

The Mérida Initiative On the Mexico-U.S. Border

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Leovigildo González/Cuartoscuro

Destroying opium poppy fields.

Insecurity along the Mexico-U.S. border has increased significantly, among other reasons, because of the limitations of U.S. policy on drug trafficking south of its border, as well as the deficiencies of Mexico's policy to fight trafficking in its own territory. U.S. policy has been characterized by the following:

- emphasis on border control and prevention of addiction;
- different strategies of territorial influence: financial, institutional, commercial;
- the lack of a comprehensive, cross-cutting vision;
- lack of coordination and bureaucratic conflicts;

- increased consumption and expansion of the U.S. market; and
- disputes among criminal groups for position in the territory (2001-2008).

As a result, to the extent that these problems are not dealt with comprehensively, taking into account their social, economic, political and institutional dimensions, and with strategic vision, it is only to be expected that organized crime along Mexico's borders will increase.

Security may be a priority in U.S. policy, but it is fundamental to build a strategic bi-national security agenda. For Mexico's northern border states, it is important to reconcile the different dimensions and impacts of everything related to national security (organized crime, drug and arms trafficking and money laundering), public security (robbery, addic-

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tions and kidnappings), human security (addiction prevention programs and a culture of legality) and border security (restrictions on the flow of migrant workers to the United States and delays in border crossings). This is why it is fundamental to evaluate the alternatives that both the Partnership for Prosperity and Security of North America (SPP) and the Mérida Initiative can offer to strengthen programs for development, prevention and legal reform along the northern border. Nevertheless, this evaluation has not been carried out since the border states have not participated in any inter-governmental agenda. The importance of this has still not been identified as part of a comprehensive strategic plan.

WHAT DO THE SPP AND THE MÉRIDA INITIATIVE OFFER?

The SPP proposes creating investment projects in communities in central Mexico. In addition, it has aided in strengthening Mexico-U.S. anti-drug cooperation. However, it has not been effective in reducing drug trafficking along the border. This is why the SPP is facing the challenge of being redefined with a security and regional development focus in which both priorities would be balanced. Nevertheless, there are doubts about the new U.S. administration's ability to conciliate a strategic focus that could link up with the Mérida Initiative and the rest of the border control schema promoted by the Bush administration. This lack of definition in bilateral policy opens up a space for criminal groups to continue positioning their organizational capabilities on the border. The question is whether it is viable to redefine the bilateral anti-drug strategy in the framework of the implementation of the Mérida Initiative.

CHANGES IN PUBLIC POLICY?

If a series of changes are made to public policy, there must be a comprehensive diagnostic analysis that underlines the interdependence of the determining factors of public insecurity, national security, border security and levels of social inequality. Also, policy strategies must have a comprehensive, transversal, strategic focus, emphasizing the central role of the army and navy, particularly in intelligence gathering. In addition, the rest of the police forces will have to change their focus, capabilities, incentives and anti-corruption controls. The role of the police forces must be based on a pattern of operational and

inter-institutional cooperation, thereby reducing the structural limitations that have prevented this kind of link. In this, there must be a legitimate civilian command responsible for the executive coordination of the different tasks.

Strategic and operational programs to articulate police actions and those of others related to social preventive measures with an inter-organizational focus must also exist. These program profiles must be a public policy priority, considering that international experience indicates that they are indispensable for reducing or controlling insecurity. What is more, it is fundamental that they be subject to evaluation so their advances, impact and setbacks can be seen. It should be pointed out that in Mexico, evaluation of public administration is in beginning stages, particularly the review of police forces; this means it is extremely important to strengthen these processes, changing and reformulating some aspects of security policy by:

- on-going security policy formulation, given the capacity of criminal groups to reinvent themselves with a strategic vision and with consensus;
- ensuring presidential and military leadership allied with police forces;
- including an effective inter-governmental, inter-organizational focus;
- promoting police training with new values, focuses and disciplines;
- linking up with plans for police policy and operations; and
- adopting a preventive approach for policing.

These premises offer an idea of the complexity and the challenges implicit in moving the SPP ahead in Mexico-U.S. relations with a focus on development. This is why its greater effectiveness will depend on a series of factors linked to operations, priorities, political agreements, a greater vision, capacity, leadership and strategic planning by the different Mexican and U.S. actors.

BORDER CHALLENGES

FOR THE BILATERAL AGENDA: SECURITY

Border instability and insecurity in both nations have been the product of the limitations of U.S. anti-drug policy with regard to the border, the absence of effective bilateral coop-

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eration, arms smuggling into Mexico and, finally, Mexico’s disarticulated inter-governmental actions against insecurity. This has resulted in the same levels of cocaine, marijuana, heroin and recently methamphetamines flowing into the United States as in the early 1990s. The increase in border violence since late 2008 has changed the main problem on the agenda with the United States: it is no longer migration; now it is insecurity, violence and organized crime on the border. In fact, President Barack Obama’s visit to Mexico in April 2009 dealt fundamentally with these issues.

