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Mexico: Evolution of the Mérida Initiative, FY2008-FY2022

Congress remains concerned about the effects of organized-crime-related violence in Mexico on U.S. security interests and U.S. citizens' safety in Mexico. Homicides in Mexico reached record levels from 2016 to 2019, followed by a slight decline during the Coronavirus Disease 2019 (COVID-19) pandemic. Femicides, or killings of women, have increased faster than other homicides. With bipartisan support in Congress, the Mérida Initiative has comprised the majority of U.S. foreign aid to Mexico since FY2008.

This product provides an overview of the roughly \$3.3 billion appropriated to date for the Mérida Initiative; Mexico's security strategy and key pillars of the new "Bicentennial Framework for Security, Public Health, and Safe Communities" that is to replace the Mérida Initiative.

Origins of the Mérida Initiative

Prior to FY2008, Mexico did not receive large amounts of U.S. security assistance, partially due to Mexican sensitivity about U.S. involvement in the country's internal affairs. In March 2007, then-Mexican President Felipe Calderón asked for more U.S. cooperation to fight criminal organizations and their cross-border trafficking operations. In response, the Mérida Initiative, a package of U.S. antidrug and rule of law assistance to Mexico began.

As part of the Mérida Initiative's emphasis on *shared responsibility*, the Mexican government pledged to tackle corruption. The U.S. government pledged to address drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments. Impunity for public corruption continues in Mexico, and record U.S. drug overdoses in 2020 reveal challenges in addressing U.S. drug demand.

Initial Phase: FY2008-FY2010

Congress appropriated some \$1.5 billion for the Mérida Initiative from FY2008 to FY2010, including \$420.7 million in Foreign Military Financing (FMF), which enabled the purchase of equipment, including aircraft and helicopters, to support Mexico's federal security forces (military and police). Congress required the State Department to withhold 15% of certain U.S. aid for the Mexican military and police until the agency submitted an annual report stating that Mexico was taking steps to meet human rights requirements. U.S. assistance focused on (1) counternarcotics, border security, and counterterrorism; (2) public security; and (3) institution building. U.S. assistance and intelligence supported Mexico's strategy of arresting (and extraditing) kingpins from each of the major drug trafficking organizations. This "kingpin" strategy also fueled violence, as fractured drug trafficking organizations fought to regroup and reorganize.

The Four-Pillars: FY2011-FY2017

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

1. **Combating transnational criminal organizations** through intelligence sharing and law enforcement operations;
2. **Institutionalizing the rule of law while protecting human rights** through justice sector reform, forensic equipment and training, and police and corrections reform;
3. **Creating a 21st-century U.S.-Mexican border** while improving immigration enforcement in Mexico; and
4. **Building strong and resilient communities** by piloting approaches to address root causes of violence and reduce drug demand.

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

Shifting Priorities Under Presidents Trump and López Obrador: FY2018-FY2021

President Trump's executive orders on combatting transnational criminal organizations (E.O. 13773) and enhancing border security (E.O. 13767) refocused the Mérida Initiative. U.S. priorities included reducing synthetic drug production, improving border interdiction and port security, and combating money laundering. In 2019, President Trump praised Mexico's stepped-up efforts against illegal migration but criticized Mexico's antidrug performance in his FY2021 "drug majors" determination.

Beginning in 2020, the COVID-19 pandemic hindered bilateral cooperation. In October 2020, the United States arrested former Defense Minister Salvador Cienfuegos on drug charges; the move angered the Mexican government and further limited security cooperation. After the United States dropped the case and allowed Cienfuegos to return to Mexico, President López Obrador exonerated him and dismissed the U.S. evidence as fabrications. Mexico's Congress enacted a law requiring foreign law enforcement officials to share any information they gather with designated Mexican federal authorities and Mexican state and local officials to report contacts with foreign officials.

President López Obrador enjoys high approval ratings even though his government has struggled to address homicides

and violent crime. Mexico's security strategy, released in February 2019, focuses on addressing the socioeconomic drivers of violent crime. Thus far, López Obrador has implemented broad social programs rather than the type of targeted crime prevention efforts that the U.S. Agency for International Development (USAID) has endorsed.

President López Obrador campaigned against Mexico's military-led "war" on criminal organizations but backed constitutional reforms to allow military involvement in public security for five more years. Those reforms came despite a 2018 Mexican Supreme Court ruling that prolonged military involvement in public security violated the Mexican Constitution. López Obrador initially resisted the so-called *kingpin strategy* employed by his two predecessors, but high-level arrests and extraditions increased in 2020 until the U.S. arrest of Cienfuegos.

