

U.S.-Mexico Security Cooperation 2018-2024

U.S.-Mexico Security Cooperation Taskforce



WHITE PAPER BACKGROUND

Over the more than two decades of free trade between Mexico and the United States (1994-2018), there has been an important alignment between the countries on strategic and security matters. New blueprints for bilateral cooperation have been created and there has been greater agreement regarding security in the region, especially with respect to Central America. However, the arrival of Donald Trump in the White House and the internal crises in both countries—the opioid epidemic in the United States and the escalation of violence in Mexico—have cast serious doubt on burgeoning security cooperation.

In February 2018, the Center for U.S.-Mexican Studies at the University of California San Diego, in association with the Justice in Mexico program at the University of San Diego, gathered experts on security and violence, journalists, and former officials from both countries to discuss the areas of concern and opportunity in U.S.-Mexico cooperation.

The arrival of Andrés Manuel López Obrador in the Mexican presidency represents an opportunity to resume a dialogue at the highest level around bilateral security. As a group of academics and former officials from both countries, we have assessed bilateral collaboration on security issues and propose a road map to enhance cooperation between the governments of Mexico and the United States.

Taskforce Members

Chairs:

Rafael Fernández de Castro

Director
Center for U.S.-Mexican Studies
School of Global Policy and Strategy
UC San Diego

Cecilia Farfán Méndez

Postdoctoral Scholar
Center for U.S.-Mexican Studies
School of Global Policy and Strategy
UC San Diego

Stephanie Leutert

Director
Mexico Security Initiative
Robert Strauss Center for International Security and Law
University of Texas at Austin

David Shirk

Director
Justice in Mexico
University of San Diego

Mexico

Jaime Arredondo

Postdoctoral Fellow
British Columbia Center on Substance Use
University of British Columbia

Enrique Bravo-Escobar

Program Officer
Latin America and the Caribbean
National Endowment for Democracy

Froylán Enciso

Executive Secretary
Mechanism of Evaluation and Monitoring of the Program on Human Rights in Mexico City

Luis Herrera Lasso

Consejo Mexicano de Asuntos Internacionales
(Mexican Council on Foreign Relations)

Edna Jaime
Director
México Evalúa

Carlos Juárez Cruz
Program Manager
Institute for Economics and Peace, Mexico

Vidal Romero
Center for the Study of Security, Intelligence, and Governance
Co-Director
Instituto Tecnológico Autónomo de México

Pedro Salazar
Director
Instituto de Investigaciones Jurídicas, UNAM
(Institute of Legal Research)

Gema Santamaría
Assistant Professor of Latin American History
Loyola University, Chicago

Octavio Rodríguez
Coordinator
Justice in Mexico
University of San Diego

Jorge E. Tello Peón
Madison Intelligence
President;
Former Director of Mexico's National Intelligence Agency (1994-1999)

Guillermo Valdés Castellanos
Security Consultant
Former Director of Mexico's National Intelligence Agency (2007-2011)

United States

John Bailey
Director
Mexico Project
Georgetown University

Alan Bersin
Policy Consultant;
Former Assistant Secretary in the Office of Policy and the U.S. Department of Homeland Security

Talia Hagerty
Senior Research Fellow
Institute for Economics and Peace

Anthony DaSilva
Deputy Attorney, California

Vanda Felbab-Brown
Senior Fellow
Brookings Institution

Eric L. Olson
Seattle International Foundation
Director of the Central America-D.C. Platform
Consultant, Mexico Institute, and Latin America Program at the Woodrow Wilson Center

Shannon K. O'Neil
Vice President, Deputy Director of Studies, and Nelson and David Rockefeller Senior Fellow for Latin American Studies
Council on Foreign Relations

Dan Restrepo
Center for American Progress;
Former Principal Advisor to President Obama on Latin America, Caribbean, and Canada

Laurie Smolenski
Outreach and Development Officer
Institute for Economics and Peace

Barbara F. Walter
Professor
School of Global Policy and Strategy
UC San Diego

Earl Anthony Wayne
Public Policy Fellow, Mexico Institute, Woodrow Wilson Center;
Former U.S. Ambassador to Mexico

Duncan Wood
Director
Mexico Institute
Woodrow Wilson Center

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List of terms

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
CISEN	Centro de Investigación y Seguridad Nacional (Mexican National Intelligence Agency)
CWAG	Conference of Western Attorneys General
DEA	Drug Enforcement Administration
FATF-GAFI	Financial Action Task Force
FGR	Fiscalía General de la República (Mexican Office of the Attorney General, previously PGR)
FY	Fiscal year
GC-Armas	Grupo de Coordinación Interinstitucional para la Prevención y el Control del Tráfico de Armas de Fuego, Municiones, y Explosivos (Inter-Institutional Coordination Group for the Prevention and Control of Trafficking of Firearms, Munitions, and Explosives)
GAO	Government Accountability Office
GDP	Gross Domestic Product
HLCG	High Level Contact Group for Drug Control
INL	Bureau of International Narcotics and Law Enforcement Affairs
INM	Instituto Nacional de Migración (Mexican National Migration Institute)
NAFTA	North American Free Trade Agreement
OECD	Organization for Economic Cooperation and Development
PGR	Procuraduría General de la República (Mexican Office of the Attorney General, now FGR)
SCG	Bilateral Security Cooperation Group
SEGOB	Secretaría de Gobernación (Mexican Ministry of the Interior)
SHCP	Secretaría de Hacienda y Crédito Público (Mexican Secretary of Finance and Public Credit)
SPP	Security and Prosperity Partnership of North America
SIU	Special interdiction unit
USAID	United States Agency for International Development

KEY TAKEAWAYS

This paper provides a road map for U.S.-Mexico bilateral cooperation on security matters for the next six years, under the presidency in Mexico of Andrés Manuel López Obrador. It offers concrete and implementable policy recommendations for the current context of U.S.-Mexican relations.

Our recommendations for advancing Mexican and U.S. interests and promoting effective cooperation broadly fall into three categories of joint policy action: (1) aligning policy objectives, (2) deepening subnational cooperation, and (3) addressing chronic irritants.

