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Responsibly Demilitarizing U.S.–Mexico Bilateral Security Relations

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Executive Summary

These are trying times for U.S.–Mexico relations.

As America’s opioid epidemic reaches unprecedented proportions, U.S. politicians have begun to advocate unilateral military action against Mexican drug cartels in sovereign Mexican territory. This approach would not only do extraordinary damage to one of America’s most vital international relationships, but also carry a real risk of importing violence to the United States. The calls for military action have infuriated Mexico’s leaders, who in turn criticize America’s broken and inhumane border security and Washington’s inability to curb the seemingly insatiable demand for drugs in the United States.

The basis for the neighboring nations’ security cooperation, the 2008 Mérida Initiative, seems to have failed, largely failing to stem the tide of violence and instability in Mexico, or to halt the cross border flow of migrants, guns, and drugs. The result is poor regional security and a deteriorating bilateral relationship.

There is reason to hope that the Plan Mérida’s replacement, the U.S.–Mexico Bicentennial Framework for Security, Public Health, and Safe Communities, will strengthen bilateral cooperation and help put security relations on a path to demilitarization. However, since the State Department announced the framework in 2021, little progress has been made in developing the shape and contents of this program. The continued failure to articulate how the Bicentennial Framework will represent a meaningful break from failed policies in the past suggests militarized enforcement may still dominate security relations for years to come.

This status quo poses grave risks to both countries. But through the Bicentennial Framework, U.S. policymakers have the potential to make meaningful changes in bilateral security relations by:

- Rejecting U.S. unilateralist measures against Mexico
- Developing more robust policies to halt U.S. arms flow to Mexico
- Reducing the military's role in enforcement functions and redirecting military entities toward civil action and development
- Supporting Mexico-led development programs

By decreasing the scope of militarization in regional security policies through an appropriately designed Bicentennial Framework, the United States and Mexico can achieve healthier and more balanced relations, and eliminate the risk of a worst-case scenario: unilateral U.S. military intervention next door.

Introduction

In January 2023, four days after authorities in the northwest Mexican state of Sinaloa captured Ovidio Guzmán, son of the infamous cartel leader Joaquin “El Chapo” Guzmán, President Joe Biden traveled to Mexico City to meet with Mexico’s President Andrés Manuel López Obrador and Canada’s Prime Minister Justin Trudeau.¹ At the so-called Tres Amigos Summit, the leaders held talks to discuss major issues affecting their countries – such as migration, the drug trade, the economy, and climate change.

The talks occurred amidst tensions that have divided the continent for years over issues like the unabated cross-border flows of drugs, migrants, and arms and an unstable security situation in Mexico. Fentanyl trafficked by Mexican drug trafficking organizations (DTOs) killed as many as 70,000 Americans last year. The number of Mexican citizens migrating to the United States had decreased since the late 1990s, but

¹ Ovidio Guzmán was eventually extradited to the United States in September 2023.

increased again between 2009 and 2018 with approximately 174,000 Mexican citizens migrating. While migration remains a divisive issue in U.S. politics, the trafficking of U.S. arms is a major issue for Mexico. An estimated half-million weapons enter Mexico from the United States illegally each year, many of them military-style assault weapons which end up in the hands of criminal enterprises.²

Meanwhile, U.S. politicians have called for unilateral military action against Mexican cartels. Leading political leaders are rallying behind an aggressive new approach of bombing Mexican cartels as a means of combating the U.S. fentanyl crisis.³ Lawmakers like Senators Lindsey Graham (R., South Carolina) and John Neely Kennedy (R., Louisiana) are even offering support for the idea of deploying the U.S. military to Mexico – with or without the cooperation of the Mexican government.

Graham is pushing to designate cartels as “foreign terrorist organizations.”

Congressman Michael McCaul (R., Texas) has introduced a bill to classify fentanyl as a “chemical weapon.”⁴ Direct U.S. military action against Mexico, once a fringe idea, has quickly become mainstream in the Republican party. Alarming, it is even championed by several 2024 presidential candidates, including former U.N. Ambassador Nikki Haley, who has called for sending U.S. forces to Mexico to attack the cartels “just like we dealt with ISIS.”⁵

² Ana Gonzalez-Barrera, “Before COVID-19, More Mexicans Came to the U.S. than Left for Mexico for the First Time in Years,” Pew Research Center (blog), accessed March 8, 2023, <https://www.pewresearch.org/fact-tank/2021/07/09/before-covid-19-more-mexicans-came-to-the-u-s-than-left-for-mexico-for-the-first-time-in-years/>; Liz Mineo, “Stopping Toxic Flow of Gun Traffic from U.S. to Mexico,” *Harvard Gazette* (blog), February 18, 2022, <https://news.harvard.edu/gazette/story/2022/02/stopping-toxic-flow-of-gun-traffic-from-u-s-to-mexico/>

³ Brad Dress, “Graham says he will introduce bill to ‘set the stage’ for US to use military force in Mexico,” *The Hill*, March 7, 2023, <https://thehill.com/policy/international/3887479-graham-says-he-will-introduce-bill-to-set-the-stage-for-us-to-use-military-force-in-mexico/>

⁴ “How Mexico has become the ‘enemy’ of America’s Republicans,” *The Economist*, July 20, 2023, https://www.economist.com/united-states/2023/07/20/how-mexico-has-become-the-enemy-of-americas-republicans?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=18798097116&ppcadID=&utm_campaign=a.2brand.pmax&utm_content=conversion.direct-response.anonymous&qad_source=1&qclid=Cj0KCOiA7OqrBhD9ARisAK3UXh1QAjij_E0A4Y440lv_-zQ3PXHirEllvnlq4wsSPaSB7Sl8d8iYs2MaAp1eEALw_wcB&qclsrc=aw.ds

⁵ Tim Hains, “Nikki Haley: Put Special Operations Forces Into Mexico To Deal With Drug Cartels,” *Real Clear Politics*, March 16, 2023.

