

Mexico: Evolution of the Mérida Initiative, 2007-2020

Congress remains concerned about the effects of organized-crime-related violence in Mexico on U.S. security interests and U.S. citizens' safety in Mexico. Homicides in Mexico have reached record levels in each of the last three years as criminal groups have fought for control of smuggling routes into the United States. President Andrés Manuel López Obrador is under pressure to improve his security policy.

The November 2019 killing of an extended family of dual citizens near the Arizona border in Mexico has led some Members of Congress to call for increased oversight of bilateral efforts. This product provides a succinct overview of the roughly \$3.1 billion appropriated for the Mérida Initiative, López Obrador's security strategy, and how to assess bilateral security efforts.

Origins of the Mérida Initiative

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

As part of the Mérida Initiative's emphasis on *shared responsibility*, the Mexican government pledged to tackle corruption. The U.S. government pledged to address drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments. The December 2019 U.S. arrest of Calderón's former public security minister for allegedly taking millions in bribes from the Sinaloa Cartel demonstrated Mexico's endemic corruption. High levels of U.S. opioid-related deaths and rising methamphetamine demand illustrate challenges in addressing U.S. drug consumption.

Initial Funding for the Mérida Initiative: FY2008-FY2010

During the first three years 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). Congress withheld 15% of certain U.S. aid for the Mexican military and police until the State Department submitted an annual report stating that Mexico was taking steps to meet human rights requirements. U.S. assistance focused on (1) counternarcotics, border security, and counterterrorism; (2) public security; and (3) institution building. U.S. assistance and intelligence supported Mexico's strategy of arresting (and extraditing) kingpins from each of the major drug trafficking organizations. This

"kingpin" strategy also fueled violence, as fractured drug trafficking organizations fought to regroup and reorganize.

The Four-Pillar Strategy: FY2011-FY2017

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

1. **Combating transnational criminal organizations** through intelligence sharing and law enforcement operations;
2. **Institutionalizing the rule of law while protecting human rights** through justice sector reform, forensic equipment and training, and 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 it would be difficult for Mexico to implement an accusatorial justice system requiring better evidence collection by police and public trials with oral arguments in only eight years. Mexico's Congress established the eight-year transition to a new justice system in 2008 constitutional reforms.

U.S. technology and training under pillar one supported Mexican intelligence-gathering and information-sharing efforts, including biometrics and telecommunications. Under pillar two, U.S. agencies provided more than \$400 million in training, courtroom infrastructure, and technical assistance to support Mexico's transition to an accusatorial justice system at the federal and state levels. Pillar three expanded beyond efforts to modernize the U.S.-Mexican border to include more than \$100 million in training and equipment for securing Mexico's southern border. Under pillar four, the U.S. Agency for International Development (USAID) implemented \$25 million in human rights programs and \$90 million in crime prevention projects. FMF has not been part of the Mérida Initiative since FY2011, but the State Department and the U.S. Department of Defense coordinate their assistance. Although all U.S. security assistance to Mexico is subject to human rights vetting requirements (known as Leahy Laws), additional human-rights-related aid restrictions only apply to FMF.

Trump Administration Priorities

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

López Obrador Administration

Inaugurated in December 2018, President López Obrador enjoys high approval ratings even though Mexico experienced record homicides and zero growth in 2019. Mexico's security strategy, released in February 2019, includes a focus on addressing the socioeconomic drivers of violent crime. Thus far, López Obrador has implemented broad social programs rather than the type of targeted crime prevention efforts that USAID has endorsed.

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

Instead of bolstering the federal police, which had received significant U.S. equipment and training, President López Obrador secured congressional approval of a new National Guard (composed of mostly military and former federal police). He deployed the National Guard to secure oil pipelines, reassert territorial control in high-crime areas, and secure Mexico's borders. A concern for U.S. policymakers is that the National Guard lacks investigatory authority, which means any evidence the National Guard gathers would be inadmissible in court. There are also concerns that its forces may violate human rights.

Civil society and the private sector are urging President López Obrador to fulfill his pledges to combat corruption and impunity. Mexico's congress approved the creation of an independent prosecutor general's office, but the individual selected for that post is the President's close ally. The prosecutor general's office remains underfunded and has proposed reforms that would reverse many key elements of the new justice system. While federal prosecutors have pursued corruption cases against the former head of *Petróleos Mexicanos* (recently extradited from Spain) and the former social development minister, they have thus far ignored allegations involving López Obrador's allies. The government has not yet specified how it will move forward to implement the national anti-corruption system established through constitutional reforms in 2017, which the Mérida Initiative has supported.

In August 2019, the López Obrador Administration created a High-Level Security Working Group (HLSWG) with the

United States that includes the Mérida Initiative as one aspect of bilateral efforts. The HLSWG includes eight working groups. Mexico has prioritized combating arms trafficking, but other groups focus on drug policy, criminal justice reform, border security, and money laundering, among other issues. These groups, as well as requests from the Mexican government to assist in priority programs, such as identifying some 80,000 disappeared persons reported as of July 2020, could inform future projects.

Assessing the Mérida Initiative

Many analysts have observed the need for more reporting on Mérida Initiative outcomes to help Congress oversee the funds it has appropriated. The State Department has pointed to some indicators of success. Those include (1) the intelligence-sharing and police cooperation that has helped capture and extradite high-profile criminals; (2) the creation of national training standards for police, prosecutors, and judges; and (3) assistance that has helped Mexico receive international accreditation of its prisons, labs, and police training institutes. Since FY2008, Mérida equipment and canines have led to the seizure of more than 300,000 kilograms of U.S.-bound drugs.

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

Congressional Action

With the bipartisan support of Congress, the Mérida Initiative has comprised the majority of U.S. foreign aid to Mexico since FY2008. Congress provided \$149 million in FY2019 for the Mérida Initiative in P.L. 116-6 (\$71 million above the budget request). For FY2020, Congress provided \$150 million for accounts that fund the Mérida Initiative in P.L. 116-94 (\$73 million above the request).

The FY2021 budget request for Mérida Initiative accounts was \$61.3 million. The House Appropriations Committee's version of the State and Foreign Operations appropriations bill, H.R. 7608, would provide \$140 million in accounts that have funded the Mérida Initiative. H.Rept. 116-444 would require the State Department to submit a multiyear strategy for the Mérida Initiative within 180 days of the bill's enactment. The report is to include a joint USAID-State monitoring and evaluation plan and outline any U.S. assistance planned for Mexico's National Guard.

See CRS In Focus IF10215, *Mexico's Immigration Control Efforts*, and CRS In Focus IF10400, *Trends in Mexican Opioid Trafficking and Implications for U.S.-Mexico Security Cooperation*.

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