Mexico and the United States have shared security interests. Mexico wants to reduce the high levels of violence that impact the well-being of the population, improve the capacity of its law enforcement and justice institutions, and demonstrate it is a reliable partner in achieving North American security on counterterrorism and drug policy. The United States wants secure borders and effective drug policies. Both countries want a legal, safe, and orderly migration process, indicating a natural convergence of interests in aiding development efforts in Central America.

The next six years provide important opportunities to gradually and pragmatically strengthen security and law enforcement cooperation. The Mérida Initiative of 2007 and its subsequent iteration, Beyond Mérida, in useful and important ways institutionalized bilateral security and public safety cooperation at various levels of government in both countries, and across various justice and law enforcement agencies. Preserving and expanding this institutionalization remains vital.

Steps to address this mismatch and to better align key objectives of both countries include:

1. Creating a bilateral coordination group to reconcile the priorities of both nations.
2. Enhancing cooperation on a subnational level and building cooperation with the National Guard.
3. Training for the criminal justice system and establishing joint investigative operations.
4. Establishing or re-activating international liaison units.
5. Creating a joint U.S.-Mexico task force on fentanyl disruption.
6. Exchanging best practices on drug abuse prevention and harm reduction strategies.
7. Enhancing bilateral cooperation to strengthen community policing approaches in Mexico.
8. Enhancing cooperation regarding criminal groups working through and from Central America.
9. Separating cannabis regulation from security cooperation.

In addition, addressing chronic irritants that damage trust between government and law enforcement officials of both countries, undermine cooperation, and eviscerate the effectiveness of rule of law policies is a matter of great urgency. The two governments should take steps toward:

1. Combatting corruption.
2. Countering violations of human rights.
3. Countering weapons trafficking.
4. Tackling money laundering.

INTRODUCTION

This paper provides a road map for U.S.-Mexico bilateral cooperation on security matters for the next six years, under the presidency of Andrés Manuel López Obrador. It offers concrete and implementable policy recommendations for the current context of U.S.-Mexican relations.

We believe that over the last 25 years, Mexico and the United States have shown significant alignment of interests on security issues. The reactive and shortsighted approach that characterized the U.S.-Mexican relationship until the mid-1990s has been left behind; policy unilateralism by both countries has declined and genuine cooperation efforts have developed, such as the High Level Contact Group for Drug Control (1996), the Security and Prosperity Partnership of North America (2002), the Mérida Initiative (2007), and more recently, the Bilateral Security Cooperation Group (2014).

The safety of Mexican and U.S. citizens and the security of both countries are intertwined: We depend on one another in order to live in a peaceful region. To advance further prosperity and security for both of our nations, we embrace a previously articulated concept of shared responsibility characterized by pragmatism. A vital element of such a strategy is to shift bilateral cooperation away from a narrow perspective of the crises that cross the border: the opioid epidemic in the United States that is claiming close to 70,000 lives a year, and the criminal violence in Mexico that has resulted in some 250,000 homicides and more than 40,000 disappeared since 2006.

Our recommendations for advancing Mexican and U.S. interests and promoting effective cooperation broadly fall into three categories of joint policy action: (1) aligning policy objectives, (2) deepening subnational level cooperation, and (3) addressing chronic irritants.

U.S. AND MEXICAN SECURITY INTERESTS

Security and public safety of Mexico and the United States, much like the economic well-being of the two countries and societies in both countries, are characterized by complex interdependence. We share a 1,988-mile border with some of the busiest crossings in the world that simultaneously exchange large flows of documented and undocumented migration as well as licit and illicit goods.

Mexico and the United States have shared security interests. Mexico wants to reduce the levels of lethal and non-lethal violence that impact the well-being of the population, improve the capacity of its law enforcement and justice institutions, and demonstrate it is a reliable partner in achieving North American security on counterterrorism and drug policy. The United States wants secure borders and effective drug abuse and prevention policies. Both countries want a legal, safe, and orderly migration process indicating a natural convergence towards aiding development efforts in Central America.

Mexico wants to be a reliable partner on counterterrorism efforts because the possibility of a terrorist attack on U.S. soil from across the Mexican border would have enormous repercussions for Mexico leading to a potential border shutdown that would significantly damage the balance between security and border efficiency for legal exchanges.

Migration from Central America to the United States through Mexico has also become a key part of the North American security agenda. Addressing this issue effectively demands coordinated action within and across countries to secure their borders and provide the migrants with adequate protections. Furthermore, the criminal violence that affects Mexico can also impact the United States, by potentially expanding and intensifying the flow of internally displaced people seeking to escape the violence from Mexico to the United States.

To reduce the levels of criminal violence, Mexico needs to work with the United States to stem illicit flows of money and weapons that have increased the capacity and firepower of criminal actors within the country.

EXISTING CHALLENGES

Crisis in Mexico

In the last decade, close to 250,000 people have been murdered in Mexico, more than the number of civilians killed in Iraq since the 2003 U.S. invasion.¹ In 2018 alone, 33,341 people were murdered in Mexico, a 33 percent increase from 2017, which had also been a record-breaking year of violence. Homicide levels have risen steadily over the past three years in Mexico, yet a stunning 95 percent of homicides do not result in effective prosecutions of culprits.² Impunity reigns in Mexico.

The deterioration of public safety in Mexico extends far beyond homicides. 40,180 people have disappeared in Mexico largely since 2006.³ According to the National Survey of Victimization and Perception of Public Security (Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública)

produced by the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía), more than 25 million Mexicans were victims of some type of crime in 2017.⁴

The fight against organized crime has not only been ineffective; it has also had severe negative externalities, such as the neglect of other crimes (e.g., robbery and theft), which have a much higher incidence among ordinary citizens than drug-related crimes.

