

# COUNCIL *on* FOREIGN RELATIONS

## *POLICY INNOVATION MEMORANDUM NO. 27*

*Date:* December 5, 2012  
*From:* Shannon K. O'Neil  
*Re:* Refocusing U.S.-Mexico Security Cooperation

U.S.-Mexico security cooperation, led by the Merida Initiative, is vital and must continue. But with Enrique Peña Nieto's inauguration, Mexico's political landscape is now changing, and the United States must adjust its strategy and support accordingly. Building on the lessons of the past five years, the United States should work with Mexico to implement the nonmilitary programs envisioned in the current Merida framework, in particular supporting and prioritizing Mexico's ongoing judicial reform, training police officers at the state and local levels, modernizing the U.S.-Mexico border, and investing in local community and youth-oriented programs.

### *THE MERIDA INITIATIVE AFTER FIVE YEARS*

The Merida Initiative was launched in 2007 under the George W. Bush administration, which promised \$1.4 billion over three years to "support Mexico's law enforcement in the fight against organized crime." The Obama administration revised and expanded Merida's mission, moving from a heavy emphasis on military equipment to a more comprehensive bilateral strategy that seeks to reduce the role and influence of organized crime. The initiative now encompasses four priorities (called pillars): disrupting the operational capacity of organized crime, institutionalizing the rule of law, creating a twenty-first-century border to speed the flow of legal commerce and stop that of illegal goods, and building strong and resilient communities that can stand up to criminal intrusions. The main problem today is not Merida's design but its uneven implementation, with the gains in some areas offset by minimal progress in others.

The United States and Mexico have been most successful in removing drug kingpins. Since 2009, Mexican authorities have captured or killed twenty-five of the thirty-seven most-wanted drug traffickers and substantially disrupted the operations of Mexico's best-known criminal networks. Many of these high-profile arrests resulted from bilateral intelligence and operational cooperation.

Advances have been made as well in strengthening the rule of law, most notably the expansion and professionalization of the federal police. But progress has been slight beyond this particular law enforcement body, which represents just 10 percent of Mexico's police forces. Little discernible change has occurred within the justice system. Though a set of 2008 constitutional and legislative reforms set in motion a fundamental transformation of Mexico's court systems, the implementation of these changes has been exceedingly slow, so much so that the shift may not occur by the 2016 deadline, leaving Mexico's judicial future uncertain. On a practical level, rising crime and violence have exposed the weak capacity of the current justice system. With only one or two crimes out of every hundred resulting in a conviction, impunity reigns, providing no effective legal deterrent to a life of crime.

Initiatives to modernize the border and build resilient communities (pillars three and four of the Merida Initiative) are even further behind. Though some innovative border management programs, such as the Customs Trade Partnership Against Terrorism—which helps trusted businesses avoid extensive border checks—have improved efficiency, the overall tenor of U.S. policy has been to increase barriers, slowing flows of legal commerce. Financially, investment in border crossings and infrastructure has not matched the exponential increase in trade crossing the border each year. Investment has lagged not only for new construction, but also for basic maintenance on existing infrastructure, leading to overwhelmed and at times downright dangerous facilities (a border crossing roof collapsed in 2011, injuring seventeen people). Stressed infrastructure has also led to traffic jams lasting up to eight hours, and has cost billions of dollars in trade losses, without drastically discouraging or disrupting illegal flows.

The building of “resilient communities” too has largely been forgotten. The pillar's ambitious objectives of addressing the underlying socioeconomic and community factors behind rising crime rates have not yet moved beyond a few pilot programs in Ciudad Juárez.

Finally, though talking often of co-responsibility in the drug war, the United States has done little to address the domestic factors that affect security in Mexico. The illegal flow of weapons and money southward continues unabated, and U.S. drug consumption remains high. (The 2010 National Survey on Drug Use and Health finds that 9 percent of Americans over the age of twelve used illegal drugs in the past month.)

## *CHANGING REALITIES ON THE GROUND*

As the U.S.-Mexico security cooperation strategy has evolved, so too have the realities on the ground. The most drastic shift is the rise in violence. When the Merida Initiative was signed in 2007, there were just over two thousand drug-related homicides annually; by 2011, the official number escalated to more than sixteen thousand. Violence also spread from roughly 46 municipalities (mostly along the border and in Sinaloa) to some 225 municipalities throughout Mexico, including the once-safe industrial center of Monterrey and major cities such as Acapulco, Durango, and Guadalajara.

