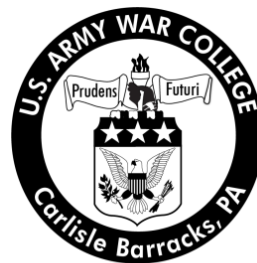


# Strategy Research Project

## Making the Merida Initiative Work

by

Colonel Clem Cooper  
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United States Army War College  
Class of 2012

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USAWC STRATEGY RESEARCH PROJECT

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## **ABSTRACT**

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For several decades, the United States and Mexico both had to deal with major transnational border issues. Those issues continue to escalate. Violence and instability in Mexico reached unprecedented levels over the last five years. The U.S. is attempting to neutralize the violence by assisting Mexico through several major interagency efforts. One of the leading efforts is through a Department of State (DoS) led plan titled the Merida Initiative. To date, the Merida Initiative is only achieving limited success as a strategy to curb violence and the war on drugs. It is possible to do better by improving cooperation and synchronization in the interagency and multinational process. According to Professor Paul Kan, “defining the nature of the problem brings inherent challenges of establishing U.S. policy to support Mexico but more important, developing a comprehensive strategy that is going to achieve results.”<sup>1</sup> The U.S. must isolate the key issues, develop appropriate measures and better structure the interagency lead for success. The Department of State is currently leading in name only. The Merida Initiative can work, but not without an overhaul of the strategy in order to support Mexico and ensure the security of the U.S.





## MAKING THE MERIDA INITIATIVE WORK

For several decades, the United States and Mexico both had to deal with major transnational border issues. Those issues continue to escalate. Violence and instability in Mexico reached unprecedented levels over the last five years. Since 2006, Mexican cartels murdered over 47,500 Mexican citizens in drug related violence.<sup>2</sup> In the city of Juarez, bordering El Paso Texas, drug related murders totaled over 3000 Mexican citizens in 2010.<sup>3</sup> The killing of a U.S. Immigration and Customs Enforcement (ICE) agent,<sup>4</sup> a Custom Border Patrol agent,<sup>5</sup> and U.S. consulate employees and their families,<sup>6</sup> during the same period, make the overall situation along the southwest border a heightened concern for the U.S. The immediate security and safety of U.S. citizens is at stake. The U.S. shares partial responsibility for the violence along the southwest border and in Mexico. The major cause for the violence in Mexico is attributable to the demand for illegal drugs in the U.S. Additionally, a significant amount of illegal weapons used by the cartels are traceable to U.S. suppliers.

The U.S. is attempting to neutralize the violence by assisting Mexico through several major interagency efforts. One of the leading efforts is through a Department of State (DoS) led plan titled the Merida Initiative. Secretary of State, Hillary Clinton stated:

The United States remains committed to helping the Mexican Government go after the cartels and organized crime and the corruption they generate..... Our goal is ... to provide support and help to enable our Mexican friends and partners to be as successful as they are seeking to be. And we will continue, through the Merida Initiative, to provide significant support.<sup>7</sup>

To date, the Merida Initiative is only achieving limited success as a strategy to curb violence in support of Mexico's war on drugs but it is possible to do better. By improving cooperation and synchronization between the DoS and other federal agencies like the

Department of Defense (DoD), Department of Justice (DoJ) and Department of Homeland Security (DHS), the U.S. can reduce the violence and increase stability. This cooperation must include Mexico to facilitate and enhance capacity to mutually address broader and shared security challenges. It's time to get serious about the Merida Initiative and actually bring all factors together to achieve success.

The objective of this paper is to first provide a better understanding of the current U.S. commitment and interagency efforts to fight the war on drugs inside Mexico and reduce violence along the southwest border. It will cover how the U.S. became involved and the extent of resources committed over the last several decades to this effort. It will present the current circumstances and analyze key issues hindering cooperation and synchronization of U.S. interagency efforts to engender success within the Merida Initiative. Finally, it will propose alternatives through the other elements of national power to redirect the effort in a more positive and fruitful direction. As Professor Paul Kan stated, "defining the nature of the problem brings inherent challenges of establishing U.S. policy to support Mexico but more important, developing a comprehensive strategy that is going to achieve results."<sup>8</sup> One thing is certain, the U.S. must isolate the key issues in order to develop a policy that creates a strategy, applies the proper resources, all able to attain satisfying and tangible results to support Mexico and ensure the security of the U.S.

### Background

When Mexican President Felipe Calderon was elected into office in 2006, he immediately turned his focus on the powerful Mexican cartels as the major source of violence perpetrated in the country. The gruesome killings and abhorrent techniques

ranging from beheadings, hangings and internments in mass graves, led to Calderon's decision to launch an offensive campaign on the drug cartels. Since taking office he's, at some level, successfully neutralized three of the five major cartels. Two extremely violent and rival cartels, the Zeta's and Sinaloa, dominate the current drug war. Both are competing for the lucrative drug markets and porous trafficking routes into the U.S.