The criminal violence costs Mexico USD\$1,725 per person each year.⁵ According to the Mexico Peace Index published by the Institute for Economics and Peace, in 2017, the economic impact of the violence—understood as the lost opportunities derived from the violence—cost Mexico 21 percent of its gross domestic product (GDP). In 2017 alone, the economic impact of the violence surpassed eight times the amount of public investment in health, and seven times the amount of public investment in education.⁶

The combination of criminal violence and state responses have produced systematic and egregious human rights abuses, including by Mexican police and military forces who are systematically and pervasively engaged in extrajudicial executions, torture, and forced disappearances.⁷ The most notorious case is the September 2014 disappearances of 43 students of the rural teacher's college in Ayotzinapa, Guerrero. The case, involving not just criminal groups, but also government complicity and cover-up, remains unresolved.⁸

Yet despite calls by Mexican civil society, the United States government, and the United Nations for diligent investigations and appropriate prosecution for human rights abuses, the responses of the Felipe Calderón (2006-12) and Enrique Peña Nieto (2012-18) administrations were inadequate, defensive, and lacking in transparency. Human rights violations have not abated.

The violence has had direct consequences for many dimensions of Mexico's democracy. Since 2004, 150 mayors, former mayors, and mayoral candidates have been murdered. In 2016, sitting mayors were 12 times more likely to be murdered than the rest of the population, and three times more likely than a journalist.⁹ During Mexico's 2018 presidential and congressional elections, 35 candidates for public office were murdered between September 2017 and June 2018. When other political candidate and party activists are included, the number of such homicides rises to 114, with 300 additional political operatives and candidates suffering some form of aggression.¹⁰ Criminal groups have also corrupted and infiltrated political processes and colluded with candidates.

The threats to freedom of expression and participation in electoral and political processes represent a clear threat to Mexico's democracy. According to Reporters Without Borders, Mexico is one of the deadliest countries in the Western Hemisphere for journalists and ranks second-to-last in press freedom in Latin America, with only Cuba performing worse. Of the 66 journalists who were killed worldwide in 2018, 8 were murdered in Mexico.¹¹ A free, independent, robust, and vibrant press is vital for countering Mexico's widespread, ever-present, and extensive corruption.

Despite the massive challenge of criminal violence, which affects many dimensions of social, political, and economic life in Mexico, the country spends only 1 percent of its GDP on internal security and its justice system.¹² Moreover, most resources spent on security are for fighting organized crime (as

opposed to ordinary crime) because the central government has a strong influence on how resources are spent in this area due to Mexico's disconnected fiscal system. Even under more peaceful circumstances, that would be only 60 percent of the average expenditures on public safety by members of the Organization of Economic Cooperation and Development (OECD). Inheriting public dissatisfaction with criminal violence and the state's anti-crime policies, the Peña Nieto administration sought to not make security the central topic of the national agenda. This decision to prioritize other dimensions of public policy, such as energy and education reforms, was in stark contrast to the administration of Felipe Calderón, which focused on national policies to combat organized crime and boosted anti-crime cooperation with the United States.

Nominally, the Peña Nieto government based its security strategy around three pillars:

- 1) Coordination and centralization of security policymaking in the Ministry of the Interior (SEGOB);
- 2) Institutional reform and crime prevention; and
- 3) Protection and respect of human rights.

In practice, however, all three pillars, and particularly the final two, significantly suffered in terms of implementation and outcomes. Despite years of reform efforts, extensive and fundamental structural challenges persist in Mexico's rule of law.

The capacity and integrity of Mexico's criminal justice sector remains hampered by a lack of available resources as well as a deficiency in the professionalism of police, crime scene investigators, attorneys, and prison personnel. The volume and complexity of the crimes committed in certain areas overwhelm the police and justice institutions. Insufficient salary compensation and inadequate training critically contribute to the low levels of professionalism, integrity, and morale in the rule of law sector.

Despite high levels of criminal violence in Mexico, prevention programs remain underdeveloped. Such programs are particularly effective when they are focused on problem-solving adapted to specific communities. This deficiency persists despite the fact that organized crime in Mexico has become more locally focused in its activities. This evolution further reinforces the need to mount more robust and effective community-level programs focused on crime prevention and gang intervention.

For decades, Mexico has been plagued by extensive and deeply entrenched corruption. According to Transparency International's Corruption Perceptions Index, Mexico ranked 138th out of 180 countries in 2018. That places Mexico in one of the least favorable positions in Latin America and the Caribbean, lower than Brazil, Argentina, and Colombia, and in the same position as Honduras and Paraguay. Mexico also ranks worst in the G-20, along with Russia, and worst among countries of the OECD.¹³ Pervasive corruption within Mexican law enforcement, justice institutions, and government administration has critically undermined and debilitated efforts to reform the rule of law sector.

Although the vetting of police officials has now been built into the administrative procedures of Mexico's Federal Police, the extensiveness and reliability of vetting protocols remain limited. Oftentimes, senior officials escape any vetting at all. The requirement that vetting takes place only during the recruitment or promotion phase, as opposed to throughout the official's entire career, further limits efforts to weed

out corruption and organized crime infiltration. The lack of a unified database registering police and military officers who failed the vetting process or were expelled for corruption enables them to join other law enforcement agencies, spreading corruption and infiltration.

This also limits opportunities for expanding security collaboration with the United States. Since before the Calderón administration, the Mexican government has refused to honor U.S. requests that all Mexican officials who take part in U.S.-Mexican joint task forces and special interdiction units (SIUs) be subjected to stringent vetting. While lower-ranking members of the SIUs and task forces would be required to submit themselves to background checks and polygraphs, top Mexican officials on such task forces would refuse to participate in the same vetting procedures. Given the extensive corruption of even the top layers of Mexico's law enforcement agencies and military forces, this critical deficiency has resulted in vital intelligence leaking out, difficulties in sustaining longer-term intelligence and interdiction operation, compromised tactical intelligence, and impediments to strategic intelligence development and sharing. This has also discouraged U.S. law enforcement and justice officials from sharing intelligence more widely.

