



Updated March 11, 2019

Mexico: Evolution of the Mérida Initiative, 2007-2019

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

In 2007, Mexico and the United States created the Mérida Initiative, a security and rule-of-law partnership to address drug trafficking and crime. Through this partnership, which has since been the centerpiece of bilateral security cooperation, both countries have invested in a broad range of efforts to combat transnational crime and its consequences. U.S. appropriations for the Mérida Initiative since FY2008 (some \$3.0 billion) have constituted only 2% of Mexico's total security budget but have enabled the U.S. government to help shape Mexico's policies.

The Mérida Initiative has strengthened U.S.-Mexican law enforcement cooperation and intelligence sharing. Nevertheless, homicides in Mexico and opioid-related deaths in the United States have surged. Against that backdrop, the Mérida Initiative may change its emphasis now that Andrés Manuel López Obrador has taken office as president. López Obrador, a leftist populist, won 53% of the vote and captured a legislative majority in elections held on July 1, 2018. Three months in to his six-year term, President López Obrador remains extremely popular.

Origins of the Mérida Initiative

Prior to FY2007, Mexico did not receive large amounts of U.S. antidrug assistance, partially due to Mexican sensitivity about U.S. involvement in the country's internal affairs. In March 2007, then-Mexican President Felipe Calderón asked for U.S. assistance in combating drug and weapons trafficking. In response to this historic request, the George W. Bush and Calderón Administrations proposed the Mérida Initiative, a package of U.S. counter-drug and anti-crime assistance to Mexico (and Central America) in October 2007. As part of the Mérida Initiative's emphasis on shared responsibility, the Mexican government pledged to tackle crime and corruption and the U.S. government pledged to address drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments.

Initial Funding for the Mérida Initiative: FY2008-FY2010

During the first phase of the Mérida Initiative, Congress appropriated some \$1.5 billion, including \$420.7 million in foreign military financing (FMF), which enabled the purchase of equipment, including aircraft and helicopters, to support Mexico's federal security forces (military and police). U.S. assistance focused on (1) counternarcotics, border security, and counterterrorism; (2) public security;

and (3) institution building. U.S. assistance and intelligence supported Mexico's strategy of arresting (and extraditing) kingpins from each of the major TCOs, but this strategy also fueled violence, as fractured criminal groups fought to regroup and reorganize. Congress withheld 15% of certain U.S. aid for the Mexican military and police until the State Department submitted an annual report stating that Mexico was taking steps to meet human rights requirements.

The Four-Pillar Strategy: FY2011-FY2017

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

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

Some analysts praised the wide-ranging cooperation between the governments; others criticized the increasing number of priorities they adopted. Experts warned that it would be difficult for Mexico to implement an accusatorial justice system requiring better evidence collection by police and public trials with oral arguments in only eight years.

U.S. technology and training under pillar one supported Mexican intelligence-gathering and information-sharing efforts, including biometrics and telecommunications. Under pillar two, U.S. agencies provided more than \$400 million in training, courtroom infrastructure, and technical assistance to support Mexico's transition to an accusatorial justice system (adopted in 2008) at the federal and state levels. Pillar three expanded beyond efforts to modernize the U.S.-Mexican border to include more than \$100 million in training and equipment for securing Mexico's southern border. Under pillar four, the U.S. Agency for International

Development has implemented \$25 million in human rights programs and \$90 million in crime prevention projects. FMF has not been part of the Mérida Initiative since FY2011, although the State Department and the U.S. Department of Defense coordinate their assistance. Unlike FMF, Mérida Initiative funds have not been subject to human rights conditions since FY2016.

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

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

Assessing the Mérida Initiative

Many analysts have observed the need for more reporting on Mérida Initiative outcomes, such as the impact of U.S. training on police performance. The State Department has pointed to some indicators of success: (1) intelligence-sharing and law enforcement cooperation that has helped capture high-profile criminals; (2) the establishment of national training standards for police, investigators, prosecutors, and judges; (3) increased extraditions, including Joaquín "El Chapo" Guzmán (extradited in 2017 and sentenced to life in U.S. prison in February 2019); (4) Mexico's seizure of more than \$4 billion in illicit drugs and currency; and, (5) Mexico's apprehension of more than 520,000 Central American migrants from 2015 to 2018.