In addition to a growing demand for drugs from the U.S., the weapons used by the cartels come from U.S suppliers. The Obama administration acknowledges the U.S. is losing the battle to stem the flow of weapons from American guns shops to Mexican drug cartels; all used in tens of thousands of killings.<sup>9</sup> The U.S. Attorney General, Eric Holder, told a Senate hearing in November 2011, profits from selling illegal drugs in the U.S. are used to buy guns. Those guns transit across the Mexican border to the cartels that use them to protect their operations in a small scale war in order to send more drugs to the U.S. He noted that of the 94,000 weapons captured from drug traffickers by the Mexican authorities, more than 64,000 originated in the US.<sup>10</sup>

The conclusion assumption that the origin of most violence in the U.S. is drug related isn't a new one. It has been a national issue for every U.S. president since Richard Nixon. Four decades ago, on 17 July 1971, President Nixon declared *War on Drugs*. He told Congress drug addiction had "assumed the dimensions of a national emergency, and asked Capitol Hill for an initial \$84million for emergency measures".<sup>11</sup> President Nixon signed into law the *War on Drugs* on 28 January 1972, saying: "I am convinced the only way to fight this menace is by attacking it on many fronts."<sup>12</sup>

Due to President Nixon's resignation, President Gerald Ford was only able to sustain what the Nixon administration initiated. President Jimmy Carter attempted a

different approach to deglamorize the trafficking of marijuana. He opted to decriminalize one ounce or less of marijuana for use or possession to a misdemeanor offense as opposed to the federal penalties that were in effect.<sup>13</sup> This change had an unintended effect on the drug market contributing to the interdiction of a more expensive and addictive drug, cocaine. During the early 1980's, the influx of cocaine from Columbia into the U.S. reached astounding proportions due to the rising influence of the Medellin cartel.<sup>14</sup> The alliance of powerful cartels, which included the infamous Pablo Escobar, worked together to manufacture, transport and market cocaine.<sup>15</sup>

President Ronald Reagan assessed the drug situation as getting worse and that the Columbian cartels were gaining momentum. This led to new counter-drug policies and initiatives. First, the U.S. and the Columbian governments ratified a treaty of extradition of drug related criminals in 1981.<sup>16</sup> Second, in 1982 under the direction of Vice President George H.W Bush, agents from multiple agencies and military branches combined to form the South Florida Drug Task Force. They targeted Miami as being the main entry point at the time.<sup>17</sup> Finally in 1984, the famous "Just Say No" counter-drug campaign under the direction of First Lady Nancy Reagan began.<sup>18</sup>

A significant shift in trafficking routes occurred in the mid 1980's. The South Florida Drug Task Force was successful interrupting the flow of illegal drugs from Columbia through Miami. Needing a new avenue, the Mexican border became the major point of entry for cocaine headed into the United States.<sup>19</sup> The entry of illegal drugs through neighboring Mexico increased the urgency of a wide spread problem with national security implications to the U.S. Towards the end of President Reagan's term in office he signed a major bill, the Anti-Drug Abuse Act of 1988. He established the Office

of National Drug Control Policy (ONDCP) to set priorities, implement a national strategy, and certify Federal drug-control budgets. The law specified the strategy be: comprehensive and research-based; contain long-range goals and measurable objectives; and seek to reduce drug use, trafficking, and their consequences. Specifically, it aimed to prevent young people from using illegal drugs, reducing the number of users, and decreasing drug availability.<sup>20</sup> Once elected, President George H.W. Bush continued the same programs. He appointed the first Drug Czar under the ONDCP and significantly increased the DoD's counter-drug responsibility.

Later, during the President Clinton era, a more concerted effort targeted the rise in cocaine use by attacking the root of the problem in Columbia with \$1.3 billion in aid called *Plan Colombia*.<sup>21</sup> The effort sought to decrease the amount of cocaine produced in that nation. Plan Colombia was successful but illegal drug trafficking continued to rise as drugs entered through Mexico. Following the Clinton administration, when George W. Bush became president, he focused more attention on Mexico and began providing resources. On June 30, 2008, President George W. Bush signed into law the Merida Initiative, a 3-year, \$1.6 billion counterdrug assistance program for Mexico and Central America. The bulk of the money is to fund counternarcotics operations in Mexico against the powerful cartels who recently turned much of that country into a war zone.<sup>22</sup> President Barack Obama continues to address the four decade old problem by continuing to support the initiative along with focusing other elements of national power.

The policy and strategy for addressing the violence in Mexico derives from the President's National Security Strategy (NSS) and the National Military Strategy (NMS) for DoD. The situation in Mexico is not typical of most U.S. policy challenges but one of

extreme concern. The near term threat alone is a direct impact on U.S. interest. The NSS states; “the strategic partnerships and unique relationships we maintain with Canada and Mexico are critical to U.S. national security and have a direct effect on the security of our homeland”.<sup>23</sup>

The President further defines the intent of the U.S. by saying; “with Mexico, in addition to trade cooperation, we are working together to identify and interdict threats at the earliest opportunity, even before they reach North America. Stability and security in Mexico are indispensable to building a strong economic partnership, fighting the illicit drug and arms trade, and promoting sound immigration policy”.<sup>24</sup> The NMS also makes a specific point by stating; “as part of our shared responsibility to ensure security on both sides of our border, we shall assist Mexican security forces in combating violent transnational criminal organizations”.<sup>25</sup>