Instead of the federal police, which received U.S. equipment and training, President López Obrador secured congressional approval of a new National Guard composed of mostly military officers. There are concerns about the National Guard violating human rights. López Obrador has asked the Mexican Congress to enact a constitutional reform to make the National Guard a part of the defense ministry. Human rights and policing experts oppose this move, asserting that military forces are ill-suited for civilian policing. Critics have faulted the administration for not investing in state and local police forces, which investigate most crimes.

Civil society and the private sector have criticized President López Obrador for weakening some institutions charged with combatting corruption. Mexico's Congress approved the creation of an independent prosecutor general's office; the individual selected for that post is the president's close ally. Although federal prosecutors have slowly pursued corruption cases against the former head of *Petróleos Mexicanos*, they appear to have ignored most allegations involving López Obrador's allies. The government has not implemented the national anti-corruption system required by a 2017 constitutional reform.

Replacing the Mérida Initiative?

Analysts have observed the need for more reporting on Mérida Initiative outcomes to help Congress oversee the funds it has appropriated. In September 2021, the State Department released a fact sheet on the four pillars of the Mérida Initiative. It asserts that U.S. funds have helped (1) dismantle criminal organizations and interdict drug shipments; (2) train and equip Mexican police, prosecutors, judges, forensics personnel, and corrections officers; (3) modernize Mexico's ports, airports, and northern and southern border checkpoints; and (4) advance human rights and at-risk youth programming.

Despite those efforts, escalating violence in Mexico and drug overdose deaths in the United States have led many to question the Mérida Initiative's overall efficacy. The Government Accountability Office (GAO) has urged U.S. agencies to measure outcomes rather than outputs (e.g., the impact of training rather than the number of police trained). A May 2020 GAO report asserted that USAID had tracked performance data and the State Department had not.

Biden Administration

The Biden Administration inherited a tense security relationship with Mexico. President Biden and President López Obrador focused their early dialogues on migration issues, COVID-19 response, and economic issues. On October 8, 2021, Mexico hosted the first U.S.-Mexico High-Level Security Dialogues since 2016, which included the participation of U.S. Secretary of State Antony Blinken, U.S. Secretary of Homeland Security Alejandro Mayorkas, and Attorney General Merrick Garland. After the dialogue, the governments pledged to

- **Protect people** by investing in public health solutions to drug use, supporting safe communities, and reducing homicides and other high-impact crimes;
- **Prevent transborder crime** by reducing arms trafficking, targeting illicit supply chains, and reducing human trafficking and smuggling; and
- **Pursue criminal networks** by disrupting illicit financiers in both countries and importers of precursor chemicals and synthetic drug producers in Mexico while strengthening security and justice.

The Biden Administration requested \$116.5 million in foreign assistance for Mexico for FY2022, nearly 27% lower than the estimated FY2021 appropriation of \$158.9 million. The Administration's FY2022 request for International Narcotics Control and Law Enforcement (INCLE) funds for Mexico, which support antidrug efforts with federal agencies, is \$44 million less than the FY2021 estimated appropriation. The U.S. and Mexican governments are expected to release detailed agreements in December under the Bicentennial Framework. Future U.S. budget requests could shift to reflect those priorities.

Congressional Action

Congress is considering the Biden Administration's FY2022 foreign assistance request. The House-passed version of the FY2022 foreign aid appropriations bill (H.R. 4373, H.Rept. 117-84) would provide \$158.9 million for Mexico, the same amount as in FY2021. H.Rept. 117-84 would prohibit funding to support Mexican military participation in public security efforts. It would require a comprehensive review of funds provided through the Mérida Initiative and a report on any funds appropriated to Mexican agencies involved in migration management within 90 days of the bill's enactment. H.Rept. 117-84 would also require reports on plans to improve data collection on synthetic drug trafficking, the adequacy of Mexico's efforts to combat human rights abuses such as torture and enforced disappearances, crimes committed along Mexico's northern highways, efforts to combat fentanyl flows, and the efficacy of U.S. drug policy.

The Senate Appropriation Committee's version of the FY2022 foreign aid bill (S. 3075) would not stipulate a total funding level for Mexico. It would provide \$80 million in INCLE funds. The explanatory statement accompanying the bill would require a review of the Mérida Initiative and a report on Mexico's human rights efforts.

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