military forces to public security functions, fewer soldiers are available for drug crop eradication efforts. However, the Mexican government has significantly increased its eradication of poppy in recent years, with 14,000 hectares eradicated from January to May 2016.[99] The State Department has held discussions with the Mexican government, as well as Canada, on ways in which bilateral and trilateral cooperation on combating the production and trafficking of heroin can be further augmented.

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 TCOs out of economic necessity to adopt alternative means of employment. Alternative development often takes years to show results and requires a long-term commitment to promoting rural development.

Although Mexico has made arresting drug kingpins a top priority, the government has only recently given increased attention to the need to increase drug seizures. The State Department has provided canines and inspection equipment for interdiction at Mexico's borders and ports of entry, which has helped to increase seizures. According to the latest government statistics, Mexico seized 26.5 metric tons of methamphetamine between April 2014 and September 2015, a 74% increase over the same period in 2013 to 2014, as well as 10.2 metric tons of cocaine (a 183% increase).[100] Mexican authorities seized 272 clandestine laboratories in 2014-2015, up 90% from 2013-2014. The Mexican marines have taken over control of the country's ports as of June 2017 and are actively interdicting precursor chemicals arriving from Asia and elsewhere.

Human Rights Concerns and Conditions on Mérida Initiative Funding

Mexico's human rights record has been widely criticized by human rights groups, international organizations, and U.S. policymakers. According to the U.S. State Department's *Country Report on Human Rights Practices* covering 2016, unlawful killings, torture, and enforced disappearances by security forces are the most pressing human rights problems. Despite the severity of the problem, most of those crimes have gone unpunished due to serious corruption and impunity at all levels (local, state, and federal) in the criminal justice system.

Human rights groups initially expressed satisfaction that President Peña Nieto had adopted a pro-human rights discourse early in his Administration and promulgated a law requiring state support for crime victims and their families. In recent years, however, domestic and international human rights groups have vigorously criticized the government's handling of recent high-profile cases of alleged human rights abuses, including those committed by security forces.

Human rights groups also 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

[99] *INCSR*, March 2017.

[100] *INCSR*, March 2017.

justice code to comply with rulings by the Inter-American Court of Human Rights and decisions by Mexico's Supreme Court affirming that cases of military abuses against civilians should be tried in civilian courts. In the past year, civilian courts, some operating with oral trials, have begun to hold military officials accountable for past abuses. Since January 2015, at least three federal courts have convicted military forces of homicide or forced disappearances.[101]

Mexico has struggled to provide adequate protection for groups vulnerable to abuses (journalists, human rights defenders, migrants). Despite the creation of a federal protection mechanism to provide bodyguards and other protective measures to journalists at risk of threats from organized crime, Mexico ranked as the third most dangerous country for journalists in 2016.[102] Seven journalists have been killed thus far in 2017, including award-winning crime reporter Javier Valdez.[103] Since federal jurisdiction over crime against journalists was expanded in 2010, only three convictions have been secured.[104]

Some 75% of journalists surveyed by Freedom House and others do not have faith in the mechanisms created to protect them.[105] That figure is likely even higher now that domestic and international news outlets have reported that the Peña Nieto government has used spyware it purchased from Israel to monitor its critics, including journalists.[106] The government has acknowledged purchasing the spyware but denied using it for espionage.[107]

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 laws" that require vetting for Mexican security forces to receive U.S. DOD or State Department support.[108]

From FY2008 to FY2015, Congress also conditioned U.S. assistance to the Mexican military and police on compliance with certain human rights standards. In an October 19, 2015, briefing, a spokesperson said that although the State Department was "unable to confirm and report to Congress that Mexico fully met all of the [human rights] criteria in the Fiscal Year 2014 appropriation legislation (P.L. 113-76) ... [it continues] to strongly support Mexico's ongoing efforts to reform its law enforcement and justice systems." As a result of the State Department's decision not to submit a report for Mexico, some $5 million in International Narcotics and Law Enforcement (INCLE) assistance was reprogrammed to Peru. Mexico lost close to $500,000 in foreign military financing (FMF) that was withheld as well.

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[101] U.S. Department of State, *Mexico-Mérida Initiative Report (15% Report) for FY2015*, September 6, 2016.

[102] Committee to Protect Journalists, *No Excuse: Mexico Must Break Cycle of Impunity in Journalists' Murders*, May 2017. Hereinafter CPJ, May 2017.

[103] Reporters Without Borders, "MEXICO: Abducted Journalist's Body Found in Michoacán State," June 27, 2017.

[104] CPJ, May 2017.

[105] Emir Olivares Alonso, "Periodistas Desconfian de Instituciones," *La Jornada*, June 27, 2017.