Not surprisingly, Mexican president Andres Manuel Lopez Obrador has reacted furiously.

⁶ At present, there is no indication that the Biden administration would even consider using force against Mexican cartels. Even conservative Democrat Henry Cuellar (D., Texas), whose district lies along the border, opposes military strikes in Mexico, calling the idea “unrealistic.”⁷ But U.S. domestic politics could easily shift in favor of using military force against Mexico in the future.

The persistence of the drug war and attendant calls for U.S. intervention exposes the risks, as well as the inherent contradictions, in the U.S.–Mexico security relations. The 2008 Mérida Initiative, a joint security cooperation initiative between the United States, Mexico, Central American countries, as well as the Dominican Republic and Haiti, aimed to mitigate challenges to public safety and regional stability. The architects of Plan Mérida directed a majority of its funding to Mexico.⁸ The agreement was intended to combat drug trafficking and organized crime by providing tangible support in the form of training, equipment, and intelligence. The Mérida Initiative also established a new architecture for U.S.–Mexican security cooperation by aiding both countries’ efforts to stop the flow of money, weapons, and narcotics. The expectation was that strengthening security cooperation would reduce regional violence, decrease drug–induced deaths in the United States, and bring stability to Mexico and its neighbors.

⁶ “Lack of hugs caused US fentanyl crisis, Mexico’s leader says,” *Associated Press News*, March 17, 2023.

⁷ Zachary Basu, “GOP’s war on the cartels,” *Axios*, April 3, 2023.

⁸ Bureau of Public Affairs Department Of State. The Office of Electronic Information, “Merida Initiative” (Department Of State. The Office of Electronic Information, Bureau of Public Affairs., November 5, 2008), <https://2001-2009.state.gov/p/inl/merida/index.htm>.

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But this has not been the case. Nearly 15 years after its creation, the impact of Plan Mérida appears to have been more damaging than beneficial. Murder rates throughout Mexico and the Northern Triangle have spiked, destabilizing societies and accelerating mass migration. Opioid addiction in the United States has reached unprecedented levels, with a new record of more than 109,000 overdose deaths recorded in 2022, according to data released by the Centers for Disease Control and Prevention.⁹ Alleged human rights violations by military and police forces drawing support from the Mérida Initiative have also been reported.¹⁰

Meanwhile, the partnership between the United States and Mexico has been significantly undermined in recent years. The politicization of the migration crisis and the continuing U.S. deaths from fentanyl overdoses have led to strident calls for conducting drone strikes in sovereign Mexican territory against drug cartels. Mexico, under President López Obrador, has criticized the United States on its inhumane border security, as well as Americans' seemingly insatiable addiction to drugs such as fentanyl, which the president denies is produced in Mexico.¹¹ The United States has criticized López Obrador for increased violence during his presidency, as well as a decline in democracy and human rights.

⁹ CDC, "Provisional Drug Overdose Death Counts." 2022.

¹⁰ Clare Ribando Seelke and Kristin Finklea, "U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond," June 29, 2017, <https://crsreports.congress.gov/product/pdf/R/R41349>, 5.

¹¹ Rafael Bernal, "López Obrador doubles down: 'Fentanyl is not produced in Mexico,'" May 24, 2023, *The Hill*.

The partnership between the United States and Mexico has been significantly undermined in recent years.

This brief examines the ways that current policies fail to stabilize the regional security environment. It analyzes the ambiguous and sometimes contradictory nature of U.S. and Mexican militarized policing and how the current status quo poses risks for U.S. security. The brief concludes with a set of specific recommendations that minimize the security risks associated with the continued power and influence of DTOs and suggests actions, to be incorporated in the proposed U.S.-Mexico Bicentennial Framework, that would help the United States and its partners gradually decrease the scope of militarization in regional security policies while fostering stability, and security.¹²

The risks of a deteriorating relationship: Endangering U.S. interests in Mexico

A stable, prosperous Mexico friendly to the United States is in Washington's best interest. With the implementation of the North American Free Trade Agreement (NAFTA), and later the United States, Mexico, Canada Agreement (USMCA), the two economies have become deeply integrated. Mexico provides vital manufacturing for U.S. goods and Mexico remains both a top consumer of U.S. goods and an important source of imports for the United States. Ensuring that Mexico continues to develop economically without interference by major DTOs will allow both countries to continue to prosper economically through bilateral trade. An increasingly prosperous Mexico will represent a larger market for U.S. goods and services, benefitting U.S. businesses nationwide, especially in the border region. A more affluent and cooperative Mexico is

¹² The White House, "Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue," October 8, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/08/joint-statement-u-s-mexico-high-level-security-dialogue/>; U.S. Department of State, "Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities," January 31, 2022, <https://www.state.gov/summary-of-the-action-plan-for-u-s-mexico-bicentennial-framework-for-security-public-health-and-safe-communities/>; Antony Blinken, "Remarks at the U.S.-Mexico High-Level Security Dialogue," October 13, 2022, <https://www.state.gov/remarks-at-the-u-s-mexico-high-level-security-dialogue/>.

likely to reduce flows of both illegal migrants and drugs into the United States. Improving the economic situation in Mexico will reduce some of the push factors that encourage migration to the United States; at the same time, economic opportunities will reduce the draw for laborers and youths to join the drug trade to earn their livelihoods. Successful bilateral policies will encourage continued collaboration between the two countries on myriad issues including migration (which has become an urgent and complex policy challenge), development, drug trafficking, and other issues that affect the two countries and require a shared responsibility.