### Current Initiatives

As the interagency and diplomatic lead, Department of State executes the Merida Initiative. The initiative was launched in October 2007 as a \$1.6 billion effort aimed at supporting law enforcement activities.<sup>26</sup> The Mérida Initiative provides training and equipment to help address the problem of increasing crime and violence in Mexico and Central America. It provides funding for:

- aircraft and boats to support interdiction activities and rapid response of law enforcement entities and other security forces;
- inspection equipment and canine units to facilitate interdiction of trafficked drugs, arms, cash, explosives, and persons;
- technical advice and training to strengthen the institutions of justice and

law enforcement;

- crime prevention programs that address the root causes of crime and violence, especially amongst youth.<sup>27</sup>

The original four primary goals of the Mérida Initiative were to: (1) break the power and impunity of criminal organizations; (2) assist the Mexican and Central American governments in strengthening border, air, and maritime controls; (3) improve the capacity of justice systems in the region; and (4) curtail gang activity in Mexico and Central America and diminish the demand for drugs in the region.

In 2009, Obama Administration officials worked jointly with their Mexican counterparts to develop new goals for the Mérida Initiative in Mexico, known as the four pillars, which supersede the original goals. They are: (1) Disrupt Organized Criminal Groups; (2) Institutionalize Reforms to Sustain Rule of Law and Respect for Human Rights; (3) Create a 21<sup>st</sup> Century Border; and (4) Build Strong and Resilient Communities.<sup>28</sup> The Mérida Initiative continues today as one of the primary efforts by the U.S. government to aid Mexico on its war on drugs and to improve the overall security in Mexico and the southwest border.

In addition to the DoS led effort, Department of Homeland Security (DHS) has a major role integrating major efforts under the Southwest Border Security Initiative.<sup>29</sup> In 2009, DHS Secretary Janet Napolitano announced several updates to the southwest border initiatives designed to crack down on Mexican drug cartels through enhanced border security. The plan calls for additional personnel, increased intelligence capability and better coordination with state, local and Mexican law enforcement authorities.<sup>30</sup> Secretary Napolitano states this issue requires immediate action and has two very clear

objectives. First, DHS is going to do everything it can to prevent the violence in Mexico from spilling over across the border. And second, DHS will do all it can to help President Calderón crack down on drug cartels in Mexico.<sup>31</sup> DHS highlighted several accomplishments in the last few years. Noteworthy of mention are:

- Since 2004, the number of civilian “boots on the ground” along the southwest border increased by nearly 85% to more than 17,700 Border Patrol Agents today.
- Immigration and Customs Enforcement (ICE) increased the number of federal agents deployed on the Southwest border with a quarter of all its personnel in the Southwest border region – the most ever.
- ICE quintupled deployments of Border Liaison Officers, who facilitate cooperation between U.S. and Mexican law enforcement authorities on investigations and enforcement operations.
- DHS completed 650 miles of fencing, including 299 miles of vehicle barriers and 350 miles of pedestrian fence.
- Nationwide Border Patrol apprehensions of illegal aliens decreased from 724,000 in FY 2008 to approximately 463,000 in FY 2010, a 36% reduction, indicating fewer people attempting to illegally cross the border.
- From 2009 to mid-2011, DHS seized 75% more currency, 31% more drugs, and 64% more weapons along the Southwest border, as compared to previous last two and a half years during the previous Administration.<sup>32</sup>



For a relatively new government organization, DHS had remarkable success in growing their capacity to operate throughout the U.S., but in particular, made a significant contribution to the southwest border security efforts.

Department of Justice (DoJ) is another major federal agency integrated in the overall southwest border protection and support to the war on drugs. Their subordinate element, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), leads this effort. Gun trafficking to Mexico is a nationwide problem with consequences on both sides of the border. In 2006, ATF implemented a comprehensive strategy to reduce firearms and explosives related violent crime associated with Mexican criminal organizations. Called Project Gunrunner, the strategy seeks to prevent these organizations from unlawfully acquiring and trafficking firearms and explosives. Through Project Gunrunner, ATF works in conjunction with its domestic and international law enforcement partners to identify, disrupt, and dismantle the firearms and explosives trafficking infrastructure of criminal organizations operating in Mexico, along the border, and other areas of the U.S.<sup>33</sup>

One of the major operations the DoJ conducted was Operation Fast and Furious, a program carried out by the ATF. This operation, started in the fall of 2009 and continuing into early 2011, authorized the federal government to purposefully allow known or suspected gun smugglers to purchase guns from federally licensed firearms dealers in Arizona. The government did not seek to abort these gun purchases, nor intercept the smugglers after the purchases, or recover the guns they had purchased. In some cases, as the government expected, the smugglers delivered the guns directly to Mexican drug trafficking organizations. The reported purpose of the operation was to

track and uncover the entirety of the smuggling operations to more effectively combat them until they completely shutdown.<sup>34</sup> The DoJ has a viable and dangerous role in the southwest border security effort and few ways to curb illegal weapons traffic from the U.S. into Mexico.

