

One Step Forward, Two Steps Back: The Future of ‘Shared Responsibility’ in U.S.-Mexico Security Cooperation

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On the night of September 5th, *La Bandera* news correspondent Juan Carlos Hernández Riós was brutally assassinated outside of his home in the small town of Yuriria, Guanajuato. Riós’ murder is not only indicative of increased violence in a state that has witnessed a 14 percent uptick in homicides since 2016, but also a representation of the augmented homicide rate and state of insecurity plaguing much of Mexico. ⁱ ⁱⁱ By July, Mexico had recorded 12,155 homicides, which was 31 percent higher than at the same time in 2016, and 16 percent higher than during the bloodiest phase of Calderon’s “war on drugs” in 2011. ⁱⁱⁱ As is currently being demonstrated in 2017, tactics used by Mexico and the United States are having limited success in curbing both the influence of transnational criminal organizations and the resulting violence along with eradicating drug trafficking into the United States. However, with the ascendance of Donald Trump to the presidency and Mexican presidential elections looming in the coming months (July, 2018), the future of U.S. – Mexico security cooperation remains unknown.

Recent History of the U.S. – Mexico Security Relationship:

In 2007, U.S. president George W. Bush and Mexican president Felipe Calderón Hinojosa signed a comprehensive bilateral plan titled “The Merida Initiative” designed to increase dialogue between U.S.-Mexican security forces, eradicate drug trafficking into the United States, and combat threats associated with transnational criminal organizations within Mexico. The initiative was originally based on, “principles of common and shared responsibility, mutual trust, and respect for sovereign independence”. ^{iv} In its ten years of existence, the initiative has evolved over time with the arrival of Barack Obama to the White House and Enrique Peña Nieto to *Los Pinos*.

A recent study on the Merida Initiative authored by Eric L. Olson and published by the *Woodrow Wilson International Center for Scholars* clearly articulates the evolution of the bilateral security plan over the last ten years. The original initiative, which allocated \$1.4 billion USD and was agreed upon between Presidents Bush and Calderón, called for

U.S. assistance to Mexico to be divided into three categories: (1) Counter-narcotics, Counterterrorism, Border Security (62.59 percent), (2) Public Security and Law Enforcement (22.37 percent), and (3) Institution Building and Rule of Law (15.04 percent). As is demonstrated by the allocated amounts, less than a quarter of total U.S. assistance was to be utilized to carry out sustainable change to Mexico's inept judicial system and fight corruption. ^v In 2012, however, the overall plan changed significantly from one supporting the predominant militarization of Mexico to an increased allocation of resources towards reforming the Mexican judicial system. More specifically, the Merida Initiative during the Obama and Peña Nieto Administration, widened the scope of the bilateral policy by devising a four pillar approach: (1) Disrupting organized criminal groups, (2) institutionalizing the rule of law while protecting human rights, (3) creating a 21st century border, and (4) building strong and resilient communities. ^{vi} The shift towards further strengthening judicial institutions is exemplified by both the Bureau of International Narcotics Control and Law Enforcement (INCLE) and the U.S. Agency for International Development (USAID) who dedicate roughly 58 percent and 61 percent of their Merida-related budget towards Mexican institutional development, respectively. Overall, however, funding for the Merida Initiative during Obama's term decreased from \$281.8 million USD in fiscal year (FY) 2012 to \$139 million USD in FY 2016. ^{vii}

Apart from funding that comes directly out of the Merida account, Mexico also receives significant security resources from the U.S. Department of Defense (DOD). Although DOD was not directly involved in helping to construct the Mérida Initiative in its genesis, it has provided a substantial amount of military aid to Mexico through the State Department's Foreign Military Financing (FMF) and International Military Education and Training (IMET) accounts. Military aid has consisted of the sale of military technology to the Mexican government along with DOD-sponsored training for Mexican troops. In an effort to gather more evidence on transnational criminal organizations operating within Mexico, the DOD has also sponsored the use of unmanned aerial vehicles in Mexican airspace. Furthermore, in an attempt to not only equip the Mexican armed forces with the latest military technology, DOD has been responsible in helping to professionalize the Mexican military. Military training provided by DOD essentially seeks to develop skills and promote military-military communication and cooperation. ^{viii}