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U.S. prosperity in the western hemisphere is also at risk if bilateral relations remain as they are. Mexico continues to be a top trading partner for the United States and is a vital source of both manufactures and agricultural goods. Increasing violence damages U.S. commercial interests in Mexico as exemplified by the flight of several major U.S. companies in recent years. Some regions of Mexico are too violent or too costly for U.S. businesses to maintain investments and production and they choose to reinvest elsewhere or suspend production indefinitely.¹³ This insecurity translates to trade disruptions at the border, as well. Security checkpoints, random checks, and increased scrutiny of commercial vehicles due to the need to control illicit substances disrupt smooth trade flows. Wait times are longer and costs are higher, which may discourage some firms from exporting to the United States. One incredibly important driver of trade, low transportation costs and smooth border transit, is at risk due to the increased securitization of the border which increases both costs and time waiting at the border.

¹³ According to one recent study, the economic impact of crime and violence in Mexico for the year 2021 has been estimated at about \$192 billion, which corresponds to 14.6 percent of Mexico's GDP. A. Cervantes, et al., "Estimating the Economic Impact of Interpersonal Violence in Mexico in 2021: Projecting Three Hypothetical Scenarios for 2030," *Pan American Journal of Public Health*, (vol.47, no. 39), <https://doi.org/10.26633/RPSP.2023.39>. See also: U.S. Congressional Research Service, "Mexico: Organized Crime and Drug Trafficking Organizations (R41576; Jun 22, 2022), by June S. Beittel.

This juxtaposition of a desire for open trade and a heavily securitized border is paradoxical and not sustainable.

Finally, U.S. credibility, as well as Washington's ability to cooperate with regional partners are at stake. Former Mexican president Enrique Peña Nieto and current president Andres Manuel López Obrador have both expressed discontent at the results from the Mérida Initiative.¹⁴ A lack of cooperation undermines the bilateral relationship and threatens to destabilize U.S. plans for regional security. The effects of lack of trust snowball domestically and internationally, resulting in the perception that the United States builds walls and ignores systemic issues of inequality and violence in a region where it has long commanded influence.

The Mérida Initiative

Though security and antidrug relationships between the United States and Mexico were developed in the mid-20th century, 2008 was an important turning point in their security cooperation. In response to a sharp increase in drug violence, Mexican president Felipe Calderón and U.S. president George W. Bush launched the Mérida Initiative in 2008, beginning more than a decade of historic cooperation and shared responsibility in security matters. Prior to the agreement, Mexico received relatively little U.S. support for counterdrug assistance, in part due to concerns about U.S. involvement in Mexican affairs and feared violations of Mexico's sovereignty. The agreement was the first of its kind to acknowledge the responsibility that both countries share in securing the border.

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¹⁴ Eric L. Olson, "The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Relations" (Wilson Center, February 2017), https://www.wilsoncenter.org/sites/default/files/media/documents/publication/the_evolution_of_the_merida_initiative_and_the_policy_of_shared_responsibility_in_u.s.-mexico_security_relations.pdf; Mary Beth Sheridan, "Mexico's President Just Says No to U.S. Cash to Fight Drug Crime," *Washington Post*, May 9, 2019, https://www.washingtonpost.com/world/the_americas/amlo-rejects-us-crime-fighting-funds-injecting-new-uncertainty-into-relationship/2019/05/09/f9e368fe-71c2-11e9-9331-30bc5836f48e_story.html.

¹⁵ Ocampomi, "The Merida Initiative," U.S. Embassy & Consulates in Mexico, September 8, 2021, <https://mx.usembassy.gov/the-merida-initiative/>; Seelke and Finklea, "U.S.-Mexican Security Cooperation, 9.

The Mérida Initiative was largely associated with the militarization of Mexico's drug war in the immediate years after its implementation.

The Mérida Initiative was largely associated with the militarization of Mexico's drug war in the immediate years after its implementation. The earliest goals of the agreement were to provide helicopters and aircraft, communications equipment for criminal information systems, inspection equipment and canine units to assist in interdiction, and technical advice and training to strengthen Mexican justice institutions. In line with these original goals, funding from 2008–10 provided support to Mexican federal security forces (military and police); this aid included \$590.5 million worth of helicopters and other aircraft. Funding for security, counternarcotics, counter terrorism, and law enforcement programs made up almost 85 percent of the Bush Administration's original proposal to Congress.

Due to concerns of Mexican sovereignty and political sensitivity, the Department of Defense did not play a principal role in creating the Mérida Initiative, and did not provide direct assistance through Mérida accounts. However, the DOD did oversee the procurement and delivery of equipment provided through the congressionally–appropriated Foreign Military Funding program. In addition, military cooperation between the United States and Mexico increased with the DOD providing equipment and training to Mexican military forces, as well as sending unmanned aerial vehicles to gather intelligence on criminal organizations. There are a number of funding streams – many channeled through the State Department – that support DOD training and equipment programs to Mexico.¹⁶

¹⁶ Bureau of Public Affairs Department Of State. The Office of Electronic Information, "The Merida Initiative" (Department Of State. The Office of Electronic Information, Bureau of Public Affairs, August 6, 2008), <https://2001-2009.state.gov/r/pa/scp/2008/107912.htm>; Seelke and Finklea, "U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond," 9; Olson, "The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Relations," 5.

Plan Mérida was a working document with successive presidential administrations adding to the agreement and expanding its focus.¹⁷ Later, the Mérida Initiative expanded to include broader objectives to better suit both countries' strategic priorities. Bush's successor, Barack Obama, sought to transition the agreement away from the traditional language of foreign assistance and military aid that were common in the first three years of the Mérida Initiative.¹⁸ Thus, was a turning point for the Mérida Initiative through the expansion of security initiatives to include more developmental objectives; this transition encouraged a focus on Mexican welfare and helped establish the base for continued cooperation between the Obama and Peña Nieto administrations.