Through the guidelines established in the NMS, the DoD is committed to both the drug war and border security efforts. DoD increased its counter-narcotics support to Mexico by 17-fold from funding levels of \$3 million per year before 2009 to \$51 million in fiscal year 2011, according to a top Pentagon official.<sup>35</sup> William Wechsler, Deputy Assistant Secretary of Defense for Counter-narcotics and Global Threats, testified to the Senate Armed Services Emerging Threats and Capabilities Subcommittee in April 2011, DoD uses funding for “training, equipping, and information sharing, as well as, indirect support to units of the Mexican armed forces with counter-narco terrorism missions”.<sup>36</sup> Wechsler also stated, this is an emerging issue for DoD whom is working “to develop a joint security effort in the border region of Mexico.”<sup>37</sup> It is worthy to note, the money DoD allocates to support Mexico’s war on drugs is separate from and additive to the funds appropriated under the Department of State’s Mérida Initiative.<sup>38</sup>

In addition to DoD’s funding support, the military element provides Joint Task Force North (JTF North) to the federal homeland security effort. Formerly known as Joint Task Force-Six (JTF-6), JTF North is the DoD organization tasked to support federal law enforcement agencies identify and interdict suspected narcotics-related traffickers and other transnational threats. In response to President George H.W. Bush’s declaration of the *War on Drugs*, then General Colin Powell, Commanding General of the U.S. Army’s Forces Command, issued the order on November 13, 1989 establishing

JTF-6 at Fort Bliss, Texas. JTF-6 was established to serve as the planning and coordinating operational headquarters to support local, state, and federal law enforcement agencies within the Southwest border region to counter the flow of illegal drugs into the United States.<sup>39</sup> JTF-6's efforts led to both a greater recognition of the potential for military assistance in counterdrug efforts and a significant expansion of the partnership among active duty forces, reserve components, and the nation's law enforcement agencies.

On September 28, 2004, JTF-6 was officially renamed JTF North and its mission expanded to include providing support to the nation's federal law enforcement agencies.<sup>40</sup> The tactics, techniques, and procedures the command developed over the years in the *War on Drugs*, contributes immeasurably to the accomplishment of JTF North's broader new mission of combating transnational threats.<sup>41</sup> Transnational threats to the national security of the United States includes international terrorism and narcotrafficking.<sup>42</sup> JTF North's support enhances law enforcement agencies' homeland security efforts to anticipate, detect, deter, prevent, and defeat transnational threats to the homeland.<sup>43</sup> As a subordinate element of USNORTHCOM, JTF North is under the operational control of U.S. Army North. The task force operates within the USNORTHCOM area of responsibility, including the entire North American continent and its air, land, and sea approaches.<sup>44</sup>

When domestic law enforcement agencies request DoD support from JTF North, the request goes to the affected state National Guard (NG) Counter-drug Coordinator to determine if the state can provide the support under Title 32 , U.S. Code (USC).<sup>45</sup> To accomplish this mission, the NG Bureau maintains a liaison team within JTF North's

headquarters. If the state NG does not possess the required capabilities or assets, the support request is then considered by JTF North for all federal support. All support requests submitted to JTF North must comply with U.S law and DoD policy for domestic employment under Title 10, USC.<sup>46</sup> The DoD is able to provide resources, expertise and operational experience to the nation's federal law enforcement agencies, but only within legal limits.

Realizing drug proliferation, from Mexico, is a major component of the border security issue, the Office of National Drug Control Policy established an aggressive anti-drug use information campaign. The Administration's 2011 *National Drug Control Strategy* contains support for smart and cost-effective programs to reduce drug use and its consequences. The United States Congress created the National Youth Anti-Drug Media Campaign in 1998 to prevent and reduce youth drug use. The Media Campaign has two distinct areas of focus: a teen-targeted *Above the Influence* (ATI) Campaign, and a young adult-targeted *Anti-Meth Campaign*.<sup>47</sup>

The recently redesigned, *Above the Influence* campaign, balances broad prevention messaging at the national level with targeted efforts at the local community level. This new approach allows the campaign to reach all teens across the country with a highly visible and effective national messaging presence while encouraging youth participation with ATI at the community level. Youth-serving organizations, such as Drug-Free Community grantees, Boys and Girls Clubs of America, SADD Chapters, Girl's Inc., Girl Scouts, Community Anti-Drug Coalitions of America (CADCA), the National Organization for Youth Safety (NOYS), and Y's (formerly YMCAs), work directly with the media campaign to implement on-the-ground ATI activities with teens.<sup>48</sup>

With the wide-spread use of the social media, it's important for the U.S. to utilize this important and growing recourse to reach a broad national audience. This presents a cheap and effective way to communicate both the dangers of drug use and its contribution to violence in Mexico.

The U.S. appears to be falling into a false sense of complacency believing policy and resources are aligned to assist the government of Mexico. Major elements of national power and extensive resources have been committed to the ongoing problems along the Southwest border but violence continues along with increased drug flow into the U.S. The \$1.6 billion Merida assistance initiative along with the other complimentary programs is not having an immediate effect in Mexico. The question then becomes why not?

#### "A Lack of Synergy & Impact"

All these efforts delineate the current means the U.S. interagency is utilizing to address the cartel led, narcotic-trafficking violence occurring along the U.S. and Mexican border. The interagency is committing significant resources and personal effort to target the root of the violence in Mexico and along the southwest border. The intent of these programs is to execute the White House's preferred policy and strategy.

