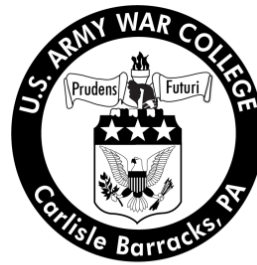


# The Merida Initiative: Refuting the Need for a Military Hammer

by

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Class of 2012

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REFUTING THE NEED FOR A MILITARY HAMMER**

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## **ABSTRACT**

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The National Security Strategy lists combating transnational criminal organizations, like drug cartels, as a major threat to the nation. The cartels' threats and impacts are many, growing and felt by both Mexico and the U.S. This is not the United States' first time dealing with drug cartels; having for years supported Colombia's fight with cocaine cartels. The Mexican situation presents a unique difference, a shared border. The most pressing issue is the dramatic rise of violence and death attributed to drug trafficking and related criminal activities. The problem is enormously complex and intertwined with numerous other U.S. policy issues like border security and immigration.

The Merida Initiative is the targeted, comprehensive, cooperative strategy between the U.S. and Mexico to counter Mexican cartels. It incorporates all elements of national power. The military plays only a minor role. Many desire an increase in their role. Is this the right course of action? Will an increase elevate the situation to a decisive conclusion? The paper analyzes the strategy's use of all elements of power. The conclusion and solution does not lie in the military role. To do so is both risky and costly for the U.S and Mexico. There is a viable solution and it's time to initiate action.





## THE MERIDA INITIATIVE: REFUTING THE NEED FOR A MILITARY HAMMER

The National Security Strategy lists combating transnational criminal organizations (TCOs) as one of the major threats to the nation. Drug cartels are one type of transnational criminal organization. The significance and uniqueness of these threats is recognized and addressed by a separate strategy titled *Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security*, produced in July 2011. In 2008, the Department of Justice's National Drug Intelligence Center stated that Mexican drug cartels are "the greatest organized crime threat" to the United States today.<sup>1</sup> The cartels' threat and impact are manifest in many ways and felt most immediately by Mexico, but the impact on the U.S. is growing.

Perhaps most pressing is the continuing dramatic rise of violence and death attributed to drug trafficking and related criminal activities. More than 34,000 people in Mexico were reportedly killed between January 2007 and December 2010 as a result of organized crime-related violence. According to an August 2011 Congressional Research Service Report there is a clear upward trend.<sup>2</sup> However, there are numerous other problems deriving from the Mexican cartels. The drug problem is enormously complex and intertwined with numerous other U.S. policy issues like border security, counterterrorism, gun laws and immigration.

This is not the United States' first time dealing with drug cartels; having for years supported Colombia's fight against the cocaine cartels. The Mexican situation presents a unique difference, a shared border. There are many strategies and programs targeted at various facets of the Mexican drug cartel problem. The numerous strategies,

including the 2011 *National Southwest Border Counternarcotics Strategy*, indicates the scope of and solutions are both numerous and complex.

The cartels pose an increasing threat to the U.S given the increasing violence resulting from their criminal enterprises, their increasing power, and Mexico's ineffectiveness in controlling or dismantling the cartels. There is a call for increasing the role of the U.S. military to counter these cartels. Professor Paul Kan, in article about what the U.S. is not getting right regarding Mexico, cited an unnamed high level military official he met with in Afghanistan who viewed Mexico as "a place that could use a dose of counterinsurgency."<sup>3</sup> As noted, just as there are many facets to the problem – bulk cash and arms smuggling, border security, money laundering, etc. - there are a variety of strategies targeted at all those aspects.

The Merida Initiative, led by the Department of State, is the targeted, cooperative strategy between the U.S. and Mexico. It is meant to incorporate all elements of national power in a comprehensive approach to address, disrupt and dismantle the Mexican cartels. While the military plays only a minor role in the Merida Initiative, make no mistake, the military instrument of power is clearly in play with Mexico. The level of U.S. military involvement is appropriate and there is no need to increase it. To analyze this conclusion, this paper will: 1) frame the problems and threats posed by the cartels; 2) review the evolution of U.S. Mexican counterdrug cooperation; 3) layout the U.S. strategy in the framework of the instruments of national power; and 4) provide analysis as to why the military instrument needs to remain in play, but not expand. This strategy remains the correct course to follow, despite the overwhelming contrary desire of many in government and the U.S. military.