The 2011 additions shaped the Plan Mérida around four pillars. Pillar one, disrupt capacity of organized crime to operate, has funding targeting poppy cultivation, improving coordination and communication between Mexican migration and law enforcement agencies, and donating canines. Pillar two, institutionalize capacity to sustain rule of law, funds accreditation programs for prisons and supports capacity development and professionalization programs for law enforcement and justice system personnel. Pillar three, create a 21st-century border structure, aims to increase security at the border, ports, and airports and provides for increased utilization of technology to improve security and trade at each of those locations. Pillar four, build strong and resilient communities, explores improving the professional competency of prosecutors and public defenders as well as targeting at-risk youth with programs to reduce their likelihood of entering a life of crime. All these pillars were essentially security-dominated. Since 2011, funding for Pillar two has exceeded assistance for all other pillars.¹⁹

¹⁷ Olson, "The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Relations."

¹⁸ U.S. Mission to Mexico, "Five Key Points to Understanding the Merida Initiative," U.S. Embassy & Consulates in Mexico, March 22, 2021, <https://mx.usembassy.gov/five-key-points-to-understanding-the-merida-initiative/>; Olson, "The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Relations," 6.

¹⁹ "Five Key Points to Understanding the Merida Initiative."

The Trump administration pivoted back to a more security and antidrug-focused approach which had more in common with the earlier phases of the agreement.

Although a transition to a broader Mérida began under Obama, the Trump administration reversed this trend, pivoting back to a more security and antidrug-focused approach which had more in common with the earlier phases of the agreement. Trump's proposed \$85 million funding in 2018 marked an almost 39 percent decrease relative to 2017. The funding request and rhetoric showed a shift or return to a security-oriented strategy although with less overall U.S. assistance. The administration prioritized combating transnational criminal organizations and addressing migration challenges rather than the broader development approach taken by the Obama administration.²⁰

Militarization from both sides of the border

The Pentagon was officially involved in Merida's early years by providing the procurement and delivery of equipment through the agreement's Foreign Military Financing program (FMF). In 2012, it ended its formal involvement in the plan. However, the DoD continues to provide significant military assistance to Mexico through other channels. One such channel is Section 333, an opaque funding source that provided \$55.3 million directly to the Mexican military and police units in 2019. Section 333 is the DoD's authority to build the capacity of foreign security forces through providing training and equipment and is the main channel for assisting the Mexican Secretariat of National Defense (SEDENA) and the Naval Secretariat (SEMAR). The DoD's waning role in Plan Mérida has not stopped military cooperation between the two countries from increasing; the DoD continues to train Mexican military personnel and send equipment,

²⁰ Seelke and Finklea, "U.S.–Mexican Security Cooperation: The Mérida Initiative and Beyond," 9-11, <https://sgp.fas.org/crs/row/R41349.pdf>.

including unmanned aerial vehicles, with the goal of improving security in high-crime areas, capturing criminal operatives, disrupting illicit channels, and strengthening border security.²¹

However, the State Department has been quick to publicly distance the Mérida Initiative from its formally military–centric past. In a public statement, the State Department said “the Mérida Initiative does not direct joint military or law enforcement operations. The Mérida Initiative program has never provided weapons or ammunition to the Mexican military or police,” and highlighted that equipment such as helicopters were only delivered “in the early years of Mérida.”²² From an optics perspective, the State Department and other U.S. agencies have distanced the Mérida Initiative from military aid, but U.S. agencies like the DoD do continue to preside over militarized policing, with the extent of this involvement remaining unclear.

The State Department and other U.S. agencies have distanced the Mérida Initiative from military aid, but U.S. agencies like the DoD do continue to preside over militarized policing.

But it is not only the United States that contributes to the militarization of Mérida Initiative sponsored endeavors. Despite rhetoric indicating otherwise, Mexico has also remained highly militarized under both Calderón’s successor, Enrique Peña Nieto, and under Andres Manuel López Obrador. Although security was not a central theme to Peña Nieto’s election, he did promise a change from Calderon’s “ineffective” militarized security approach. Despite promises otherwise, it became apparent that differences

²¹ Stephanie Bower, “Militarized Mexico: A Lost War That Has Not Brought Peace,” WOLA, May 12, 2021, <https://www.wola.org/analysis/militarized-mexico-a-lost-war/>; Adam Isacson and Stephanie Brewer, “Moving On from Military Cooperation,” Mexico Violence, February 10, 2021, <https://www.mexicoviolence.org/post/moving-on-from-military-cooperation>; “Section 333 Authority to Build Capacity | Defense Security Cooperation Agency,” Defense Security Cooperation Center, accessed February 10, 2023, <https://www.dsca.mil/section-333-authority-build-capacity>; Seelke and Finklea, “U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond,” 30.

²² “Five Key Points to Understanding the Merida Initiative.”

between Calderon's and Peña Nieto's were mere style and not substance, and the militarization of public security continued under the Peña Nieto Administration. The one sense of accomplishment under Peña Nieto, however, was the 2016 arrest of "El Chapo" Guzmán. After his 2014 capture, Mexican authorities refused to extradite him to the United States. Guzman later managed to escape jail, humiliating Peña Nieto's government. After his 2016 arrest, Guzmán was extradited to the United States, tried and convicted. The investigation would yield numerous leads into Mexican official complicity in the drug trade.

In spite of enhancing the military's key role in public security and the Mérida Initiative, López Obrador publicly promoted a "hugs, not bullets" approach, an approach favoring a developmental approach over combat interventions and a demilitarized approach to crime; however, his rhetoric of demilitarization does not appear to have translated to facts on the ground. Policing in Mexico continued to militarize under his administration as López Obrador assigned a range of policing tasks to the armed forces through 2024, paralleling the actions of his predecessors in many ways. To replace the federal police, which he had dissolved in 2019, the president also established the National Guard, a civilian public security force housed under the Secretariat of Security and Civilian Protection (SSPC) largely made up of former military personnel. But public security continued to veer toward militarization. In 2022, Mexico's Congress passed legislation shifting control of the National Guard to the military, a move that López Obrador argued was the only way to fight corruption within the federal police.