According to official information from the United States, 70 percent of weapons seized by Mexican authorities between 2009 and 2016 came from the United States.¹⁴ However, this data only includes those weapons that the Mexican government requested the U.S. government identify using the eTrace system, meaning that not all weapons seized by the Mexican government are traced. Many of the weapons enter Mexico illegally, employing drug trafficking routes and networks. However, the acquisition of these weapons in the United States often appears legal, as they are acquired by a straw purchaser, at weapons shows, or at second-hand markets where unlicensed sellers operate.

According to the U.S. Government Accountability Office (GAO), U.S. states bordering Mexico are the principal places of origin for weapons seized in Mexico. Between 2009 and 2014, 41 percent of seized weapons originated in Texas, 19 percent in California, and 15 percent in Arizona. According to a 2013 estimate by the Igarapé Institute in Brazil and the Justice in Mexico Program at the University of San Diego, the illicit weapons market generates USD\$127 million of annual profit for the gun industry and amounts to 2.2 percent of total weapons sales in the United States.¹⁵

The trafficking of disassembled weapon parts for assembly in Mexico hampers interdiction efforts by impeding detection and identification by law enforcement agencies, particularly as export regulations in the United States do not require that serial numbers be provided.

While Mexico has yet to reach U.S.-levels of illicit opioid use, the border region with the United States has a high prevalence of injectable drugs with new hot spots emerging within the country. Opioid substitution treatment in Mexico is very limited. There are only two government-run clinics in Tijuana and Ciudad Juárez that offer low-cost treatment and there are approximately 12 private alternatives throughout the entire country. The medicines have to be imported from the United States and clinics often have to either limit or temporarily suspend their treatments, which increases the likelihood that patients will relapse.¹⁶

The Trump administration's concept of security cooperation with Mexico has been fairly narrow, emphasizing the eradication of poppy plants in Mexico, reinforcement of Mexico's southern border to impede the flow of irregular migration from Central America, and arrests and prosecution of prominent drug traffickers. Efforts to help reform Mexico's justice institutions have received less top-level attention from the Trump administration, which has been preoccupied with the renegotiation of the North American Free Trade Agreement (NAFTA), even as existing U.S. institutional programs have continued. The López Obrador administration has appropriately identified citizen security and the eradication of impunity in Mexico as its key objectives. However, it is yet to present a vision for U.S.-Mexican cooperation and its key goals.

3.1 Crisis in the United States

In 2015 and 2016, the life expectancy in the United States decreased due to the high death rate from accidental opioid overdoses.¹⁷ In 2017, close to 72,000 people died of an overdose, including illicit drugs and prescription opioids, the highest rate on record and three times more than the number of overdose deaths in 2002. Of the 72,000 deaths, more than 30,000 were caused by synthetic opioids (made in a laboratory) or heroin (made from the poppy flower). Overdose deaths from synthetic opioids increased by 525 percent from 2013 to 2016.¹⁸

Although 90 percent of illicit poppy cultivation occurs in Asia, Mexico is the principal producer of heroin in the Americas. It is also the principal supplier of the United States, which accounts for nearly 80 percent of opioid users in the region.¹⁹

In 2016, the amount of heroin seized in North America decreased by about 25 percent, amid the growth of synthetic opioids like fentanyl and its synthetic analogs.²⁰ Fentanyl, a substance 100 times more potent than morphine and 50 times more potent than heroin, caused 19,000 of the 64,000 overdose deaths in the United States that year. According to the Drug Enforcement Agency (DEA), just two milligrams of fentanyl can cause a lethal overdose.

In 2016, 25 percent of the fentanyl that was seized in the United States also contained, and was typically sold as, heroin.²¹ According to available information, fentanyl is mixed with heroin and increasingly with cocaine and synthetic drugs, or sold as falsified controlled substances. Both because of its potency, which makes it very difficult to cut a dose safely, and the user's lack of knowledge about the exact composition of mixed drugs, the presence of fentanyl significantly increases the chance of accidental overdose deaths.²²

According to law enforcement agencies in the United States, the majority of synthetic opioids are produced in China and distributed directly to the United States by mail and courier services, or in cargo entering U.S. ports. Some synthetic opioids also enter the United States through Canada and Mexico.²³ In Mexico, fentanyl is trafficked by large criminal groups such as the Sinaloa drug trafficking organization and Cartel Jalisco Nueva Generación. Over time, the production of fentanyl can easily spread beyond China and India to various other parts of the world, including Mexico.²⁴

The repercussions of the U.S. opioid epidemic have been felt in Mexico, including in the expansion of illegal poppy cultivation in some of Mexico's most marginalized regions with weak state authority, such as the so-called Tierra Caliente of Michoacán, Guerrero, and Jalisco. Yet premature poppy eradication undermines and complicates state-building.²⁵ Instead, the López Obrador administration plans to explore licensing opium production for medicinal purpose, a complex and fraught undertaking.²⁶ Clearly, a sustained bilateral dialogue on a range of policy measures, from how to address fentanyl smuggling to poppy cultivation, is urgently needed. Unilateral policies at cross purposes are unlikely to deal effectively with either with the U.S. drug abuse problem and opioid epidemic or violence in Mexico.

THE EVOLUTION OF U.S.-MEXICAN SECURITY COOPERATION, EXISTING POLICIES, AND THEIR OUTCOMES

1981-2006

Since the early 1980s, U.S. and Mexican security and public safety policies have progressed from unilateral approaches, sometimes at cross purposes, to a shared security and anti-crime vision. They also matured and deepened from a narrow, militarized response to security and public safety challenges, to a comprehensive strategy informed by the recognition of mutual interdependence and the opportunities for joint security collaboration.

Efforts to strengthen bilateral security cooperation and work toward a comprehensive security partnership can build on many measures, agreements, and policies jointly adopted by the United States and Mexico since 1981.

Since the late 1980s, multiple mechanisms for U.S.-Mexican bilateral consultation on migration, security, and economic issues have been established. One of the first was the 1981 Binational Commission that once a year brought together cabinet officials from both countries. Other mechanisms such as the Border Governors Conference and Interparliamentary Group meetings were reinforced. The parallel agreements on environmental and labor issues entered by Mexico and the United States prior to signing NAFTA gave rise to the technical governmental offices that encouraged North American cooperation.