## Problems and Threats

The cartels are not a simple threat posing only a problem of drug production, smuggling and distribution. The extent of cartel operations, the money to be made and the market competition generates other complex problems: brutal violence and intimidation causing community disruption and refugees; government corruption causing an erosion in the public's trust and confidence thereby creating ungoverned spaces; illicit weapons trafficking; bulk currency smuggling; and money laundering among other related criminal activities. Each of these related problems provides its own unique and complex challenge<sup>4</sup>

The U.S. drug market is highly lucrative. Estimates conclude drug sales in the U.S. generate from \$13 to \$48 billion in revenue.<sup>5</sup> This profit potential makes for a highly attractive market, fueling expansion and competition. Beyond production, the competition in Mexico is over control of distribution and smuggling routes into the U.S. There are seven major Mexican cartels that dominate the market.<sup>6</sup> The potential for even greater profits is fueling cartel expansion. This in turn is fueling greater competition. Unlike legal markets, competition between cartels is often settled violently. Increased competition is also met with increased government pressure. Starting with his election in 2006, President Calderon's administration applied action to the increasing violence; which they see as the most pressing problem.<sup>7</sup>

Data from the TransBorder Institute at the University of San Diego lays out the steady increase in deaths since 2006. In 2006 there were 2,120 Mexican cartel-related homicides and that number more than tripled just three years later in 2009 when there were 6,587 deaths related to cartel violence.<sup>8</sup> Upon taking office in 2006, President Calderon focused on dismantling the cartels and incorporated the Mexican military into

his strategy. Increased pressure, by the Mexican Army and other security forces, undoubtedly contributed to the increase in violence among cartel members as they fought internal succession battles. The violence engulfs rival cartel members, affiliated criminals, Mexican security forces and civilians, including Americans.<sup>9</sup> The Mexican government reported in 2010 it captured or killed 20 of their 37 most wanted criminals.<sup>10</sup> Seventy nine officers or soldiers of the Mexican Army were also killed and 173 wounded between December 1, 2006 and February 18 2009.<sup>11</sup> Gunfights, whether among cartel members or between cartels and security forces, also result in deaths of innocent bystanders caught in the crossfire or collateral damage. There are also deliberate killings of civilians for not heeding the demands of cartel members. As an example, a group of Central and South American migrants were reportedly massacred when they refused to assist in smuggling drugs.<sup>12</sup> While the attention is on the violence occurring inside Mexico, there is also a growing concern about violence spilling over into U.S. communities, particularly along the Southwest border.<sup>13</sup> As evidence of this “spillover” effect, the Center for A New American Security, in its report on the nexus between gangs, cartels and U.S. national security cited Phoenix’s 370 kidnapping cases in 2009.<sup>14</sup> Their report assessed “the number of kidnappings in U.S. cities near the border has ballooned in recent years as large populations of immigrants have been infiltrated or targeted by cartels or splinter groups of small-time thugs.”<sup>15</sup> The sheer number of deaths or criminal acts is not the only factor increasing in this fight.

Expansion by the cartels into other areas of criminal activity, such as kidnapping and extortion, further perpetuates violence. The violence is becoming more extreme and brutal to accentuate the terror or intimidation effects and demonstrate the cartels’ will.