López Obrador's rhetoric of demilitarization does not appear to have translated to facts on the ground.

Legal challenges to the policy soon followed and in April 2023, Mexico's Supreme Court ruled the transfer of the National Guard to military control unconstitutional.²³ López

²³ "Mexico court: National Guard Shift to army unconstitutional," Associated Press, April 18, 2023, <https://apnews.com/article/mexico-national-guard-constitution-civilian-military-8c0be1ed6c6f28d180e2b9f9d8ccbcc5>.

Obrador's failure to demilitarize is hardly unique to the López Obrador administration; Calderón and Peña Nieto did not implement a transition to civilian control of policing and public security. Both saw the militarization of police forces increase or remain constant throughout their administrations.²⁴

Security cooperation's failures: The hole we are digging is deeper than before

Despite significant effort and investment around the Mérida Initiative and varying approaches to public security across administrations in Mexico, limited progress has been made as crime rates in Mexico and drug consumption in the United States continue to rise. Both homicides in Mexico and drug overdoses in the United States are at their highest rates ever. Between September 2020 and September 2021, 87,000 Americans died of drug overdoses, the highest number since the opioid crisis began in the 1990s. Then there is fentanyl, which is cheap, extremely potent, and deadly. Small quantities can be easily hidden. Whereas heroin made up 80 percent of opioid overdoses four years ago, now it makes up less than seven percent of opioid overdoses. Fentanyl seizures by weight more than tripled in the last quarter of 2022 according to a study by the U.S. Customs and Border Protection. This is a shift that has challenged the United States' relationship with Mexico.²⁵

²⁴ Ryan Berg, "The Bicentennial Framework for Security Cooperation: New Approach or Shuffling the Pillars of Mérida?" Center for Strategic and International Studies, October 29, 2021, <https://www.csis.org/analysis/bicentennial-framework-security-cooperation-new-approach-or-shuffling-pillars-m%C3%A9rida>; Bower, "Militarized Mexico.," "DOF - Diario Oficial de La Federación," Secretaría de Gobernación, November 5, 2020, https://dof.gob.mx/nota_detalle.php?codigo=5593105&fecha=11/05/2020#gsc.tab=0; Olson, "The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Relations," 10–13.

²⁵ Jackie Botts, "Fast, Cheap and Deadly: How Fentanyl Replaced Heroin and Hooked America," Reuters, August 9, 2023, <https://www.reuters.com/graphics/MEXICO-DRUGS/FENTANYL/dwvkadblovml/>.

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Although there was improvement in 2020, Mexico's homicide rate is historically high at 27.8 deaths per 100,000 people, an increase of 84.1 percent since 2015. The five cities with the highest murder rates in the world are in Mexico, which also has the ninth highest homicide rate globally.²⁶ Since December 2006, Mexico has reported approximately 350,000 homicides and 85,000 missing or disappeared people. Organized crime is on the rise with a 40.5 percent increase since 2015 while gun violence almost doubled over the same period. Former U.S. ambassador to Mexico Christopher Landeau estimated that cartels control 35 to 40 percent of the country's territory. This violence, apart from the loss of life, also has significant costs for Mexico. The estimated cost of the violence in financial terms is \$221 billion, or 22.5 percent of Mexico's GDP.²⁷ The violence has become so severe that some multinational companies, including Coca Cola, have closed plants and factories indefinitely.

U.S.-Mexico security cooperation has largely failed to stem the tide of violence and instability and curb drug and arms flows across the border. For example, between 2006 –11, in what became known as Operation Fast and Furious, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) ran a series of sting operations purposely allowing U.S. gun dealers to sell weapons equipped with GPS units on them to illegal buyers. The purpose was to track the guns to Mexican drug traffickers with the intent to arrest them. However, none of the intended, high-level DTO members were ever arrested and instead many of the weapons tracked by ATF were found at crime scenes on both

²⁶ Berg, "The Bicentennial Framework for Security Cooperation."; Abby Goodnough, "Overdose Deaths Have Surged During the Pandemic, C.D.C. Data Shows," *The New York Times*, April 14, 2021, sec. Health, <https://www.nytimes.com/2021/04/14/health/overdose-deaths-fentanyl-opioids-coronavirus-pandemic.html>; "2021 Mexico Peace Index: Highlighting Data from the Report," Vision of Humanity, May 26, 2021, <https://www.visionofhumanity.org/mexico-peace-index-2021-by-the-numbers/>.

²⁷ Bower, "Militarized Mexico."; Hugo Salvatierra, "El éxodo de Tierra Caliente," *Forbes México*, May 4, 2018, <https://www.forbes.com.mx/el-exodo-de-tierra-caliente/>.

sides of the border. It was an embarrassment for the United States whose partners in Mexico did not know of the operation and reacted with anger when the details emerged.

U.S.-Mexico security cooperation has largely failed to stem the tide of violence and instability and curb drug and arms flows across the border.

At the same time, cooperation remains far too skewed towards military solutions rather than developmental initiatives, metrics for success have not been defined well, and certain unilateral actions by the United States have soured bilateral relations. A key aspect of the U.S. approach is the “kingpin” strategy, designed by the DEA to combat drug cartels by assassinating high-level leaders, crippling the organizations. Though the strategy predates Plan Mérida, it was incorporated into the agreement, as well as several others in Latin America such as Plan Colombia and the Central America Regional Security Initiative (CARSI), a delineation of the Mérida Initiative funds directed to Central American countries by the U.S. Congress in 2010.