Although DOD has seen a recent uptick in their involvement with providing the Mexican military with resources and training, requirements as to whom foreign military aid can be provided are in place and articulated by the Leahy Amendment. The law, passed in 1997, seeks to limit U.S. military aid to specific units or individuals within a country's armed forces who have notorious records of human rights abuses. Given the U.S.'s rather consistent record in supporting right-wing dictators and/or governments with abhorrent human rights records, the Leahy Amendment has come to serve as a key pillar of the United States' 21st century foreign policy concerning human rights. In an effort to conduct comprehensive vetting prior to military aid provided by either Mérida

or DOD, the U.S. embassy in Mexico along with the State Department Bureau for Democracy, Human Rights, and Labor (DRL) work collaboratively to sniff out possible human rights violators. ^{ix}

Current Security Issues Facing the United States and Mexico, and the Validity of the Current Bilateral Security Strategy

Although the Merida Initiative has, in many ways, increased dialogue and cooperation between the United States and Mexico concerning issues of drug trafficking, violence, and overall regional security, the plan has failed to provide sustainable progress towards alleviating violence in Mexico and the flow of drugs into the United States. Current issues facing both nations and the validity of the Merida Initiative in general include, U.S. domestic demand for illegal drugs, underreporting of violence, allocation of resources, and continuing reports of Mexican police/military torture and extrajudicial killings.

The effort provided by the United States to curb the demand for illegal drugs, which continue to serve as the main source of income for Mexican transnational criminal organizations, can be described as scant at best. The punitive approach in combating illegal drug use in the United States, beginning in the first quarter of the 20th century, continues to demonstrate its abject failure in curbing the seemingly insatiable demand for illegal substances north of the Rio Grande. A 248 percent increase in heroin deaths from 2010 to 2014 serves as evidence of the United States' failed attempt to dissuade illegal drug use. In addition, an increase of 80 percent (3,733 kg to 6,722 kg) from 2011 to 2015 in heroin seizures provides further indication of failed policy emanating from Washington to stop the flow of drugs and its inability to uphold its side of the "shared responsibility". ^x

Mexico is also having difficulty upholding its end of the shared responsibility. A 2017 report by the Mexican public health system shows that violence in Mexico might be worse than what is being reported by the National System of Public Security (Sistema Nacional de Seguridad Pública). For example, in 2015, the recorded incidences of hospital visits due to wounds caused by firearms was 9,801 cases but only 5,930 (a difference of 47 percent) were reported by the National System of Public Security. ^{xi} The continuity of underreporting acts of violence within Mexico will hinder the ability to accurately assess the successes and failures of the Merida Initiative or any future bilateral security plan. In addition, the lack of resources and bilateral attention allocated towards ending corruption will also continue to undermine any significant progress towards alleviating violence in Mexico and drug movement towards the United States.

Another flaw that remains within the current framework of bilateral cooperation between the United States and Mexico is the overemphasis on allocating funds toward strengthening the Mexican military both technologically and, in personal. In 2016, *Animal Politico* reported that Mexico had witnessed an increase in homicides in 24

states along with a decrease in heroin seized by law enforcement. However, the country set a record for the total number of military personnel working in any one of the 142 fully functional operational bases in which there are federal soldiers assigned to jobs of public security. ^{xii} A more recent report published on August 14, 2017 by *InSight Crime*, indicates that an increase in federal soldiers to combat violence and drug trafficking continues to prove ineffective, especially when it is not paired with resources to strengthen the judicial infrastructure. Although Mexico has 367 police officers (an expansion of 275 percent between 2006 and 2015) per 100,000 inhabitants, more than the U.S., Brazil, and Honduras, only 4 judges exist at the same ratio; which is less than Colombia, Chile, and El Salvador. ^{xiii} Given the recent worsening of the security situation, the U.S. and Mexico should consider shifting the allocation of resources from constant and ineffective militarization to sustainable institutional strengthening in Mexico. Theoretically, since 2012, a gradual decrease in U.S. Merida aid has also led to subsequent decrease in military funding to the Mexican armed forces. However, a general increase in militarization to combat criminal organizations by the Mexican government under president Peña Nieto remains the norm. An example of this increased militarization is manifested by a current bill (*Ley de Seguridad Interior*) that was proposed this summer in the Mexican Chamber of Deputies outlining a legal framework for the Mexican military to be responsible for country-wide policing, thus, limiting the authority of state and municipal law enforcement agencies. ^{xiv}