Mexico and the United States also began collaborating on promoting peace and security in Central America. For example, the 1992 El Salvador Peace Accords were signed in Chapultepec, Mexico City, with the United States attending as honorable witness.

In the security sphere, five cooperative efforts stand out: the 1996 High Level Contact Group for Drug Control (HLCG), the Security and Prosperity Partnership of North America (SPP) between 2000 and 2008, the 2006 Mérida Initiative, and the 2002 Smart Border Agreement and the 2003 Operation Centinela, which were established in the wake of 9/11 to enhance counterterrorism cooperation and the safety of the Mexican-U.S. border.

The purpose of the HLCG was to coordinate counternarcotics efforts of the U.S. and Mexican federal governments, improve mutual trust, and gradually expand the new cooperation into the operational law enforcement levels of both countries. The director of the U.S. Office of National Drug Control Policy and the U.S. attorney general headed the U.S. delegation, while the Mexican attorney general and the Mexican ambassador to the United States led the Mexican delegation.

The SPP was a trilateral initiative of Mexican President Vicente Fox (2000-06), U.S. President George W. Bush (2000-08), and Canadian Prime Minister Jean Chrétien (1993-2003) to enlarge the economic gains of NAFTA and more evenly distribute the benefits of economic integration within the populations of the three countries.

After the 9/11 terrorist attacks, security issues became a key priority and were incorporated into the trilateral discussions. The SPP incorporated all government agencies of the three countries with jurisdiction over economic and security issues. The final meeting in 2008 became the birthplace of the subsequent North American Leaders Summit initiative. The 2002 Smart Border Agreement and the 2003 Operation Centinela developed joint mechanisms and protocols for preventing a terrorist infiltration of and attacks against the United States via the U.S. border with Mexico. As part of implementing Operation Centinela, Mexico used 18,000 active members from its navy, army, and air force.²⁷

Assessment of the Mérida Initiative

The 2007 Mérida Initiative was an unprecedented U.S.-Mexican effort to strengthen and institutionalize bilateral security cooperation. The principle that only shared responsibility, shared understanding, and joint cooperation could resolve the mutual problems of insecurity, crime, and illegal drug flows became the cornerstone of the agreement. Shared responsibility also meant that drug consuming countries would not blame drug production and transshipment countries for their own abuse problem, while drug production and transshipment countries would not simply blame drug consuming countries for their violence and corruption. Integral to the Mérida Initiative were the commitments by the Mexican government to combat drug trafficking groups, criminal violence, and impunity, and by the U.S. government to reduce its demand for illicit drugs as well as combat the trafficking of weapons and money from the United States into Mexico.

Through the Mérida Initiative, U.S. security assistance to Mexico increased from USD\$48 million in fiscal year (FY) 2007 to USD\$400 million in FY 2008. Altogether, between FY 2008-17, the United States Congress has allocated USD\$2.8 billion for the Mérida Initiative, of which USD\$1.6 billion has been disbursed.²⁸

Crime prevention

In these early years, the Mérida Initiative centered on equipment and technology transfers from the United States to Mexico for combatting criminal groups. The second phase of the Mérida Initiative, launched in 2010 and frequently called Beyond Mérida or Mérida 2.0, expanded cooperation to four pillars. In addition to disrupting and dismantling criminal organizations, Beyond Mérida emphasized strengthening Mexican rule of law institutions as well as modernizing the U.S.-Mexican border by improving security measures, facilitating legal trade between the two countries, and building communities in Mexico resilient to organized crime by strengthening the country's social fabric. Between 2013 and 2018, Mérida Initiative cooperation centered on strengthening personnel capacities of law enforcement, intelligence, corrections, justice, and migration institutions in Mexico and expanding rule of law reforms.

U.S. training for Mexican justice officials has brought multifaceted benefits. Training by U.S. instructors allows participants to hear real examples of successful or failed applications of laws as well as policing and judicial techniques, helps participants learn how to develop cases, and facilitates the improvement of strategy development and legislative actions to reduce crime, all of which combine to increase the public's trust in law enforcement and the legitimacy of anti-crime efforts. Moreover, it has had the added

advantage of creating trust between U.S. and Mexican officials by providing opportunities for judges, lawyers, and law enforcement and security professionals across the border to interact.

Examples of such successful programs include information exchanges between U.S. district attorneys and Mexican state attorneys. Exchanges and professionalization programs for scholars and criminal justice officials have also registered positive results. Unfortunately, the frequent rotation of personnel within Mexican institutions has limited the impact of these training programs.²⁹

Importantly, Beyond Mérida also launched crime prevention efforts in Mexico. Sponsored by the United States Agency for International Development (USAID) and the Bureau of International Narcotics and Law Enforcement (INL), they have included pilot community programs. However, the limited funding for such programs has hampered their continuity and expansion.

Beyond Mérida also sought to expand joint cooperation at the state and municipal levels in Mexico. Funded at USD\$153 million in FY 2018, the Mérida Initiative remains the basis of Mexican-U.S. security cooperation.

Weapons trafficking

As part of the Mérida Initiative, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trained various Mexican police units at the federal, state, and municipal levels in the use of the eTrace program available in Spanish. However, as a result of the Peña Nieto administration's decision to centralize security matters within SEGOB, eTrace became widely unavailable to police units across the country. Consequently, fewer seized weapons could be traced and collaboration with the United States on reducing weapons trafficking diminished.

Unfortunately, one collaborative bilateral initiative against weapons trafficking into Mexico, the Inter-Institutional Coordination Group for the Prevention and Control of Trafficking of Firearms, Munitions, and Explosives (Grupo de Coordinación Interinstitucional para la Prevención y el Control del Tráfico de Armas de Fuego, Municiones, y Explosivos, or GC-Armas) lost momentum. Under GC-Armas, between 70 to 100 U.S. and Mexican officials exchanged information about methods and trends in weapons smuggling as well as actual investigations. Meetings of the group were suspended between 2012 and 2015. Although GC-Armas collaboration was resurrected in 2016, the intensity of U.S.-Mexican collaboration diminished.