Ironically, the kingpin strategy led to increased violence; a study found that leadership removals from DTOs were associated with 415 additional deaths during the first four years of the Calderón administration.²⁸ Removing important leaders can lead to intra-cartel succession conflicts as various factions vie for control. As organizations have splintered, there are now an estimated 400 different DTOs of varying sizes operating within Mexico. Increased fatalities due to DTO leader captures are not limited to cartel members. Kingpin captures cause a sustained increase in homicides both where the capture occurred but also in municipalities where the organization maintains a presence; this hints at the destabilizing effects of kingpin captures leading to increases in violence. Captures or killings of leaders leads to increased homicides

²⁸ Berg, “The Bicentennial Framework for Security Cooperation.”; Guadalupe Correa-Cabrera, “The End of the Mérida Initiative?,” *Georgetown Journal of International Affairs* 23, no. 1 (2022): 59–64, <https://doi.org/10.1353/gia.2022.0010>, 61-63; Matthew Dickenson, “The Impact of Leadership Removal on Mexican Drug Trafficking Organizations,” *Journal of Quantitative Criminology* 30, no. 4 (December 1, 2014): 651–76, <https://doi.org/10.1007/s10940-014-9218-5>

against the general population; these effects can be enduring. It is not uncommon for captures or executions of important leaders to lead to violent, public responses by affected organizations; cartels have attacked whole restaurants to target prosecutors and other important government officials.²⁹

The kingpin strategy and the presence of militarized forces have contributed to historically high homicide rates in Mexico, causing irreparable damage to Mexican society.

This is not the only strategy that causes violence to increase. Mexican scholar Laura Atuesta found that the presence of federal militarized forces contributes to the high levels of violence. On average, one additional confrontation with forces involving SEDENA causes a three percent increase in homicides per year.³⁰ In the short term, killing or detaining cartel members increases violence by 0.5 and three percent respectively, while each additional cartel member killed by public forces increases homicides by one percent. The kingpin strategy and the presence of militarized forces have contributed to historically high homicide rates in Mexico, causing irreparable damage to Mexican society. Despite evidence pointing to the damage it, the United States continues to use the kingpin strategy. The 2021 announcement of a \$5 million reward for information leading to the capture of any of El Chapo's family members demonstrated that the United States continued unrestricted support of the kingpin

²⁹ Berg, "The Bicentennial Framework for Security Cooperation."; Jason M. Lindo and María Padilla-Romo, "Kingpin Approaches to Fighting Crime and Community Violence: Evidence from Mexico's Drug War," *Journal of Health Economics* 58 (March 1, 2018): 253–68, <https://doi.org/10.1016/j.jhealeco.2018.02.002>, 253; Gabriela Calderón et al., "The Beheading of Criminal Organizations and the Dynamics of Violence in Mexico," *Journal of Conflict Resolution* 59, no. 8 (December 1, 2015): 1455–85, <https://doi.org/10.1177/0022002715587053>, 1455; Azam Ahmed, "Mexico's President Defends Government Response to Drug Cartel Mayhem," *The New York Times*, October 18, 2019, <https://www.nytimes.com/2019/10/17/world/americas/culiacan-mexico-chapo.html>

³⁰ Laura Atuesta, "Capítulo IV: Militarización de La Lucha Contra El Narcotráfico: Los Operativos Militares Como Estrategia Para El Combate Del Crimen Organizado," 2018, 27.

strategy even as the United States and Mexico developed the new bicentennial framework.³¹

Measuring the outcomes of Initiative programs remains an issue. The GAO has urged agencies working within Mexico to adopt outcome-based measures, not just output-based measures, to truly measure the effectiveness of programs. A May 2020 GAO report found that the State Department did not follow “key monitoring practices” or track the performance data of many of their programs.³² It can be difficult to ensure the success of programs without proper measurement and data. A combination of external and internal Mérida policies have contributed to the relative lack of Mérida successes.³³

Finally, other recent events in Mexico may have diminished the effectiveness of the Mérida Initiative, as well as cooperation between the United States and Mexico. The arrest of former Mexican defense secretary Salvador Cienfuegos in 2021 has brought about the worst deterioration of bilateral relations since the 1985 killing of Drug Enforcement Administration agent Enrique “Kiki” Camarena, then stationed as an undercover agent in Guadalajara. Though Cienfuegos was eventually released, the arrest was made by U.S. officials without giving the Mexican government any prior notice. American authorities eventually dropped the charges against the former defense secretary and sent him back to Mexico City after imprisoning him for nearly a month. López Obrador accused the United States of fabricating evidence. The Mexican government has since denied visas to several DEA agents and reduced overall security cooperation. This incident reduced information sharing between the two countries’ law enforcement teams and brought about increased tension between Washington and Mexico City.

³¹ Correa-Cabrera, “The End of the Merida Initiative?” 59–64.

³² Seelke and Finklea, “U.S.–Mexican Security Cooperation: The Mérida Initiative and Beyond,” 24; “Mexico: Evolution of the Mérida Initiative, FY2008-FY2021” (Congressional Research Service, September 20, 2021), <https://crsreports.congress.gov/product/pdf/IF/IF10578/21>

³³ Bower, “Militarized Mexico.”

The arrest of former Mexican defense secretary Salvador Cienfuegos in 2021 has brought about the worst deterioration of bilateral relations since the 1985 killing of Drug Enforcement Administration agent Enrique “Kiki” Camarena.