As with many strategies, involving multiple agencies, the ways and means are executed independently to affect a problem. These unilateral operations create gaps and challenges between agencies. There is no requirement for the interagency lead to account for the entire effort. There is no mechanism to analyze, assess or measure the effectiveness of each agency's contribution national solution. There appears to be a significant breakdown in the synchronization. Just using a simple metric, violence along

the border, it is easy to conclude a lack of synergy given the increase of murders over the last five years. Achieving the end-state of the strategy may not be feasible without a coordinated and synchronized effort .

In June 2009, the Office of National Drug Control Policy (ONDCP), in conjunction with DHS and DoJ, issued its National Southwest Border Counternarcotics Strategy.<sup>49</sup>

The strategy aims at “substantially reducing the flow of illicit drugs, drug proceeds, and associated instruments of violence across the Southwest Border.”<sup>50</sup> The strategy committed the Obama Administration to enhancing intelligence capabilities; improving controls at ports of entry and in the ground, air, and maritime domains of the border; disrupting the smuggling of guns and bulk currency; disrupting and dismantling drug trafficking organizations; enhancing counterdrug technologies for drug detection and interdiction; and enhancing US– Mexico cooperation in counterdrug operations.<sup>51</sup>

However, when you break down all the requirements, goals and objectives in the strategy, it is not clear who is leading or how all of these efforts are coordinated and synchronized with the Merida Initiative and the DoS. The fact is these agencies bring significant capability to bear on the problem is great. Unfortunately, they do so independently. If this continues, void of coordination and leadership, the results may contain violence but has little chance of solving the problem or eliminating cartels.

A major cause for violence in Mexico is attributable to the U.S. demand for illegal drugs. This illegal activity is having a devastating effect on both Mexican and American citizens. Domestically, the White House is sending mixed signals on the *War on Drugs*. Senior officials, including the President, declared efforts aimed at reducing supply through eradication, interdiction, and police action a “historic failure” and promised a

new mix of more rational and effective strategies.<sup>52</sup> Despite this declaration, the White House has yet to outline a definitive strategy to affect the problem.

The Office of National Drug Control Policy estimates Americans spend approximately \$65 billion a year on illegal drugs. During a visit to Mexico in March 2009, Secretary of State Hillary Clinton offered an opinion as to whether the United States needed to accept part of the responsibility for the current cross border violence. She agreed and confirmed it is the insatiable American appetite for drugs which exacerbates matters, including the illegal export of arms from the United States into Mexico.

The White House's information campaign does target U.S. youth population and the anti-drug message but it bears evaluating. The information campaign intends to increase teen exposure to anti-drug messages through a combination of paid advertising and public communications. The campaign attempts to balance prevention messaging at the national level with a targeted effort at the local community level.<sup>53</sup> Yet, while a significant portion of federal funding is appropriated to reduce the demand for drugs, there is little messaging linking to demand to the violence in Mexico.

Public messages need to be more direct, graphic and directly tied to drug and narco-cartel related activities in U.S. and Mexico. Publicly, the U.S. message must identify the problem as a national security risk causing extreme violence and death of innocent citizens on both sides of the border. Additionally, the *Above the Influence* campaign, intended to reach adolescent teens, is having no discernable effect of reducing the demand for illegal drugs. According to the 2009 Monitoring the Future survey, 15.7% of eighth graders, 32.3% of tenth graders, and 42.0% of twelfth graders reported lifetime use of marijuana. That's an increase as compared to the 2008 result of

14.6%, 29.9%, and 42.6% respectively.<sup>54</sup> Teens also do not view drug use as a national crisis affecting their daily lives or national security. The continually deteriorating situation in Mexico further identifies a need to better assess the results, adjust the message and target the effort to compliment the other portions of the strategy and elements of national power.

The best available means to assist the U.S and Mexican governments with combining all elements of power is the Merida Initiative. This multi-year program demonstrates the United States' commitment to work in partnership with the government in Mexico to confront criminal organizations whose illicit actions undermine public safety, erode the rule of law, and threaten the national security of the United States.<sup>55</sup> The U.S. funding for counternarcotics and related law enforcement activities increased significantly from pre-Merida levels. Additionally, the current level of collaboration between the U.S. and Mexico is unprecedented. This presents the U.S. with a unique opportunity to effectively address a mutual problem affecting the region and advance bilateral relationships in Latin America.<sup>56</sup> The George W. Bush administration deserves some credit for starting this DoS led assistance program. The Obama administration too deserves praise for its continued bi-partisanship support of this very important strategy.

Several of the vital elements of the Merida Initiative are already in place including a clear mission, strategic goals, and a resource plan to support them. It identifies the DoS as lead agency, but this is only for specified initiative programs. There is no authority to oversee, manage and tie in other agency programs to build power through a unified effort. There is simply no dominant lead agency to facilitate accountability and



management.<sup>57</sup> Holistic, performance measures indicating progress and strategic goal achievement simply are not available.<sup>58</sup> The GAO reported the performance measures for the Merida Initiative do not provide specific measurable targets with milestones to indicate success in the short term and long term.<sup>59</sup> Without targets to strive toward, DoS cannot possibly determine success and adjust programs.<sup>60</sup> A more significant question is why hasn't the DoS created these measure? Why doesn't the U.S. national leadership demand they do so? They cannot effectively synchronize all the elements of national power in a coordinated effort. The conclusion is clear. They are not truly leading the U.S. interagency effort on southwest border nor adequately assisting the Mexican government. Does the U.S need to consider another lead agency?