Money laundering

In 2018, the Financial Action Task Force (FATF-GAFI) identified Mexico as a country that "faces a significant risk of money laundering, stemming principally from activities most often associated with organized crime, such as drug trafficking, extortion, corruption and tax evasion."³⁰ Although Mexico has a developed regime for combatting money laundering and the financing of terrorism, the capacity of many Mexican financial institutions to implement complex techniques to combat money laundering is limited. The FATF-GAFI also found that "although the financial intelligence unit functions well and is producing good financial intelligence, the volume of financial intelligence disseminated to the

Procuraduría General de la República (PGR) is limited” and results in a low number of financial investigations.³¹ The existence of three financial intelligence units within the Mexican federal government, one in the Secretariat of Finance and Public Credit (Secretaría de Hacienda y Crédito Público, or SHCP) and two in the PGR, complicates coordination between the intelligence that is generated and the cases that are pursued.

During the Peña Nieto administration, the PGR was only able to dismantle four criminal organizations that operated with funds of illicit origin and secured only 49 convictions for illicit financial transactions.³² This is yet another confirmation of the FATF-GAFI finding that in Mexico “money laundering is not investigated and prosecuted in a proactive and systematic fashion, but rather on a reactive, case-by-case basis,” and that “[s]uspicious and falsely declared cash is not being adequately confiscated.”³³

Bilateral Security Cooperation Group

In the context of Mérida 2.0, the Obama administration also established the Bilateral Security Cooperation Group (SCG), a high-level group that sought to strengthen cooperation on issues related to drugs, weapons, contraband, human trafficking, and money laundering.

The SCG was unique in bringing together all security agencies and actors—from intelligence services to police officials, prosecutors, immigration agencies, and armed forces—to discuss cooperation and set priorities.

The resulting agreements, such as between the U.S. Department of Homeland Security and SEGOB, enhanced coordination regarding the return of repatriated Mexicans and strengthened information-sharing by including biometric information.

Despite the successes of the SCG, the frequency of its meetings has declined significantly during the Trump administration, with the last meeting having taken place in October 2017. The lack of continuity has also permeated into the daily operation of the bilateral security relationship.

These significant security cooperation initiatives and the important expansion of security cooperation over the past three decades have unfortunately not been accompanied by an equivalent enhancement of cooperation on migration from and through Mexico to the United States.

Migration

In 2000, the peak year of emigration, 29 percent of the foreign-born population residing in the United States were born in Mexico.³⁴ In response, the government of Mexico attempted in 2001 to negotiate a comprehensive migration agreement and framework with Washington to regularize and legalize the flows and reduce illegal migration. Nonetheless, in the wake of 9/11, the effort failed.

In the early 2000s, apprehensions of Mexicans at the U.S.-Mexico border remained high. Starting in 2004, government officials on both sides created local repatriation agreements to coordinate the deportation process, including the schedule, locations, and special procedures for vulnerable populations such as minors and women.

Over the past several years, migration from Central America to the United States has surpassed migration from Mexico. U.S. government data on apprehensions at the U.S-Mexico border show a steady decline of Mexican migrants, with 50 percent of apprehensions in FY 2016 being of Mexican citizens, as compared to 73 percent in FY 2012. A vast majority of migrants from Central America come from the Northern Triangle area of Guatemala, Honduras, and El Salvador, including 85 percent of migrants transiting through Mexico to the United States in 2017.³⁵ This is not surprising, given the region's criminal violence and acute poverty. In sum, the last quarter-century registered not only a plethora of collaborative security initiatives between Mexico and the United States, but also enhanced cooperation. Various actors in the national security field of both countries—law enforcement, intelligence agencies, and military services—significantly intensified their bilateral engagement. Inevitably, the degree and ease of bilateral cooperation have varied among agencies. For some, such as the Mexican navy and the U.S. Coast Guard, cooperation has been smooth and fruitful. For others, cooperation came with challenges and friction. Through the Mérida Initiative, the INL funded programs such as the professionalization of the Mexican National Migration Institute (INM). U.S. authorities also trained their Mexican counterparts in intelligence-gathering, and the Mexican government now shares the biometric information of migrants crossing the southern border of the United States.

The United States and Mexico have also worked together to target the root causes of violence, poverty, and emigration in Central America. The United States has worked with Mexico through its Central America Regional Security Initiative, which aims to improve the region's security. The Obama administration also created the Alliance for Prosperity in 2014, which allocated over USD\$2 billion in its first three years to fostering economic opportunities, improving public safety, and strengthening institutions. The Trump administration had continued to fund this initiative, although it has reduced the budget.

While this bilateral cooperation in Central America is a step in the right direction, it has not yet reduced the number of Central Americans migrating to the United States because these root causes will take a number of years to be solved, and require continued cooperation.

Both countries are interested in continuing this longer-term investment. Andrés Manuel López Obrador has called for a Marshall Plan for Central America that would invest USD\$30 billion in the south of Mexico and Central America to curb migration. The Trump administration has agreed to contribute almost USD\$5.8 billion.

While security cooperation between Mexico and the United States on migration remains a work in progress in certain areas, it has managed to overcome the reactive and short-term approach that characterized interactions between the two countries over much of the 20th century.

POLICY VISION AND RECOMMENDATIONS

Mexico and the United States increasingly depend on each other across many areas, including public safety and security. The security and well-being of both countries and their citizens are enhanced by cooperation. Although a significant alignment of interests on security issues has been achieved over the last two decades, a fully coordinated bilateral security partnership has yet to be achieved.

But such a strategic security partnership would be beneficial for both countries and could be gradually developed by fostering cooperation at both the national and subnational levels, as well as with and among civil society organizations, the business community, journalists, and academics on both sides of the border. A determination by both the Mexican and U.S. federal governments to act on the basis of shared responsibility, accepted in the Mérida Initiative and worthy of reiteration, is a first step.