The more recent trial of former Mexican Public Security Secretary, Genaro García Luna, arrested in 2019, points to further connections between DTOs and the Mexican government. In February 2023, García Luna was convicted of accepting bribes from the Sinaloa Cartel while working for Felipe Calderón’s government to counter the drug trade. He is the highest-ranking Mexican official to be tried for drug-related corruption charges in the United States. The former minister proclaimed his innocence, arguing that he is the victim of attacks by the media and opposition politicians, a claim which former president Calderón also made. García Luna has appealed and his sentencing was postponed until March 2024 to provide the defense time to review additional evidence that has emerged potentially in favor of García Luna. On the other hand, López Obrador does not see this as similar to the arrest of Salvador Cienfuegos, and has cited García Luna’s arrest as an example of corruption under the “old regime.”³⁴

An additional factor in U.S. failures is that the Mexican government rarely provides support for alternative development programs that may diminish the effectiveness of Plan Mérida. This lack of spending on development, both from the Mexican government domestically and through other bilateral organizations, results in poor overall development outcomes, which works against Mérida’s goals of programming. These

³⁴ Berg, “The Bicentennial Framework for Security Cooperation.”; Vanda Felbab-Brown, “Cienfuegos and the US-Mexico Firestorm,” *Brookings* (blog), November 23, 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/11/23/cienfuegos-and-the-us-mexico-firestorm/>; “A Trial in New York Exposes US-Mexican Counter-Narcotics Tensions,” *The Economist*, January 26, 2023, <https://www.economist.com/the-americas/2023/01/26/a-trial-in-new-york-exposes-us-mexican-counter-narcotics-tensions>; Ioan Grillo, “Mexico’s Government Is on Trial in New York,” *Foreign Policy* (blog), January 26, 2023, <https://foreignpolicy.com/2023/01/26/genaro-garcia-luna-el-chapo-mexico-government-drug-trial-corruption-new-york/>; Alan Feuer and Nate Schweber, “Corruption Trial of Mexico Ex-Lawman Goes to Jury,” *The New York Times*, February 15, 2023, <https://www.nytimes.com/2023/02/15/world/americas/garcia-luna-trial-mexico-corruption.html>; “Ex-security chief García Luna’s US sentencing delayed until 2024,” *Mexico News Daily*, July 23, 2023.

alternative programs seek to provide employment opportunities for those in impoverished areas with little choice but to work for DTOs; the programs may take years to show results and require long-term commitments. While the market for drugs remains highly profitable, DTOs will always look to dominate the market and replace existing leaders. In 2017, the Mexican National Crime and Violence Prevention Program was defunded; it had been successful in high crime areas and how states would receive federal support for alternative development programs was left unclear. Other domestic policies managing pay for public servants also leave the door open for the influence of DTOs. Pay for judges and prosecutors remains low, leaving them susceptible to corruption that may damage the implementation of the Mérida Initiative.³⁵ On the other hand, the Mexican government, relative to other Organization for Economic Co-operation and Development (OECD) countries, spends relatively little on social programs. OECD countries spent an average of 20 percent of their GDPs on social programs with low-income countries spending an average of 15 percent in 2019. Mexico spent only 7.5 percent on social programs, the lowest in the OECD.³⁶

The Bicentennial Framework: Promises and pitfalls

The ambiguous relationship between the Mérida Initiative and the continued use of force in the region persists at a time when militarized policing has grown deeply unpopular. What is more, the tide of Latin American politics is moving away from unquestioned U.S. leadership. With instability increasing and few successes under its belt, policies such as the Mérida Initiative appear ineffective. They are cut from the same cloth as previous, U.S.-sponsored policies in the region that champion the use of force. Relying on the military has come at a grave human and economic cost. The

³⁵ Seelke and Finklea, "U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond," 23, 27; Atuesta, "Capítulo IV," 28; Berg, "The Bicentennial Framework for Security Cooperation."

³⁶ Sofía Solórzano Cárdenas, "Países de América Latina, entre los que menos invierten en gasto público social," *Diario La República*, November 30, 2020, <https://www.larepublica.co/globoeconomia/paises-de-america-latina-entre-los-que-menos-invierten-en-gasto-publico-social-3095263>.

failures have led to a proposed replacement, the U.S.–Mexico Bicentennial Framework for Security, Public Health, and Safe Communities, announced in 2021.³⁷

The tide of Latin American politics is moving away from unquestioned U.S. leadership.

The goals of the Bicentennial Framework are like those of its predecessor: to protect both countries' citizens, prevent transborder crime, and dismantle criminal networks, but the new initiative aims to elevate the importance of public health and safety in effect displacing the “war on drugs” paradigm. Although the Bicentennial Framework professes to promote alternative development programs, many of the new cooperation areas appear to be an extension of prior Mérida Initiative programming. Common themes include the strengthening of border mechanisms and security, improved capacity for law enforcement officers, the strengthening of communities, and the disruption of criminal organizations and networks. An emphasis on public health, primarily treatment for drug addiction, is the sole new addition. It remains to be seen which sections of the Bicentennial Framework will receive the most funding and emphasis.³⁸ Biden and López Obrador reviewed the framework during the Tres Amigos Summit and committed to elevate and accelerate efforts to address the impacts of the drug trade on both sides of the border, but many questions remain unanswered about the extent of militarized policing in future bilateral relations. How do U.S. and Mexican policymakers make the Bicentennial Framework a meaningful revision to the Mérida Initiative, not just a lot of talk, but substantive action? The Bicentennial Framework presents an opportunity to craft a new way forward, but most of it seems to be old wine in a new bottle.

To the extent its elements have been clarified 18 months after it was announced, the Bicentennial Framework remains security–centric in its approaches. For example, in

³⁷ “Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities.”

³⁸ “Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities.”

April 2023 the U.S. Department of Homeland Security (DHS) welcomed a Mexican delegation led by SSPC Secretary, Rosa Icela Rodríguez. In a meeting held at the White House to discuss shared security priorities, representatives from both countries discussed collaborative efforts to counter the trafficking of fentanyl and arms. The Mexican delegation announced the creation of a presidential commission that will address the trafficking of drugs and arms and dismantle the operations of the Sinaloa Cartel and the Jalisco New Generation Cartel. For its part, the DoJ and ATF agreed to target southbound weapons more intensively. The ATF's Operation Southbound would take a more expansive government approach to combat weapons trafficking with assistance from DHS law enforcement entities.³⁹

The Bicentennial Framework presents an opportunity to craft a new way forward, but most of it seems to be old wine in a new bottle.