Critics of the Mérida Initiative have focused on continued violence, the government's poor human rights record, and prosecutors' inability to secure convictions. Homicides in Mexico are at record levels. Fighting among TCOs has intensified as new criminal organizations have emerged and more groups are competing for control over drug production and trafficking, including synthetic opioids. They also have expanded their involvement in oil theft, kidnapping, extortion, and other crimes.

Mexico's human rights record has been widely criticized, as has the justice system's inability to address corruption and impunity. In 2018, 49 human rights defenders and 9 journalists were killed. In the past, Mexico's attorney general's office has failed to resolve those types of killings. Even the high-profile case of 43 students in Ayotzinapa, Guerrero, who were forcibly disappeared in 2014 remains unresolved. Prosecutors have not pursued credible reports of corruption, including alleged illegal contributions to the Peña Nieto campaign by the Brazilian firm Odebrecht.

López Obrador's Security Strategy

The future of the Mérida Initiative is yet unclear. Some observers predict the four-pillar strategy may reemerge with an emphasis on pillar four, which appears to align with some of President López Obrador's priorities. Others maintain that López Obrador has thus far accommodated

the Trump Administration's emphasis on combating Central American migration and may back other U.S. priorities, despite the domestic criticism he may receive.

As a candidate, López Obrador emphasized anti-corruption initiatives, social investments in at-risk youth, human rights, drug policy reform, and transitional justice for nonviolent criminals. In line with those priorities, Mexico's new security strategy, released in February 2019, includes a focus on addressing the socioeconomic drivers of violent crime. The Administration has launched a program to provide scholarships to youth to attend university or to complete internships. As president, López Obrador created a presidential commission to coordinate efforts to investigate the Ayotzinapa case. Observers expect he will soon decriminalize marijuana production and distribution.

At the same time, President López Obrador has backed constitutional reforms to allow military involvement in public security to continue for five more years, despite a 2018 Supreme Court ruling that prolonged military involvement in public security violated the constitution. He secured congressional approval of a new National Guard (composed of military police, federal police, and new recruits) to combat crime. After criticism from human rights groups, the congress modified President López Obrador's original proposal to ensure the National Guard will be under civilian command. President López Obrador also has deployed security forces to secure oil pipelines and facilities in an effort to combat oil theft, which has caused some fuel shortages.

Civil society and the private sector are urging President López Obrador to fulfill his pledges to combat corruption. Mexico's congress approved the creation of an independent attorney general's office, but some are concerned that the individual selected for that nine-year post is a longtime associate of the president. The government also has not yet specified how it will move forward to implement the national anti-corruption system established through constitutional reforms in 2017.

Congressional Action

There has been bipartisan support in Congress for the Mérida Initiative. The FY2019 Consolidated Appropriations Act (P.L. 116-6) provided some \$145 million for accounts that have the initiative (\$68 million above the budget request). The increased resources are primarily for addressing the flow of U.S.-bound opioids. The joint explanatory statement accompanying the act (H.Rept. 116-9) requires a State Department strategy on international efforts to combat opioids (including efforts in Mexico); a report on how the Mérida Initiative is combating cocaine and methamphetamine flows; and a report on recent incidents resulting in injuries and deaths of U.S. tourists in Mexico. The Administration's FY2020 budget request asks Congress to provide \$76.3 million for the Mérida Initiative. See also CRS In Focus IF10215, *Mexico's Immigration Control Efforts*; CRS In Focus IF10400, *Transnational Crime Issues: Heroin Production, Fentanyl Trafficking, and U.S.-Mexico Security Cooperation*.

Clare Ribando Seelke, Specialist in Latin American Affairs

IF10578

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