The next six years also provide important opportunities for gradually and pragmatically strengthening security and law enforcement cooperation. A starting point for such security cooperation is preserving the advances in the U.S.-Mexican relationship achieved since the 1990s. The Mérida Initiative of 2007 and its subsequent iteration, Beyond Mérida, in useful and important ways institutionalized the bilateral security and public safety cooperation at various levels of government in both countries and across various justice and law enforcement agencies. Preserving and expanding this institutionalization remains vital.

The lack of a long-term comprehensive vision on matters of security on the part of both governments has prevented the alignment of a fully developed bilateral security partnership. Washington focuses on drug supply control and on enhancing security measures on the southern border with Mexico to impede the crossing of migrants. Meanwhile, Mexico has struggled to end impunity and improve citizens' security, leaving many Mexicans feeling unsafe in their daily lives.

Steps to address this mismatch and to better align key objectives of both countries include:

Alignment of key security objectives

1. Create a bilateral coordination group to reconcile the priorities of both nations.

In its design, such a coordination group could draw on the HLCG of 1996, with two members of each country's cabinet coordinating the mechanism. Mexico's cabinet-level presence should be led by the secretary of foreign affairs and the secretary of public security, while the cabinet representatives for the United States should be the secretary of state (or his or her representative) and the secretary of homeland security. The ambassadors of both countries should be included as should representatives of all the key institutions that participated in the Security Cooperation Group, ranging from law enforcement to intelligence, armed forces, and other entities. Once such an operational basis of cooperation is established, Mexico and the United States can have a collaborative security focus that, in addition to countering drug trafficking, critically focuses on strengthening the institutional capacity of Mexico's judicial sector, enhancing crime prevention in Mexico, and addressing socio-economic roots of crime and violence.

Among its early tasks, the bilateral coordination group should explore and recommend ways to improve coordination across and within the two governments, learning lessons from the past 12 years of U.S.-Mexico security collaboration on what has worked well and which coordination elements have struggled.

2. Enhance cooperation on a subnational level and build cooperation with the National Guard.

Maintaining and deepening cooperation at the federal level in Mexico is essential, especially with the creation of the new National Guard that will be deployed across the country to carry out basic law enforcement tasks. The types of capacity-building assistance and technology provided to the Mérida program can be very important in establishing, training, and supplying Mexico's new premier federal law enforcement agency. Similarly, support and training in building the systems that connect the National Guard with the justice system can be vital (see point 3). Specific, focused law enforcement training can be of great value, for example, in best practices for dismantling illicit drug labs.

The United States should expand subnational assistance that it has been developing with Mexico over the past four years, such as in justice training. While coordination at the national level is inescapable, strengthening cooperation at the subnational level is also fundamental and should become a key focus of the next phase of Mexican-U.S. security cooperation. It is at the municipal and state level where most Mexicans encounter crime and rule of law, or the lack thereof. The Conference of Western Attorney Generals (CWAG)—where decentralized cooperation on a wide range of topics such as fraud, piracy, drug trafficking, and money laundering between Mexico and the United States already takes place—is one example of such subnational collaboration. Within the Bilateral Coordination Group (see point number one), there can be a special subgroup chaired by both ambassadors that focuses on local cooperation at the state or municipal level.

3. Training for the criminal justice system and establishing joint investigative operations

The United States should continue supporting justice and police reform efforts underway in Mexico, including professional training by U.S. experts in Mexico, exchange programs, and the development of more transparent and corruption-resistant systems and protocols.

Such training should particularly focus on the gathering and preservation of evidence, witness interviews and protection, scientific evidence gathering, and forensic and financial crimes analysis. Employing such techniques makes criminal investigations and prosecutions more effective, credible, and transparent.

District attorneys and relevant police officers should consider developing joint bilateral and multidisciplinary operations in Mexico and the United States, with the jointly investigated cases brought before courts in both countries.

These joint multidisciplinary operations would focus on specific type of crimes, such as corruption, kidnapping, extortion, falsification of assets, cargo theft, import and export fraud, theft of petroleum-derived products, trafficking of weapons and opioids, and money laundering (see below), or on specific geographic regions, such as those along the Mexican-U.S. border. Working groups on specific topics would be established, with each one identifying key components and vulnerabilities of the criminal

activity or area under focus. Mexico should also seek to improve its use of legal wiretaps, as this would greatly enhance its own investigations as joint efforts with the U.S.

4. Establish or re-activate international liaison units.

Such liaison teams would help both sides with investigations, development and protection of witnesses, information-sharing among law enforcement officials, and evidence gathering to maximize the effective prosecution of transnational crimes and prevent criminals from eluding law enforcement by crossing international borders and jurisdictions. The López Obrador administration could greatly facilitate such collaboration and institutional development by resurrecting momentum on Mexico's reform of the civil service.

5. Create a joint U.S.-Mexico task force on fentanyl disruption.

Mexico should prioritize disrupting fentanyl flows that enter the United States through Mexican territory by land, air, and sea. Mexico can achieve this by improving port security at the border, but also maritime ports that handle substantial volumes of commerce with Asia such as Lázaro Cárdenas and Manzanillo. Similar to laboratories that process methamphetamines, Mexico should also dismantle fentanyl laboratories as they begin to emerge. Mexico should share seized fentanyl with the Drug Enforcement Administration's Office of Forensic Sciences to help improve the scientific and technical support to law enforcement on controlled substances.

The Mérida Initiative could also aid Mexico by funding new sensor and scanning technology for Mexican authorities to use at its land borders and sea ports. The United States and Mexico should coordinate with Canada periodically in these efforts and consider a four-way mechanism with China to improve the interdiction of fentanyl, other synthetic opioids, and precursor chemicals.

6. Exchange best practices on drug abuse prevention and harm reduction strategies.

Training on innovative harm reduction strategies should be expanded for law enforcement agencies on both sides of the border. In the last few years, Mexico has adapted different interventions designed in the United States that emphasize occupational safety among law enforcement agents who have daily encounters with users of injectable drugs. These training programs not only protect the health of law enforcement agents, but they also increase the knowledge of national laws and regulations related to drug control, which improves referrals for drug users to enter treatment.