Extrajudicial killings and torture by members of both the Mexican military and state police forces also continue to be a subject of deep concern for the allocation of resources to the Mexican armed forces along with U.S. military funding through FMF. Although extralegal killings and torture have a long history within the Mexican military, very little has been done by the Peña Nieto administration to properly combat it. According to the United Nations' special rapporteur on extrajudicial, summary, or arbitrary executions, the involvement of Mexican security forces in the extralegal killing of its citizens continues to occur at an "alarmingly high rate" within the context of "systemic and endemic impunity". ^{xv} Examples of extralegal killings go beyond the collusion between Guerrero state police forces and the Guerreros Unidos cartel in disappearing 43 students in Ayotzinapa. Other examples of continuing arbitrary violence by the Mexican armed forces include the massacre of 22 civilians with at least 12 being executed extralegally at Tlatlaya, State of Mexico in 2014, along with the execution of 22 civilians in 2015 in the small town of Tanhuato, Michoacan. As of 2006, Mexico's National Human Rights Commission has found over 100 cases of "serious human rights violations" carried out by the Mexican armed forces. ^{xvi} Therefore, the current state of abuses brought on by members of the Mexican armed forces not only puts into question the legitimacy of direct military aid by the United States through FMF, but should also push lawmakers to re-examine the efficacy of the Leahy Amendment in properly vetting foreign military personnel prior to providing said resources.

Finally, not only is the increase in violence in Mexico a result of failed policy and resource allocation by both the United States and Mexico south of the border, but also a

failed U.S. policy to properly address issues that directly and indirectly affect the worsening security situation in Mexico. A June 12, 2017 investigation authored by Ginger Thompson and published by *ProPublica* and *National Geographic*, serves as one of the most important investigative pieces in the last half decade demonstrating the dire issues surrounding U.S. involvement and the continuation of the drug war in Mexico. The case presented in the article is that of the 2011 operation “Too Legit to Quit” that sought to extract the personal identification numbers of phones frequented by Zeta leaders José and Omar Treviño Morales. The DEA was able to retrieve the PIN numbers from a cooperative mid-level Zeta operative, however, upon receiving them, the DEA relayed the intelligence to a special task force unit within the Mexican federal police. Within days, hundreds of armed men arrived to the small town of Allende, Coahuila burning ranches, and killed an estimated 60 people. After the incident, Russ Baer-- a spokesman for the DEA-- stated “Our hearts go out to those families. They’re victims, unfortunately, of the violence perpetrated by the Treviño brothers and the Zetas. But this is not a story where the DEA has blood on its hands.”^{xvii} The formal statement given by the DEA along with the organization’s neglect to follow up with an in depth investigation into who provided the tip to the Zetas cartel, serves as yet another example of how different entities within the United States’s foreign security initiatives fail to take responsibility for abject damage done to communities affected by the drug war.^{xviii} Although it is easy to point the finger at a military institution known to struggle with confidentiality, the DEA was nonetheless unable to provide safety to citizens implicated in what turned out to be a disastrous operation initially contrived in the United States. “Shared responsibility”, therefore, is not only defined by the U.S. and Mexico to uphold their respective ends of the the security initiative, but to also admit failure when operations go awry.

The Trump Administration, the 2018 Mexican Presidential Election, and the Future of U.S. – Mexico ‘Shared Responsibility’

On May 18, 2017, Secretary of State Rex Tillerson, former Secretary of Homeland Security John Kelly, Mexican Secretary of Government Miguel Angel Osorio Chong, and Mexican Secretary of Foreign Relations Luis Videgaray met to discuss the future of bilateral cooperation between the United States and Mexico in tackling the drug trade that is leading to increased opioid deaths in the U.S. and augmented collateral damage in Mexico as a result of violence. Tillerson stated during the press conference immediately following the meeting that, “Today we identified fresh strategies to attack the business model of these multi-billion dollar criminal organizations with particular emphasis on cash flow and the flow of weapons.”^{xix} Former Secretary of Homeland Security John Kelly followed by affirming that “We are attacking the cartels in many ways, including to attack their business models, attacking their financing, attacking their funding, attacking their ability to run a profitable criminal business, and it has been successful to a degree, and we’ll continue that, deepen it, and broaden it, with