Examples include beheadings, dismemberment and boiling persons in acid.<sup>16</sup> Violence also manifests itself in terms of threats against residents, members of the media, and government officials in areas contested by rival cartels. The violence, whether actual or threatened, is driving people from their homes and communities in an effort to escape and find safety.<sup>17</sup>

Professor Kan referred to this trend as an emerging immigration policy challenge of “narco refugees.”<sup>18</sup> Distinguished from Mexicans who are seeking entry into the U.S., whether legally or illegally, “narco-refugees” are Mexicans who prefer to stay in their homes and communities, yet have to flee to escape violence or threats. The trend encompasses Mexicans living in border towns or other disputed cartel turf that are extorted for protection money or told to leave. Beyond the Mexican population it includes members of the government, media or business community who also are threatened. Violence and the mere threat of violence are increasingly driving people to seek political asylum in the U.S. Professor Kan sees this trend as exacerbating an already complex and emotional immigration debate.<sup>19</sup> This trend is clearly a spinoff challenge from the cartel problem.

Another complex and violent problem fueled by expansion and competition is illicit arms trafficking. The flow of guns contributes to increasing lethality and widening of violent action. With a more forceful government approach to combating the cartels, violence is often met with more violence, contributing to the cartels’ demand for more and better weapons. Staggering revenues provide significant capital to increase technological and material capability. The cartels are more materially sophisticated and able to purchase more lethal weapons and other military or law enforcement equipment

to the detriment of Mexican security forces who claim they are outgunned by the cartels.<sup>20</sup>

President Calderon specifically cited the illicit weapons trafficking as one of the primary drivers of violence perpetrated by the DTOs. Data indicates the vast majority of weapons involved in drug related crimes or other organized crime violence seized by Mexican authorities comes from the U.S. President Calderon challenged the U.S. to do more to control gun sales and prevent the traffic of weapons into Mexico.<sup>21</sup> An incident reflecting the extent of cartel weapons inventory and the sophistication of their firepower employment was the two-hour battle in the city of Cuernavaca, near Mexico City. The Beltran Leyva cartel battled 200 Mexican Navy troops who needed to employ a tank and helicopter in order to overcome the firepower of the cartel members in the gunfight.<sup>22</sup> Illicitly obtained weapons are also used in violent acts on the U.S. side of the border.<sup>23</sup>

Bulk currency smuggling is another facet of drug cartel smuggling. The amount of money generated by selling drugs in the U.S. market is staggering. Physically large bulks of currency, with estimates ranging between \$19 and \$29 billion in illegal proceeds, are flowing to criminal groups in Mexico.<sup>24</sup> Laundering revenues and moving bulk currency back into Mexico also requires additional networked structure to conduct these illicit operations. This creates a different set of complex problems for both U.S. and Mexican law enforcement agencies.

The ability to smuggle bulk cash back into Mexico provides the cartels with the wealth to continue sustaining their operations, expand operations, increase sophistication of their methods in various operational areas and extend corruption. A

further danger posed by this problem is the corruption of the legitimate financial markets when these funds are laundered into equity markets or legitimate businesses.

The cartels' immense wealth and increasing profit potential of the U.S. drug market enables them to make extensive capital investments to further develop their distribution networks. This includes developing submersible watercraft for maritime shipments and building sophisticated tunnels linking distribution nodes on both sides of the Southwest border. However, another more critical by-product is the expanding human distribution networks in the United States. U.S. law enforcement agencies indicate all Mexican cartels have representatives in as many as 200 U.S. cities.<sup>25</sup> Whether by illegal immigration or by co-opting legal migrants, the cartels' expanding networks further exacerbate the issue of immigration from Mexico. Cartel presence in many U.S. cities is no doubt contributing to the sophistication of drug gang operations and increasing the challenges for U.S. local law enforcement agencies.<sup>26</sup>

More daunting and dangerous than the other problems created by the cartels' wealth is their ability to corrupt officials at all levels of Mexican government. This erodes the effectiveness of large parts of government institutions, particularly law enforcement and judicial institutions. Mexican law enforcement and judicial institutions continue to be weak due to extensive corruption. The cartels' wealth purchases impunity to operate without government interference or purchases favorable influence over investigations and prosecutions in many areas. Several major corruption cases related to bribes and payoffs engulf the Attorney General's Office. The Attorney General's office for Special Investigations for Organized Crime had 35 officials arrested or fired. The Attorney General's investigative agency, the Federal Agency of Investigations, was disbanded in