Mexico and the United States should implement harm reduction programs recommended by the World Health Organization and the United Nations Office on Drugs and Crime. Opioid substitution treatments including methadone, buprenorphine, and suboxone are particularly relevant. Mexico and the United States should work together to reduce the cost of opioid substitution treatment and improve its distribution within Mexico in order to reduce the negative impacts of injectable drug use along the U.S.-Mexico border.

It is necessary to strengthen bilateral promotion of new medicines and prevention programs aimed at methamphetamine abuse. This can be achieved with the support of national research institutes on both sides of the border. While new programs and substitution treatments for methamphetamines are

currently in an experimental phase in the United States, Mexico should be included in these efforts and begin pilot tests to combat the rising consumption of methamphetamines in Mexico.

7. Enhance bilateral cooperation to strengthen community policing approaches in Mexico.

The United States and Mexico should cooperate on building more robust and extensive crime prevention efforts based around proven policing techniques such as “problem-solving policing,” in part by drawing on successful U.S. models in this area. The United States can also help Mexico in expanding community-based policing models, initially focusing on reducing common forms of violent crime, such as robbery, assault, sex crimes, and domestic violence. To date, financing in Mexico for such programs has been relatively limited and has not allowed for continuity or growth in scale and geographic application.

8. Enhance cooperation regarding criminal groups working through and from Central America.

The United States and Mexico should develop a mechanism for exchanging information regarding the activity of criminal groups involved in illicit drug trading, weapons smuggling, and human trafficking.

9. Separate cannabis regulation from security cooperation.

A part of aligning policy objectives and precepts is recognizing which aspects of security and drug policy do not require a joint definition of objectives. The United States and Mexico can agree that the regulation of the production and consumption of marijuana is best left to internal policies of both countries. Rather than seeking a bilateral agreement with the United States, Mexico should concentrate on designing a cannabis regulation policy that achieves the objectives of enhancing public health and reducing criminal violence, based on lessons from other countries and jurisdictions that have legalized recreational cannabis production and consumption.

In exploring the possibility of licensing Mexico’s poppy cultivation for legal medicinal purposes, the López Obrador administration should carefully consider licensing designs and challenges in places such as Turkey, India, Australia, and Western Europe, as well as security and legal preconditions for, and implications of, such a regulatory move. It would be necessary to have a careful and comprehensive discussion with the United States on how such a decision would impact the U.S. opioid epidemic and Mexico’s criminal violence, as well as on other policy alternatives for dealing with Mexico’s currently illicit poppy cultivation. To the extent that the government of Mexico decides to actively pursue the licensing route, it needs to be cognizant of U.S. concerns and work with the United States to mitigate any negative cross-border impact and prevent the diversion of licensed opiates toward illegal uses.

Addressing chronic irritants of bilateral security cooperation

Addressing problems that undermine trust between government and law enforcement officials of both countries, undermine cooperation, and eviscerate the effectiveness of rule of law policies is a matter of great urgency.

1. Combatting corruption.

Given the widespread presence of corruption and intimidation by criminal groups, all officials on joint U.S.-Mexico task forces should be subject to thorough vetting, regardless of seniority. There should be no exceptions. Improving the vetting of Mexican law enforcement and justice personnel is imperative for Mexico itself, and also for increasing the effectiveness of U.S.-Mexican security collaboration. Mexico should develop stringent procedures requiring that all of its law enforcement, intelligence, justice, and military officials be vetted at least once in their careers, at the time of recruitment or recertification, and ideally, subject to the possibility of random re-vetting at any point. Beyond polygraphs, vetting should include periodic and thorough background checks.

That requires the development of competent background investigators who are not corrupt themselves and who have sufficient competencies. Mexico urgently needs to develop a comprehensive database on each member of the rule of law, justice, intelligence, and security sectors who fails a vetting process or is expelled, in order to prevent them from joining another agency. The United States can assist in developing such a database.

The United States should insist that any Mexican officials on joint U.S.-Mexican task forces be subject to such thorough vetting. The capacity to subject an official repeatedly to vetting at any point should be an essential requirement. A failure on the part of Mexican officials, particularly at the senior levels, to be subject to such vetting should result in a suspension of the task force and of support funding. Any overriding of such operating procedures should only take place through a special top-level commission involving senior officials of the U.S. Departments of Justice, including the DEA and FBI, Homeland Security, and State. U.S. members of the task forces should equally be willing to subject themselves to vetting by their Mexican counterparts.

2. Countering violations of human rights.

The United States and Mexico must make strong human rights protections a core element of the U.S.-Mexican security framework. Given the emphasis the López Obrador administration has placed on human rights protection, this issue has the potential to stop being a source of friction between the two countries. The two governments should establish mechanisms to allow regular dialogue on policy implementation and cases of human rights abuses.

3. Countering weapons trafficking.

Despite significant differences between gun control laws in the United States and Mexico, possibilities for meaningful bilateral cooperation exist. Mexico and the United States should resurrect and strengthen systematic collaboration against illicit trafficking of weapons, munitions, and explosives. The Mexican government should expand access to the Spanish version of eTrace once again and the U.S. ATF should expand training of police units to use eTrace and other ballistics capacities. The GC-Armas contact group should be revitalized.

4. Tackling money laundering.

The FATF-GAFI has identified Mexico as a country that “faces a significant risk of money laundering, stemming principally from ... organized crime, drug trafficking, extortion, corruption, and tax evasion.”³⁶

Although the López Obrador administration is aggressively tackling money laundering associated with gasoline theft, a further potential step is improving internal anti-money laundering coordination, since two Mexican agencies are tasked with financial intelligence—one in the PRG and one in the office of the SHCP. To better combat organized crime, there is an urgent need to develop better intelligence and analysis-sharing with the United States, particularly its Department of Treasury, and improve other forms of anti-money laundering cooperation. Mexico and the United States should establish a joint bilateral task force that specifically focuses on money laundering cases that affect both countries.

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