What about the DoJ? Their priority is to provide training, assistance and advice to the Mexican justice department and eliminate the flow of illegal weapons. To defeat well organized cartels and these transnational threats, the continued approach of combating criminal elements is preeminent to securing both sides of the border.

The DoJ is receiving the most public criticism of all the agencies dealing with the situation in Mexico and along the southwest border. The DoJ has an incredibly daunting task trying to curb the flow of illegal drugs and weapons and assist with training their counterparts in Mexico. The latest GAO report in 2009 on Fire Arms Trafficking into Mexico noted a large proportion of the firearms fueling Mexican drug violence originated in the United States. This includes a growing number of increasingly lethal weapons.<sup>61</sup> According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), over the past 5 years approximately 87 percent of firearms seized by Mexican authorities originated in the United States.<sup>62</sup> Some 68 percent of these firearms were manufactured

in the United States, with 19 percent being imported into the United States before being trafficked into Mexico. According to U.S. and Mexican government officials, these firearms have been increasingly more powerful and lethal in recent years.<sup>63</sup>

The DoJ attempted to track many illegal weapons from the U.S. into Mexico under a sting operation titled “Fast and Furious”. The goals of Fast and Furious are not disputed but the tactics warrant inquiry. Law enforcement officials targeted large Mexican drug cartels using U.S. weapons to fuel violence along the southwest border. Agents from the ATF conducted surveillance of gun dealerships in Arizona for suspicious people purchasing large numbers of firearms. They intended to follow those weapons south, tie them to cartels and then act. Agents lost track of the firearms. Some of the weapons later turned up near the body of U.S. Border Patrol Agent Brian Terry, killed in a gunfight last December.<sup>64</sup> The killing of Agent Terry is what led to the discoveries of poor management and oversight of this program. Under an investigation not yet concluded by Congress, there is little doubt of poor leadership and lack of accountability by the Attorney General’s office. The scrutiny of this initiative is receiving from Congress makes DoJ a politically unacceptable agency to lead the Merida or any strategic effort. So what about using the Department of Homeland Security (DHS)?

The DHS continues to make significant contributions to the security of the U.S. along the southwest border. By increasing the number of Border Patrol agents and Immigration and Custom agents along the southwest border, they provide some reassurance the U.S. is trying to contain the violence inside of Mexico. Unfortunately, the DHS also has a daunting amount of tasks to achieve and its own flawed assessment criteria.

Although DHS completed 650 miles of fencing along the border, 1300 miles of uncontrolled porous border is not protected by a fence or sufficient manning. Despite the fencing, cartels resort to other methods to cross into the U.S. from Mexico. They use sophisticated tunnels, water routes around San Diego California and through low altitude air space. The remaining fence will never reach completion. Funding, policy restrictions and the success of other means to cross the border make this effort a political albatross.

DHS also harms themselves when using the reduction of illegal aliens attempting to cross the border as a measure of anti drug success. It more likely these illegal aliens are not entering for economic reasons. The struggling U.S. economy and lack of jobs is more likely impacting the reduction and not DHS efforts. DHS will be better served synchronizing their contributions within the other efforts aligned with the Merida Initiative and interagency. A refined system of assessment and analysis to measure the Merida Initiative, along with the GAO's recommendations can likely better assess and focus the nation's goals and policy.

The DHS effort may seem like a likely solution as lead agency. After all the primary focal point of the U.S is the border area. That focus, protecting the homeland, only validates reasons to not burden DHS with this task. The variety of agencies inside the DHS already creates a tough synchronization task inside the agency. Adding responsibility for the entire U.S effort will only dilute that effort and likely not be effective. The better solution is to task a different agency to handle the national lead. Then DHS can better link its efforts together and provide the nation a strong homeland defense.

The DoD is the agency all associate as the primary executor of the National Security Strategy (NSS) and National Military Strategy (NMS). The DoD supports the number one national priority, security of the homeland. U.S. citizens can quickly identify a security problem and often turn to military leadership to protect the nation. Within the authorities afforded both the President, DoD and states, military resources are committed along the border and there is military engagement between the U.S. and Mexico. For example, as many as 1200 National Guard Soldiers are committed to this effort and serves as a message of military support.

An increase of DoD efforts can bring a wide range of capabilities: senior leadership; command and control structures like U.S. Northern Command and Joint Task Force North, daily oversight, planning efforts, equipment and trainers to work with the Mexican military. All true, but the potential cost of escalating the effort to a military solution is generally seen as not good. Even with any increase of DoD dollars committed to the effort, the execution of its programs remains questionable. Just like the Merida Initiative, the return on investment is limited.