2009 after just an eight-year lifespan after being widely criticized for corruption.<sup>27</sup>

Unsurprisingly, the corruption infects elected officials as well and the cartels' reach is high. Perhaps the most prominent case was Cancun's former mayor and later governor of the state of Quintana Roo, which includes Cancun. Mario Ernest Villanueva Madrid was allegedly paid \$400,000-\$500,000 per shipment of cocaine for which he provided police protection, amounting to millions of dollars. Mexico extradited Madrid to the U.S. in 2010. He is reportedly the highest-ranking former official extradited.<sup>28</sup>

Rampant corruption at all levels of the police forces makes the law enforcement institution a high priority target for reform. The Calderon Administration targeted reform efforts at the federal level, but reforms at the state and municipal level lag behind. Overall, reform efforts are uneven and fragmented. In some cases, reforms at the various levels led to agencies competing against each other based on confusing or redundant missions and divisions of labor. Debate over reforms continues, thus stalling implementation. One debate centers on whether municipal police should even exist. Some reforms, such as vetting and certifying state and local police, was approved via a January 2009 public security law, but never implemented.<sup>29</sup>

The cartels' wealth, combined with their willingness to coerce through violence and intimidation, offer both the carrot and the stick. There is a compound corrosive effect with threats buying compliance while the bribes buy complicity in cartel activities. Corruption of Mexican judicial institutions, police, investigative agencies and courts, may be the Mexican government's prime vulnerability in controlling and eventually dismantling the cartels.



The cartels seek impunity from government interference with their criminal activities. Through their willingness and ability to use violence and their corrupting of government officials, the cartels carved out areas within various Mexican states where they are free from government control or influence. Their intimidation and corruption of government agencies, particularly local government, erodes the government's influence and control. This creates ungoverned spaces in Mexico without law and order regarding cartel activity. The inability or unwillingness of government institutions, and their agents, to lessen and prevent violence or dismantle the cartels, erodes the people's trust and confidence in their government's ability to protect them and control criminal activity. While the most direct effects are felt locally, the impacts are potentially far reaching in terms of creating instability in the national government. This is the case in the Mexican judicial institutions where corruption reaches the most senior officials in law enforcement and the department of justice.<sup>30</sup>

The many facets of illicit drug trafficking pose many different problems. All are interconnected and interdependent making it critical to apply a comprehensive strategy. To be effective, it is crucial to affect the problem with all elements of national power, both in the U.S. and in Mexico.

#### Evolution of U.S.-Mexican Counterdrug Cooperation

By reaching out and seeking U.S. assistance upon his election in 2006, President Calderon initiated a cooperative effort between the U.S. and Mexico to jointly acknowledge the role of both nations in solving the problems of the cartels. U.S. strategy development began during the last year of the George W. Bush Administration and distinctly evolved under President Barack Obama.

The Merida Initiative transpired after President Calderon” made combating drug trafficking and organized crime a top priority of his administration.”<sup>31</sup> Meetings between the U.S. and Mexican administrations in Merida, Mexico resulted in a package of U.S. assistance for Mexico and Central America beginning in FY 2008 and lasting through FY 2010. Dubbed the Merida Initiative, it became the U.S. strategy to combat the Mexican cartels.

“The Merida Initiative, as it was originally conceived, sought to: 1) break the power and impunity of criminal organizations; 2) strengthen border, air and maritime controls; 3) improve the capacity of the justice systems in the region; and 4) curtail gang activity and diminish local drug demand.”<sup>32</sup> The original assistance package consisted of \$1.4 billion over three years.<sup>33</sup> Assistance funds were generally allocated among three accounts: economic support fund (ESF); foreign military financing (FMF); and International Narcotics Control and Law Enforcement (INCLE) under the Department of State umbrella.<sup>34</sup> This funding assistance was “initially focused on training and equipping military and law enforcement officials engaged in counterdrug efforts, improving border security and reforming Mexico’s police and judicial institutions.”<sup>35</sup>