This increase in violence is not just the direct result of drug trafficking. Criminal organizations have diversified into numerous illicit businesses, including kidnapping, robbery, human trafficking, extortion, and retail drug sales, and as a result prey more directly on the local population. In some places the violence is as much the work of local gangs concerned with rivalries and honor as it is of drug transit.

## *PRIORITIZING CIVILIAN INSTITUTIONS AND COMMUNITIES*

The need to adapt to the changing realities in Mexico coincides with political change. On December 1, 2012, Enrique Peña Nieto became president. During his campaign, he promised to shift the country's current security strategy away

from combating drug trafficking toward reducing violence. The United States has an opportunity with this new administration and legislative branch to push past the current limits on security cooperation and implementation.

The U.S. government should continue to provide between \$250 million and \$300 million a year in Merida money. These funds, which are managed by the State Department's Bureau of International Narcotics and Law Enforcement (INL), should prioritize civilian (versus military) law enforcement institutions, and fund training programs and other efforts to professionalize Mexico's police forces and transform its justice system. Long-term sustainable security will only exist when Mexico has a strong civilian-based rule of law, able to take on and punish all types of criminal activity.

In addition, U.S. and Mexican joint efforts should concentrate on realizing the other so-far-neglected pillars of the Merida Initiative, particularly modernizing the border and engaging citizens and communities. On the border, the United States should upgrade its roads, bridges, and FAST lanes (express lanes for trusted drivers), as well as increase the number of U.S. customs officers, agricultural specialists, and support staff to help facilitate legal trade and identify and keep out illicit goods. To finance the multibillion dollar cost of modernizing the border, the U.S. Congress should pass the NADBank Enhancement Act (H.R. 2216) or similar legislation, to allow the North American Development Bank to support infrastructure projects in the border regions; currently the bank is limited primarily to environmental initiatives. And it should also reauthorize and refund the Coordinated Border Infrastructure Program, which managed federal funds dedicated for border area roads and infrastructure.

In terms of reinforcing local communities, this involves not just particular programs but reorienting U.S. resources and programs in Mexico to focus on state and local law enforcement and justice institutions, where violence and insecurity are most concentrated and devastating. This will mean millions more in funds for the U.S. Agency for International Development's (USAID) community projects and youth programs, as well as INL's training of state and municipal police (as opposed to just federal-level officers). A shift to the local level would also enable policymakers and U.S.-supported programs to recognize and address the varying nature of the violence. In cities such as Ciudad Juárez, local gangs today are perhaps as threatening as transnational drug cartels. USAID should share models developed and implemented in U.S. cities to deal with gang problems, such as those in Boston and Los Angeles and Chicago's Operation Ceasefire initiatives. In addition, it should share the United States' experiences with community policing strategies, alongside basic training and vetting programs that cultivate a close working relationship between law enforcement officers and those they protect.

The United States should also move its drug policies away from eradication and interdiction abroad and incarceration at home to greater funding for prevention and rehabilitation, in order to reduce the demand supplied by organized crime. Under the direction of the White House Office on National Drug Control Policy and the U.S. Departments of Health and Human Services, Education, and Justice, new policies should include the expansion of promising pilot programs that deal with addiction, such as Hawaii's Opportunity Probation with Enforcement (HOPE) program, which by swiftly punishing parolees who test positive for drugs has successfully lowered recidivism among a heavy-drug-use population.

Though some will prefer to continue an eradication and interdiction-focused international drug control regime, the tens of billions of dollars spent during the now over forty-year war on drugs in Mexico and Latin America suggest the need for a revised policy approach. The outlined initiatives have a greater chance of reducing violence (if not drug flows) in Mexico by strengthening police forces, court systems, and communities. The border improvements, moreover, will likely benefit both the U.S. and Mexican economies, which can have indirect positive effects by providing greater legal opportunities to young people. In the end, Mexico's security will depend on the actions and decisions of Mexico. But there is much the United States can do to help or hinder the process. A transition to a demilitarized justice and a community-focused approach to U.S. security assistance will help Mexico establish more effective and long-lasting tools for combating crime and violence.

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