[106] Azam Ahmed and Nicole Perlroth, "Using Texts as a Lure, Government Spyware Targets Mexican Journalists and Their Families," *New York Times*, June 19, 2017.

[107] Azam Ahmed, "Mexican President Says Government Acquired Spyware but He Denies Misuse," *New York Times*, June 22, 2017.

[108] 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.) See CRS In Focus IF10575, *Human Rights Issues: Security Forces Vetting ("Leahy Laws")*, by Liana W. Rosen.

For FY2015, human rights groups again urged the State Department not to submit a human rights progress report for Mexico as required by P.L. 113-235.[109] In September 2016, the State Department did submit a report certifying that Mexico was taking steps to improve respect for human rights through the transition to an accusatorial justice system, among other measures.[110] The report stated, however, that "emblematic human rights cases ... underscore the continuing challenges and the need for further action to protect human rights and the rule of law."

The FY2016 Consolidated Appropriations Act (P.L. 114-113) contained conditions similar to those described above in P.L. 113-235, but they applied to FMF rather than to Mérida Initiative aid.[111] The FY2017 Consolidated Appropriations Act (P.L. 115-31) has slightly different conditions, but they also apply to FMF as opposed to Mérida Initiative aid accounts.[112]

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 that is in the process of being extended and augmented. USAID is dedicating $25 million through 2018 for that and other human rights programs focused on helping Mexico develop a national human rights strategy, assist victims of torture and other abuses, and develop and implement legislation related to preventing and punishing human rights abuses.

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. Along with consideration of providing funds to help secure Mexico's southern border, Congress may consider how to help mitigate concerns about migrants' rights in Mexico.

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 role in designing the Mérida Initiative and is not providing assistance through Mérida accounts.

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[109] Amnesty International, Centro Prodh, Latin America Working Group, et al., *Civil Society Assessment of the Human Rights Situation in Mexico*, July 2016.

[110] U.S. Department of State, *Mexico-Mérida Initiative Report (15% Report) for FY2015*, September 6, 2016.

[111] Prior to the obligation of Foreign Military Financing (FMF), the Secretary of State must submit a report to the Appropriations Committees detailing steps taken by the Mexican government in the past year "to investigate and prosecute military and police personnel for violation of human rights in civilian courts, enforce the prohibitions against torture and the use of testimony obtained through torture, and search for the victims of forced disappearances; and by the Mexican military and police to promptly transfer detainees to the custody of civilian judicial authorities in accordance with Mexican law and to cooperate with such authorities in such cases."

112 Of the funds available for assistance for Mexico under the FMF account, 25% is to be withheld from obligation until the Secretary of State reports to the Appropriations Committees that the Mexican government is "thoroughly and credibly investigating and prosecuting violations of human rights in civilian courts, including the killings at Tlatlaya in June 2014, in accordance with Mexican law; vigorously enforcing prohibitions against torture and the use of testimony obtained through torture; and searching for the victims of forced disappearances and credibly investigating and prosecuting those responsible for such crimes. The Committee expects the Government of Mexico to cooperate fully with the Inter-American Commission on Human Rights Group of Experts investigation of the disappearance of 43 students in Guerrero in September 2014."

However, DOD oversaw the procurement and delivery of equipment provided through the 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. 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 TCO 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 $7 million in FY2016. For their part, International Military Education and Training (IMET) funds, which totaled $1.5 million in FY2016, support training programs for the Mexican military, including courses provided in the United States (see **Error! Reference source not found.**). The FY2018 budget request would eliminate the FMF account.

Apart from the Mérida Initiative and other State Department funding, DOD provides additional training, equipping and other support through its Drug Interdiction and Counterdrug Activities account that complements the Mérida Initiative. DOD programs in Mexico are overseen by U.S. Northern Command (USNORTHCOM), which is located at Peterson Air Force Base in Colorado. DOD support to Mexico totaled some $64.2 million in FY2016. DOD funding is subject to the Defense Department's Leahy Law (10 U.S.C. 362), which prohibits U.S. security assistance to foreign security forces when there is credible information that a recipient unit has committed a "gross violation of human rights."

The aforementioned counternarcotics funding has enabled NORTHCOM to train and equip an increasing number of Mexican military personnel. Training has included courses on information fusion, surveillance, interdiction, cybersecurity, logistics, and professional development. Equipping efforts provided nonlethal 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), policymakers 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 increased manpower and technology along the border,

whereas others maintain that those efforts have been insufficient.[113] 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.[114]

U.S. Counterdrug Policy 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).[115] Support for the Caribbean increased in FY2010 and has remained relatively stable due to the Caribbean Basin Security Initiative (CBSI). The FY2018 budget request would cut all of those programs substantially.