Currently DoD is assessing where they can provide additional support and niche capabilities to close gaps to counter transnational criminal organizations. Department of Homeland Security is already looking at where DoD can provide fusion and interagency linkage in Joint Interagency efforts on the southwestern border. These include Border Coordination Centers, Border Intelligence Centers and Regional Intelligence and Operations Centers.<sup>65</sup> The challenge is the legal constraints and decreasing budget appropriations placed on the DoD. Title 10, U.S.C. constrains military forces by *The Posse Comitatus Act*.<sup>66</sup> Given this is a transnational crime issue; the DoD is not legally

able to bring unconstrained military power inside the homeland to a law enforcement issue. Obviously Mexican sovereignty also restricts the DoD from operating inside Mexico. Additionally, with respect to National Guard forces, State Adjutant Generals in support of their Governors do not wish to give up Title 32 Soldiers to Title 10 control.<sup>67</sup>

There is an effort to improve DoD support to local law enforcement agencies along the southwestern border and place the responsibility squarely in their hands. Currently U.S. Northern Command (NORTHCOM) is undertaking a review of both Title 10 and Title 32 (U.S.C.) support along the southwestern border. NORTHCOM is reviewing a National Guard plan to employ 1200 soldiers along the border in a more deliberate campaign.<sup>68</sup> The thought is that DoD might be able to assist with the tailoring of Title 32 resources to fill DHS gaps and increase efficiency. One option is to create an overlapping joint operating area of the U.S. and Mexico for a more collaborative approach and unity of effort with Mexico. But, this will require major planning efforts to organize and establish a Joint Interagency Task Force on the southwestern border.<sup>69</sup> While it sounds great, execution is not likely. The DoD's bill to reduce funding will likely thwart this effort in light of current budget crisis. Not to mention, U.S. and Mexican laws and policies require revision or change for the DoD to even have this authority.

Increasing the role of DoD is dangerous. While there may be some immediate positive results, the likelihood of long term Mexican issues and sovereignty is likely. Militarizing the situation is not a good solution for the U.S. or Mexico. A deeper military involvement undermines the rule of law and those agencies charged with justice and internal security. This is already a major issue in Mexico and the U.S will not override civil military law. Clearly, the DoD is in a supporting role. The budget notwithstanding,

the less they lead the better. There are military assets able to greatly assist DoS, DoJ and DHS efforts. The military to military engagement, education and training between the U.S. and Mexico is vital. All these must be utilized and synchronized with the Merida strategy, but leading this with a strong military lead is not the solution. To do so, will likely only make matters worse.

### Analyzing Mexican Efforts

Mexico is also attempting to apply solutions to their own problem. Although President Felipe Calderon receives most of the credit for taking the offensive on Mexico's war on drugs, his predecessor President Vicente Fox also made significant progress from 2000-2006. Under President Fox, there were major drug seizures including the arrests of 74,000 suspects on drug charges and major extraditions to the U.S. Under President Calderón, Mexican forces increased arrests, garnered bigger seizures and assisted with a record number of extraditions. These efforts won praise and an increase to \$1.4 billion in support from the U.S.

President Calderón chastised former Mexican presidents for not attacking drug gangs during their terms in office and letting those organizations grow into monsters.<sup>70</sup> Since 2006, President Calderon deployed over 50,000 soldiers onto Mexico's streets, invested billions of dollars on equipment and training, and attempted to vastly reform the police and judicial systems.<sup>71</sup>

The results don't support a conclusion of success. The elimination of each cartel leader, apparently provokes more bloodshed as key lieutenants war with one another to take over unprotected turf. Since President Calderón took office, there have been more than 45,000 drug-related killings, up from the 7,000 in the last four years of the Fox

administration.<sup>72</sup> This is having the disastrous consequence that violence continues to rise.

Mexico is risking the legitimacy of its military and their role as a law enforcement and defense institution. The current “heavy handed” approach of the military is creating distrust among the population.<sup>73</sup> Their concentration on the internal threats from cartels is also risking its ability to focus on external threats to the nation. Additionally, the militarization strategy resulted in accusations of serious human rights abuses. A November 2011 report by Human Rights Watch found that “rather than strengthening public security in Mexico, Calderon's 'war' has exacerbated a climate of violence, lawlessness, and fear in many parts of the country.”<sup>74</sup> The report, which looked at five states, documented more than 175 cases of torture, 39 disappearances, and 24 extrajudicial killings.<sup>75</sup>

An essential tool of Mexican traffickers is the corruption of government leaders. In Mexico their tactics are called silver (*plata*) or lead (*plomo*)—money or a bullet. As Francisco Gonzalez of the Johns Hopkins School of Advanced International Studies notes, a “root cause of the problem is the drug cartel’s extensive penetration of government agencies and co-optation of government officials”.<sup>76</sup> According to Mexican and U.S. government officials, extensive corruption of Mexican law enforcement at the federal, state, and local levels impedes all efforts to combat drugs and arms trafficking. Mexican federal authorities are implementing anticorruption measures. These include polygraph and psychological testing, background checks, and salary increases. However, government officials acknowledge fully implementing these reforms will take

considerable time to affect comprehensive change. To date, these efforts have yet to achieve the reduction in corruption or violence and lawless behavior by drug cartels.