Absent from the discussion was development and other programs for preventing Mexicans from becoming involved in the drug trade. Or what about the metrics for how and when success will be determined? The most recent meeting of U.S. and Mexican officials demonstrates an admirable commitment to domestic prevention programs that educate and prevent U.S. and Mexican youths from consuming narcotics. As an initial step, the United States and Mexico will convene a binational panel of public health experts to exchange information on preventing youth drug addiction. Little was said, however, about combating the larger issue of drug demand in the United States. Thus, several key policy aspects of the Bicentennial framework remain as yet unresolved.

³⁹ The White House, "Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities," April 13, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/13/joint-statement-from-mexico-and-the-united-states-on-the-implementation-of-the-u-s-mexico-bicentennial-framework-for-security-public-health-and-safe-communities/>

Conclusion: Suggested policy recommendations

The essence of the Bicentennial Framework should be cooperation and non-unilateral measures grounded in mutually respectful security cooperation that remain in place even when high profile incidents occur. As progress is made in operationalizing the Bicentennial Framework, it is clear that approaches prioritizing militarized enforcement do not work and are counter-productive, making U.S.-Mexico relations more hostile. Ironically, such hostility further strengthens U.S. voices supporting unilateral actions on Mexican soil. This brief has aimed to identify the pitfalls in bilateral security relations as U.S. and Mexican policymakers begin the next chapter in creating policies to combat fentanyl trafficking, as well as make the region safer and more stable. U.S. policy, including the Bicentennial Framework, has the potential to make meaningful changes in bilateral security relations, but it will only be successful if it:

1. Refrains from unilateral security measures against Mexico. Some American politicians have singled out Mexico as a foe, advocating for the unilateral use of the U.S. military to combat drug cartels and criminal organizations. Unilateral military operations against Mexico without the Mexican government's permission are an act of war against a neighbor and will destroy bilateral relations that have been carefully built up over decades. The United States should not conduct such unilateral operations. Unilateral U.S. actions in the law enforcement space would also have the effect of making an important partner hostile to American interests. General Cienfuegos's arrest, for example, undermined trust between the countries. A general, cooperative approach should be central to bilateral relations and policies. As a starting point, the Bicentennial Framework could incorporate a board of high-level retired diplomats from both sides of the border who are on hand to do damage control when relations threaten to cool after high profile incidents.

2. Implements more robust measures to halt U.S. arms flows to Mexico. While the United States has verbally committed resources to stop the flow of guns flowing south across the border, what remains clear is that Washington has devoted more resources

to what is coming into the United States versus what is flowing outside of it to Mexico. The Mexican government has rightfully criticized American politicians' virtual silence on the issue. U.S arms fuel criminal violence in a country that has no Second Amendment. In the unfortunate situation that a U.S. military intervention ever occurred in Mexico, U.S. soldiers would be confronted by criminal organizations firing sophisticated, American-made weaponry at them. What the United States is currently doing is not working. More robust federal resources should be employed against gun manufacturers who must be held accountable for participating in an illicit enterprise. Additional ATF agents should be stationed at the U.S. side of the border to monitor the outgoing flows of arms to Mexico. Moreover, controlling weapons flows to Mexico should be more broadly incorporated into the responsibilities of the Border Patrol and other border enforcement entities.⁴⁰

3. Expands and develops such that the military plays less of a role in enforcement and more of a role in civil action and development initiatives. The Bicentennial Framework has taken initial steps to conceptualize security more broadly – i.e., prioritizing measures outside the realm of hard, military force. The policy should continue to expand across these lines. In the past, the United States has rather discreetly funneled military assistance to Mexico through nonmilitary pots of money. It is unrealistic to assume that the United States can immediately halt all of the military training and assistance it provides to Mexico, but these resources can be gradually minimized alongside the increase in Mexican development programs. Military entities can be useful in carrying out humanitarian and development projects. In the post Cold War era, the United States reduced its overall levels of engagement in Mexico and Latin America. From a hard military force perspective, the reduction of U.S. military force employed in the region is welcome, but from a development perspective the U.S. military misses a valuable opportunity to help the region rebuild. U.S. Northern Command

⁴⁰ The White House, "Fact Sheet: Biden-Harris Administration's ongoing efforts to stem firearms trafficking to Mexico," June 14, 2023, <https://mx.usembassy.gov/fact-sheet-biden-harris-administrations-ongoing-efforts-to-stem-firearms-trafficking-to-mexico/>

(USNORTHCOM) was established in 2002 as part of renewed U.S. homeland security, and Mexico falls within the command's area of operations. While USNORTHCOM does conduct a range of training with the Mexican military, the command and representative along the border—Joint Task Force North (JTF North) headquartered in Fort Bliss, Texas—focus considerably less attention to civic action and humanitarian functions, which could help bring stability to remote areas of Mexico and develop long term, sustainable solutions against violence. The military has the tools to use force if an area becomes violently unstable, but it has the capacity to do so much more outside the realm of traditional military operations.

4. Supports Mexico-led development programs. The Bicentennial Framework remains largely focused on preventing crime and pursuing criminal networks despite the rhetoric on improving the development side of bilateral cooperation. The drug trade and related violence are symptoms of a deeper problem, and thus small-scale programs targeted at reducing substance abuse or attacking enablers of violence will fail to instill meaningful change. Mexico and the United States must place a stronger emphasis on and make a large commitment to providing education and economic opportunities for vulnerable populations, especially in Mexico. The level of emphasis these broader educational and economic opportunity programs will receive under the Bicentennial Framework remains unclear. Collaborations between U.S. and Mexican security agents continue — with the kingpin strategy at the forefront — and the ultimate losers in this arrangement are poorer inhabitants.

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