Implementation of the Merida Initiative was perceived by some as a “new paradigm” for U.S.-Mexican security cooperation in combating the cartels. Other observers perceived it as an expansion of already existing U.S.-Mexican cooperation stemming from the Binational Drug Control Strategy in 1998 and an extension of the \$397 million in U.S. assistance to Mexico between FY 2000 and FY 2006. These funds supported programs aimed at drug interdiction, production and trafficking, strengthening rule of law and countering money laundering.<sup>36</sup>

Whether a new paradigm or simply an extension of previous aid packages, the initiative demonstrated greater diplomatic effort between the two nations. An August 2011 Congressional Research Service report concluded that “the Merida Initiative signaled a major diplomatic step forward for U.S.-Mexican counterdrug cooperation, which in the 1990s had been at a low point.”<sup>37</sup> The influence of diplomacy from the presidential level on down was evident in regular meetings between cabinet-level officials from both countries to discuss bi-lateral security effects. Diplomatic engagement saw both countries accept “a shared responsibility to tackle domestic problems contributing to drug trafficking and crime in the region, including U.S. drug demand.”<sup>38</sup> The U.S. also pledged to combat weapons and bulk currency smuggling. Public commitment by the U.S. to re-energize efforts on these facets of the overall problem was a critical part of the diplomatic effort and essential in forging cooperation with Mexico. While not specifically funded by the Merida Initiative, programs such as the Department of Justice’s “Project Gunrunner” to facilitate electronic firearms tracing and the Bilateral Money Laundering Working Group are examples of the U.S. efforts on related domestic problems. The sense of shared responsibility characterized the strategy under both President Bush and President Obama.

While initiated and developed through diplomatic engagement and bi-lateral cooperation between various government agencies, the Merida Initiative was a financial assistance package focused on developing Mexican law enforcement and security forces through equipment purchases and training.<sup>39</sup> The original Merida Initiative was designed to run through FY 2010. The Obama Administration engaged in diplomatic meetings with the Calderon Administration to review the “strategic framework

underpinning U.S.-Mexican security cooperation as the administration prepared the FY 2011 budget.”<sup>40</sup> Diplomatic consultation and cooperation resulted in a new strategy which is called “Beyond Merida.”<sup>41</sup>

### The “Beyond Merida” Strategy and the Instruments of Power

“Beyond Merida” builds on and evolves the original strategy. Although the military role is miniscule within the actual structure, all instruments of national power play a role in Merida. The strategy primarily relies on the diplomatic, informational and economic instruments with law enforcement, as a doctrinal source of U.S. power, applied through all three instruments, playing a major role.<sup>42</sup> The following paragraphs lay out how the various elements are applied in the new “Beyond Merida” strategy.

As articulated in the Obama Administration’s FY 2011 budget request, the new strategy is built on “four pillars.” As Eric Olson and Christopher E. Wilson of the University of San Diego’s TransBorder Institute observed, “The first two pillars represent a refinement of previous efforts, and the final two represent a new and expanded approach to anti-drug efforts.”<sup>43</sup> Another distinction is the shift in focus from purchasing equipment to building Mexican institutions.<sup>44</sup> According to the Department of State, which oversees the strategy, the four pillars are: “1) disrupt organized criminal groups; 2) strengthen institutions; 3) build a 21<sup>st</sup> Century border; and 4) build strong and resilient communities.”<sup>45</sup> These four pillars represent the ways of the U.S. strategy to combat the cartels. The elements of power are applied in various weightings towards each of these U.S.-Mexican security ends.