The Obama Administration took steps to coordinate the aforementioned country and regional antidrug programs and to ensure that U.S.-funded efforts complemented the efforts of partner governments and other donors, yet challenges remain. Ongoing struggles to deal with the violent and destabilizing effects of the illicit drug trade have spurred some Latin American leaders and others to explore drug policy alternatives. The 114th Congress was engaged in regional debates on drug policy reform, particularly as it evaluated the Obama Administration's counternarcotics goals in the Western Hemisphere, including counternarcotics and foreign aid budget plans as well as the distribution of domestic and international drug control funding and the relative balance of civilian, law enforcement, and military roles in regional anti-drug efforts. As noted above, Congress enacted P.L. 114-323 in December 2016, which, among its provisions, established a drug policy commission directed to review and report on U.S. foreign policy efforts and programs in the hemisphere to combat drug trafficking, abuse, and related consequences. The results of those findings could affect U.S. efforts in Mexico under the Mérida Initiative.[116]

Outlook

The Mérida Initiative has continued to advance, albeit slowly, despite changes in Administrations and partisan control in both countries. There has been bipartisan support in the U.S. Congress for

[113] For a fuller discussion of U.S. border enforcement efforts, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Carla N. Argueta.

[114] See, for example, Marc R. Rosenblum, *Obstacles and Opportunities for Regional Cooperation: The U.S.-Mexico Case*, Migration Policy Institute, April 2011; Maureen Meyer, Adam Isacson, and Carolyn Scorpio, *Not a National Security Crisis: The U.S.-Mexico Border and Humanitarian Concerns*, Seen from El Paso, WOLA, October 27, 2016,

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

[116] CRS In Focus IF10580, *Transnational Crime Issues: International Drug Trafficking*, by Liana W. Rosen.

the Mérida Initiative and, although funding has declined, appropriators provided more assistance than the previous Administration requested in FY2015, FY2016, and FY2017.

Congress is now considering the Trump Administration's FY2018 budget request and overseeing previously appropriated funding for the Mérida Initiative. Most experts agree that Mexico continues to require international support to address organized crime-related violence and reform its criminal justice system.[117] Prior to President Trump's inauguration, some analysts urged the Trump Administration to return to the Mérida Initiative's original focus on law enforcement, whereas others argued for it to maintain a broad, multifaceted approach.[118] Thus far, the Trump Administration's rhetoric and budget request appear to prioritize combating transnational criminal organizations and addressing shared migration challenges, albeit with much less U.S. support than in years past.

[117] Antonio Garza and Stephanie Leutert, "Slowing Mexico's Violence Requires International Cooperation," *Houston Chronicle*, January 1, 2017.

[118] Nelson Balido, "Five Border Security Priorities for Trump in His First 100 days," *FoxNews.com*, December 27, 2016.

Appendix. U.S. Assistance to Mexico

Table A-1. U.S. Assistance to Mexico by Account, FY2008-FY2018

(U.S. $ millions)

Account	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017 (estimated)	FY2018 request
DA	8.2	11.2	10.0	25.0	33.4	26.2	0.0	0.0	10.5	0.0	0.0
ESF	34.7	15.0	15.0	18.0	33.3	32.1	46.8	46.1	39.0	49.0	Not applicable
ESDF											25.0
FMF	116.5	39.0	265.2	8.0	7.0	6.6	6.6	4.7	7.0	5.0	0.0
GHCS	2.7	2.9	3.5	3.5	1.0	0.0	0.0	0.0	0.0	0.0	0.0
IMET	0.4	0.8	1.0	1.0	1.0	1.2	1.4	1.5	1.5	1.5	1.5
INCLE	263.5	406.0	365.0	117.0	248.5	195.1	148.1	110.0	100.0	90.0	60.0
NADR	1.3	3.8	3.9	5.7	5.4	3.8	3.9	2.9	2.2	2.2	1.2
TOTAL	**412.6**	**478.8**	**657.6**	**178.2**	**329.6**	**265.0**	**206.8**	**165.2**	**160.2**	**147.7**	**87.6**

Sources: U.S. Department of State, *Congressional Budget Justification for Foreign Operations FY2009-FY2017;* "FY 2016 653(a) Allocations – Final," provided to CRS in August 2016. Figures for INCLE are from: U.S. Department of State, "Mérida Initiative Update for CRS," November 18, 2016.

Notes: DA = Development Assistance; ESF = Economic Support Fund; ESDF = Economic Support and Development Fund; FMF = Foreign Military Financing; GHCS = Global Health and Child Survival; IMET = International Military Education and Training; INCLE = International Narcotics Control and Law Enforcement; NADR = Nonproliferation, Anti-terrorism, and Related Programs.

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