Mexico applied a military solution towards a national crisis to no avail. Similar to the reasons that a military led solution is not advisable for the U.S., the Mexican government is running out of time for continued use of its military. Corruption, on the other hand, will continue as long as the lucrative opportunities exist for the drug cartels among influential officials. Until Mexico takes an unrelenting stance against corruption, the drug cartels, violence and illegal drugs, these problem will persist. It is also likely that no solution is viable for Mexico without a cohesive and capable Merida Initiative. Neither country can solve this alone. They need each other and they need for this strategy to be the conjoined fulcrum that enhances their efforts and defeats the cartels.

### Recommendations

With the Presidential elections looming in both countries, 2012 is a critical year. The election outcome of either country can determine the long term commitment to a crisis that continues to deteriorate. Regardless of the outcome, neither nation will completely abandon their efforts or interagency cooperation. However, it is a certainty their citizens will demand improvement. Therefore, it is imperative that both countries solve the lack of synergy now.

The Merida Initiative receives severe criticism but does bring tremendous resources and cooperation between the U.S. and Mexico. From its inception in 2006, it's not adequately achieving the expected success by reducing violence in Mexico or illegal drug trafficking in the US. The Merida Initiative appears to be the United States' short term solution for an enduring problem. Much of the criticism for the Merida Initiative



comes from the inability to lead or measure the performance and effectiveness of the program. Currently, the only tangible metric is the actual resources delivered to Mexico. Delivery of equipment does not equate to reduction in violence or drug flow.

With effective measures in place, DoS can synchronize the performance efforts of the involved agencies. Three measures the initiative can put in place right now are; determining what the methodology of success is, measuring the performance of the rule of law and incorporating a shared analysis process by all government agencies. Requiring for all agencies a common methodology to measure success establishes a protocol, utilizing the same basis of measure. The ability to observe, orient, decide and act by each agency, establishes common ground to collectively assess success or inadequacies and ensure unity of effort by adjusting resources or oversight. Since violence is the predominant issue, the rule of law requires a common set of criteria that ties Mexican rule of law to the involved government agencies. The relationship of cartel arrest, weapons seizures and convictions is a common metric traceable across both sides of the border. Formally linking these key indicators to government agencies in both the U.S and Mexico is vital to synchronizing the interagency process under Merida. Not only must the relevance and relationship of these metrics inform the interagency, they must also inform better synergy with our partner. Finally, pulling together all of the analysis capability resident in each agency into a single repository will facilitate information sharing and collaboration across the agencies. Each element of national power cannot operate independently of each other. To be effective they must be complimentary, work in harmony and assessed routinely to determine their effectiveness or need for strategic adjustments to change.

DoJ plays a pivotal role with the ATF providing a major contribution to combating illegal weapons trafficking into Mexico from the U.S. They also provide the coordinated justice effort on both sides of the border. They cannot lead the overall effort with so much at stake and tied to coordinating all these requirements internally. The same is true for DHS. They cannot lead because of their legal charter to secure the homeland. Mexico is clearly a sovereign nation and DHS cannot appropriately lead a cross border issue. DHS must better synchronize its capabilities with the other agency efforts. Leading with the DoD is equally challenging. A military led effort will never have unilateral success. The strict authorities imposed on the military and the affects of militarizing will not enhance the efforts of the Mexican government. As DoD continues to look hard at its fiscal constraints over the next several years, the responsibilities of countering the transnational threats from Mexico may fall largely or solely to the other U.S agencies and state law enforcement.

DoS provides the best option as the lead agency for this issue, to tie the strategy together and support Mexico. There is no argument, the support of DoJ, DHS and DoD is vital. Yet, if the U.S. is committed to assisting Mexico and wants to synchronize the efforts on both sides of the border, the DoS must lead and tie all the initiatives, programs and efforts of all agencies to the Merida Initiative. The national leadership must pin the responsibility and accountability squarely on DoS. More importantly, there must be persistent oversight, scrutiny and testimony to ensure the DoS meets the national policy interest of the U.S. This is not a new revelation and was done effectively by Congress and the national security structure for both the Iraq and Afghanistan wars.

All the leadership needs to do is apply the same rigor and place the Secretary of State in the same hot seat it provided GEN David Patreaus.

### Conclusion

The Merida Initiative is the gateway for cooperation between the U.S. and Mexico in the battle against Mexican drug the cartels and the problems associated with drugs. All supporting efforts must work through the Merida Initiative led by the Department of State. There is no need to develop a new strategy; the plan can work. Success or failure hinges on synchronizing the U.S interagency and ensure their efforts mutually support each other and the Mexican government. If the U.S fails to do this, then the Merida Initiative will not achieve the results both countries expect. Mexico may face catastrophic failure of many government institutions or even collapse of the country if the internal security situation is not fixed. These outcomes will move Mexico closer to anarchy and turn a minimally controlled transnational situation into a full blown transnational crisis. This end will compromise U.S. security and is an unacceptable solution. There is simply no other alternative. It's time to clearly define who will lead, hold the agency accountable for success, give them the structure to effectively execute the strategy and apply the rigor to measure success. To do anything less is failing both nations and the citizens on both sides of the southwestern border.

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