One of the new problems on the border agenda is the increase in addictions in the main border cities on the Mexican side, as a result of the spike in the drug supply on both sides of the border and the limitations of seizures of shipments in both countries. In this context, current U.S. anti-drug policy, in place since 1992, has not reduced the capacity of criminal groups to transport marijuana, cocaine and methamphetamines from Mexico. Also, while actions to fight money laundering have increased, they have been insufficient given the limitations in transparency and financial control.

The importance of the Mexico-U.S. border, specifically the border between California and Baja California, is illustrated by the fact that an estimated 40 percent of the drugs confiscated from 2007 to October 2008 in the entire United States were confiscated there. This illustrates the significance of U.S. society’s demand for drugs supplied by Mexican criminal organizations.

One of the priorities of bi-national policy must be reducing the flow of arms across the border, most of which come from the United States. One influential factor is “liberal” policies about the purchase and carrying of arms, favoring their acquisition and commercialization. U.S. authorities estimate that there are 7,000 armories along their southern border, most in California and Texas, not counting the gun fairs and exhibitions open to the general public where any kind of item can be obtained. The bilateral challenge in this area is to strengthen laws and programs like Gunrunner. This Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

program seeks to focus resources on investigation, intelligence and training to decrease arms trade to Mexico and slow the violence generated by them on both sides of the border. However, the program’s efficacy and impact depends, among other things, on greater determination by the U.S. government using a comprehensive vision including taking into account the influence of the gun lobby, the importance of individual freedoms, prevention and shoring up the judicial, police and health sectors. Also, the evaluation of border programs to fight arms trafficking should become more effective by using past experience and present challenges, in addition to fostering Mexican police forces’ professionalization and anti-corruption controls, particularly among customs police.

To counter the deepening problems of border insecurity, Mexico’s federal government has strengthened the presence of the army and part of the navy in Tijuana and Ciudad Juárez since the end of 2007. However, this has not reduced organized crime in the area since the policy is limited in design, in the implementation of comprehensive, cross-cutting strategies, its evaluation methods, and its lack of support from local, state and federal police. For these reasons, the Mexican army’s effectiveness has been cut, leading to the urgent need to reformulate the strategy based on the following criteria:

- developing a comprehensive, cross-cutting design that will promote reactive and preventive policies;
- strengthening elite military groups specialized in the fight against organized crime;
- improving the capabilities of the institutional actors (PGR, the Federal Investigation Agency [AFI], Federal Preventive Police);
- achieving effective inter-governmental coordination;
- professionalizing the human resources dedicated to investigation and intelligence work;
- respecting human rights and fostering a closer partnership with NGOs; and
- consolidating the capabilities of the judicial and preventive systems supporting military action.

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As I already mentioned, insecurity in border states poses the opportunity of evaluating the alternatives the Mérida Initiative can offer, as an option to strengthen strategic programs of prevention, judicial reform, human rights defense and comprehensive justice. A general diagnostic analysis done prior to the implementation of the Mérida Initiative indicates the following weaknesses:

- Diagnostics are partial.
- Training and professionalism in the systems of administration of justice are deficient.
- Institutional capabilities are limited, particularly on the local and state level.
- Mechanisms for controlling corruption are inadequate.
- There is no incentives policy.
- Unilateral and discordant views prevail.
- Policies are short-term, not long-term.
- There is a notable absence of planning and evaluation.
- Public participation is very limited.

The Mexican government needs a strategic security plan for the border states, incorporating the different dimensions of security already mentioned, because what has actually happened are isolated, short-term actions that only keep the problems at bay, if, indeed, they do not aggravate them. For their part, the Americans continue expressing concern about the risks to their security. In this context, the Mérida Initiative could be an option to support an effective bilateral program if accompanied by the following conditions:

- a multidimensional strategy (including the police, preventive, legal, institutional and military aspects);
- a military leadership in favor of synergies with other key actors;
- the articulation of a strategy with different national, regional and cross-border options;
- inter-governmental operations effective in security matters, accompanied by development policies;

- promoting greater professionalism inside the police forces;
- tougher anti-corruption controls;
- effective public participation, not only monitoring possible police abuses, but promoting and evaluating preventive programs.