some very very innovative new ideas.”^{xx} The statements made by both Tillerson and Kelly imply the deepening of a supply-side approach to combating the criminal organizations that are responsible for supplying the U.S. with illegal substances and causing horrific violence within Mexico. Although Kelly and Tillerson were adamant about the fact that the root issue of violence in Mexico and the drug trade in general resides with demand from the U.S., they provided only unsubstantial remarks concerning how the U.S. should go about a demand-reduction strategy stating that “if Americans understood that playing around with drugs on the weekend for fun ultimately results in the lives lost in Mexico, if Americans understood that and stopped doing that, that would significantly reduce the amount of profits coming out of the United States.”^{xxi} Thus, the comments provided in regards to the deepening U.S. - Mexico security cooperation by attacking the criminal organizations head on, signals the continuing of a narrow-minded approach to a supply-focused strategy that has resulted in a trifling level of success. Furthermore, hollow rhetoric iterated by former Secretary Kelly on upholding part of the United States’ side of the shared responsibility in regards to mitigating demand, also points to the continuity of a failed domestic strategy to combat drug use.

To attain an even more accurate picture of how the new administration plans on either furthering or decreasing bilateral security relations with Mexico, it is pertinent to view the Congressional Budget Request for the State Department’s Foreign Operations for fiscal year (FY) 2018. Although Kelly and Tillerson presented themselves as valuable partners to uphold bilateral responsibility, a requested pullback of almost 40 percent (\$135 million USD for FY 2017 to \$85 million USD for FY 2018) for Mérida funding by the new administration seems to suggest the opposite.^{xxii} ^{xxiii} However, a general decrease in overall Merida funding does not provide an accurate picture of how specific security initiatives both within and beyond Merida are to be affected by the cuts. By reviewing each specific account within or outside of Merida, one can gain insight into how the administration views bilateral security cooperation along with the strategies it hopes to employ. According to the Congressional Budget Request for FY 2018, Foreign Military Financing (FMF) for Mexico, which provides grants to purchase U.S.-made defense equipment, will be slashed completely (a decrease of \$3 million USD from FY 2017).^{xxiv} ^{xxv} A cutback of 25 percent (\$80 million USD for FY 2017 to \$60 million USD for FY 2018) from International Narcotics Control and Law Enforcement (INCLE) funding, which is responsible for equipping and training foreign counternarcotics units, was also requested.^{xxvi} ^{xxvii} Interestingly, requested funding for International Military Education and Training (IMET), which is carried out by DOD to enhance the professionalization of foreign militaries and to further military-military communication and cooperation, saw no requested cuts from FY 2017, and remains at \$1.5 million USD.^{xxviii} ^{xxix} Although significant cuts have been made in terms of overall U.S. security aid to Mexico, the static nature of IMET funding seems to signal a continuation of DOD’s role in furthering bilateral relationships between the U.S. and Mexican armed forces.

The overall pullback in funding along with President Trump's continued border wall rhetoric is indicative of the U.S. taking multiple steps backward on bilateral strategies even though most experts agree that Mexico will still need international assistance to combat transnational criminal organizations and to reform its inept justice system. ^{xxx} However, given the discussions between Kelly, Tillerson, and their Mexican counterparts, along with the continuation of IMET funding, it is unlikely that the U.S. would pull out of a bilateral security initiative completely. In addition, the oversimplistic belief that the flow of drugs to the United States will be impeded by a wall is dangerously naive and could have devastating consequences for the present day security issue experienced in the region. The erection of a wall will not only fail in stopping the flow of drugs from Mexico to the United States along with the reciprocal flow of arms in the opposite direction, but will also prove to negatively affect bilateral security cooperation that has taken over a decade to develop. Furthermore, the decrease in security assistance to Mexico without any viable alternative, will ultimately prove to make a dire situation even worse. Finally, the result of Trump's plan to hire 10,000 new immigration officers is not without precedent. When George W. Bush attempted a similar policy, Mexican criminal organizations found a way around the conundrum by submitting their own cartel members for hire. The eventual hiring of cartel members as officials of U.S. Custom and Border Protection was followed by increased corruption. ^{xxxi}

With the Mexican presidential elections rapidly approaching, a concise proposal outlining how *Los Pinos* will either maintain, retract, or change the bilateral dialogue and "shared responsibility" has yet to surface from each candidate. On September 5, 2017, Andrés Manuel López Obrador (AMLO) visited the *Wilson Center* where he conversed with Duncan Wood (Director of the Wilson Center's Mexico Institute) and Michael Shifter (Director of the Inter-American Dialogue) on key aspects of his policy were he to be elected next July. In regards to security, AMLO repeated that deeply-ingrained corruption serves as the root of Mexico's contemporary shortcomings. He continued by stating that he would "rid the government of corruption from the top down like sweeping the stairs". ^{xxxii} In addition, he was adamant about ending the use of military force as a means to combat criminal organizations and eradicate violence. Although AMLO cited his goal to expunge corruption and induce economic development as a means to eliminate violence, he has yet to devise an articulate plan for how to carry out said goals. In addition, he has yet to provide a strategy on how to deal with short term goals like guaranteeing the safety of journalists, combatting the augmented homicide rate, and preventing disappearances and extrajudicial killings. Finally, given AMLO's track record in emphasizing the need to re-establish Mexico's autonomy along with his goal of de-militarizing the drug war, one might expect him to advertently pull out of a policy that increases bilateral security cooperation, which has included intelligence sharing and the presence of armed U.S. officials within Mexico's borders.

If little is known about AMLO's proposal to engage in bilateral security cooperation with the United States, then even less has been outlined by other possible candidates. The current Secretariat of Government (*Secretario de Gobernación*), Miguel Ángel Osorio

Chong and the possible candidate representing the Institutional Revolutionary Party (PRI), urged for the need to write and pass more laws in an effort to strengthen municipal and state police forces along with preventing criminal organizations from acquiring firearms. ^{xxxiii} Given the rhetoric and the the last six years of Peña Nieto's policy of increased militarization to combat violence and criminal organizations, one would expect Osorio Chong's policy toward the Merida Initiative and cooperation with the United States to be relatively static. The possible PAN candidate Margarita Zavala has also been unwilling or unable to elaborate on how she would either continue, negate, or modify ongoing dialogue with the United States concerning issues of violence and drug trafficking within Mexico. Unlike either Osorio Chong or AMLO, Zavala believes in a three-pronged approach to combatting the current situation of insecurity by, "confronting crime with institutions, police, and social fabric." ^{xxxiv} However, the way in which she plans on carrying out these changes along with the respective allocation of resources, remains unclear. Thus, the lack of clearly outlined policy ideas by candidates from each respective political party, incorporating both short-term and long-term goals, is of great concern for the future of U.S.-Mexico security cooperation. Although Mexican civil society has increasingly become more involved in pressuring the political class to think creatively in finding short-term and long-term solutions to the various security issues plaguing the country, candidates continue to spew unsubstantial rhetoric without any signs of providing a precise outline of combatting the current security issues. A rather modest first step that could be taken by the Mexican political class to catalyze discussion on security issues would be to have substantive debates that include the development of concrete ideas and policies instead of relying on the continuous use of vague solutions such as "economic development" and the strengthening of "social fabric". It remains to be seen whether or not such debates will surface during the campaign period leading up to the 2018 presidential elections.

Conclusion

In conclusion, bilateral dialogue between the United States and Mexico pertaining to issues of regional security both within the context of the Merida Initiative and beyond it, has strengthened and evolved overtime. However, the lasting impression that "Plan Mexico" has had on allocating large sums of resources to enhance the Mexican military remains, and continues to prove itself, inept at combatting violence, insecurity, and drug/arms trafficking between the two nations. Donald Trump's proposed vitriolic policy concerning U.S. security along with a drastic pullback on Merida funding could prove to hinder the dialogue between the United States and Mexico. Finally, the absence of a clearly outlined plan by any of the possible candidates for Mexico's 2018 election, inhibits one's ability to adequately predict the future of the Merida Initiative and U.S.-Mexico bilateral dialogue concerning issues of regional security at this moment. What remains pertinent for both sides to understand, however, is that drug/arms trafficking,

money laundering, and violence are bilateral problems that continue to call for bilateral solutions.

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