Mexico is facing the challenge of strengthening inter-governmental coordination to resolve national and border security problems. So, the priority is to intensify coordination among border-state governments and federal agencies like the Ministry of Defense, the Ministry of Foreign Affairs, the Attorney General's Office and the Ministry of Public Security.

NEW BORDER POLICIES:

THE SPECIAL REPRESENTATIVE FOR BORDER AFFAIRS

The U.S. government has appointed former Justice Department official Alan Bersin as Department of Homeland Security Assistant Secretary for International Affairs and Special Representative for Border Affairs, in charge of directing efforts against drug-trafficking related violence along the Mexican border.¹ An experienced official, Bersin's actions are oriented to making his country's borders more secure, promoting trade and transactions, and facilitating cooperation between federal, state and local U.S. authorities and their counterparts in Mexico. Nevertheless, he may encounter limitations in achieving his goals, like the difficulty in coordinating the diverse federal agencies associated with anti-drug policies and security, given their autonomy and bureaucratic nature; past experience with U.S. anti-drug policy focused on the Mexican border, where drug trafficking has not substantially diminished; the history of U.S. border security policy, which has not achieved a balance between easing border crossings and security; Washington's lack of knowledge about the different dimensions and contexts of border insecurity; and the implementation of the Mérida Plan, which empha-

sizes the policing approach, ignoring the rest of the dimensions of security. It clearly reiterates the emphasis on a reactive, policing policy that does not promote prevention-oriented alternatives. In other words, it will be difficult for a single person to integrate, design, execute, coordinate and evaluate the different programs related to border issues, when, in addition, there are different bureaucratic priorities, inertias and deficiencies of inter-governmental operations.

Bersin's role could have a bigger short-term impact if, among other things, he had the political support of Secretary Janet Napolitano and carried out a comprehensive, strategic, cross-cutting diagnostic analysis of the dimensions of border insecurity, as well as an evaluation of current programs in order to focus his priorities and impact. In addition, defining the priority programs and articulating them through effective inter-governmental operations is important. Greater attention must also be paid to preventive programs on the U.S. side of the border, particularly programs to reduce consumption and generate synergies with key actors in Mexican border development from the angle of shared responsibility. In this way, a more comprehensive vision of the Mérida Initiative would be created, putting a priority on strengthening institutional capabilities on both sides of the border.

OBAMA'S VISIT

Obama's first visit to Mexico in April 2009 took place amidst great U.S. government concern about the violence and insecurity prevalent along the border. Obama was preceded by Hillary Clinton and Janet Napolitano, who underlined their government's interest in strengthening a focus of shared responsibility in the fight against organized crime and drug trafficking. The question is how it will be implemented and whether pressure will be brought to bear given the concerns of U.S. police forces about a history of corruption among their Mexican counterparts.

Greater cooperation and co-responsibility in the face of the unprecedented violence by drug traffickers is the main change in Washington's discourse. One example of this is Hillary Clinton's statement admitting that 90 percent of the guns used by drug traffickers come from the United States. However, the challenge for the U.S. administration is articulating these initiatives with concrete programs operated with an international focus and with on-going evaluations, both usually absent in its anti-drug cooperation policy. Washington

gave another sign of support for Mexico by stating recently that the U.S. property of three of the most powerful cartels (Sinaloa, La Familia and Los Zetas) might be seized and confiscated.

In short, it is expected that U.S. interest in bolstering anti-drug cooperation will increase in order to reduce the power of these criminal groups both along the border and in the central part of the country. Thus, Mexican priorities *vis-à-vis* the United States are

- reiterating that border insecurity is a bi-national, international problem and therefore a mutual responsibility;
- evaluating the impact of U.S. anti-drug policy in order to avoid repeating experiences with deficient, low impact;
- proposing initiatives oriented to strengthening cooperation, coordination and cross-border planning on issues of security and development;
- promoting a strategic operations focus that would tend toward competitiveness and border development in the framework of the SPP;
- creating equilibrium among the border security and prevention policies;
- supporting inter-governmental operations so they can be competitive and facilitate development;
- analyzing the Mérida Initiative from the perspective of protecting human rights;
- strengthening cooperation between the two countries by identifying priority, high-impact actions that correlate with Mexican priorities.

FINAL CONSIDERATIONS

In short, security will continue to be the most important issue for the coming years, seemingly postponing the fulfillment of the campaign promise of legalizing the approximately 12 million Mexican immigrants in the United States. In the meantime, the bilateral relationship is going through a complex moment that requires several profound reformulations. Doing this deficiently could facilitate better positioning of the criminal organizations, which today seem to enjoy a certain social and even political support. **NM**

NOTES

¹ Bersin worked as the "border czar" for Attorney General Janet Reno under President Bill Clinton.