Diplomacy continues to be the foundation for all cooperation and bi-lateral programs. Diplomatic engagement provided for a cooperative review of the original Merida Initiative through numerous meetings over several months resulting in the

strategy's continued bi-lateral nature.<sup>46</sup> President Obama's Ambassador to Mexico, Carlos Pascual, led the development of the new strategy.<sup>47</sup> The Merida High-Level Consultative Group meeting in Mexico was one of the formal diplomatic tools in the strategy review process and was the forum at which the new strategy was formally and publicly announced on March 23, 2010. This demonstrated the two nations' spirit of cooperation and diplomacy to the public. The Merida High-Level Consultative Group of the most senior leaders and representatives of the two governments continues to meet as part of on-going diplomacy.<sup>48</sup> This diplomatic engagement not only included Secretary of State Hillary Clinton, but also included then Secretary of Defense Robert Gates and then Chairman of the Joint Chiefs of Staff Admiral Mike Mullen meeting with their Mexican counterparts. Both the Secretary of Defense and the Chairman continued their involvement in this overarching diplomatic engagement by participating in another high-level meeting in April 2011 "to review progress and plan future efforts."<sup>49</sup>

President Calderon visited President Obama on May 19, 2010 and both publicly "pledged to continue working together to combat the organized criminal groups that traffic drugs into the United States and illicit weapons and cash into Mexico."<sup>50</sup> The two presidents met again nearly a year later in March 2011. Diplomacy between the two presidents was critical to overcome friction at other levels of engagement. This state leader engagement "was important to the people of both nations because it publicly demonstrated critical unity at a time when events could strain the bilateral relationship."<sup>51</sup> These included the shooting, in Mexico, of two U.S. Immigration and Customs Enforcement agents and the resignation of the U.S. Ambassador due to his

criticism of the Mexican government. Diplomatic engagement at the most senior levels set the tone of cooperation between the two nations.

Diplomatic efforts between senior leaders in the various functions also resulted in numerous bi-lateral partnerships; some more formal than others. Many of the most formalized partnerships are between law enforcement agencies. Some of these include: the Bilateral Money Laundering Working Group; the Border Enforcement Security Task Forces (BEST), a multi-law enforcement agency initiative led by the Department of Homeland Security that partners with the Mexican Secretariat for Public Security (SSP) or federal police along the Southwest border; and the Operation Against Smugglers Initiative on Safety and Security (OASISS), another bilateral program between the Customs and Border Protection agency and the Mexican government to improve abilities in prosecuting alien smugglers and human traffickers operating on the border. The Illegal Drug Program (IDP) facilitates U.S. Immigration and Customs Enforcement to transfer drug smuggling cases against Mexican nationals to the Mexican Attorney General's Office (PGR). This is also a partnership between the U.S. Attorney's Offices and PGR allowing the transfer of cases to the federal level vice to local law enforcement. The Electronic Trace Submission System (ETSS) is a system the Bureau of Alcohol, Tobacco and Firearms shares with Mexican law enforcement in order to enable requests to trace firearms in the U.S.<sup>52</sup> All of these are examples of bilateral cooperation resulting from diplomacy to ensure agency coordination to implement initiatives. Without the overarching diplomacy emphasizing and enabling cooperation, the U.S and Mexico may have never implemented these initiatives.

While the Merida Initiative was derived from diplomacy and continues to rely on diplomatic cooperation at all levels, economic assistance is the heart of the strategy. The revised strategy shifted the focus of economic assistance from funding equipment to more broadly building institutional capacity.

According to the Department of State, Congress appropriated \$1.6 billion in economic support since Merida began in FY 2008.<sup>53</sup> The support is allocated between the Economic Support Fund (ESF); Foreign Military Financing (FMF); and International Narcotics Control and Law Enforcement (INCLE).<sup>54</sup> In keeping with the shift from buying equipment to building institutional capacity, FMF assistance was not requested for FY2012.<sup>55</sup> However, it is important to note there is additional U.S. economic assistance to Mexico beyond what the Merida Initiative provides.<sup>56</sup>

Other categories of funding included: International Military Education and Training (IMET); Non-proliferation, Anti-terrorism and Related Programs (NADR); Global Health and Child Survival (GHCS); and Development Assistance (DA).<sup>57</sup> Additionally, while FMF is not a request under the Merida Initiative aid package for FY 2012, FMF is a request by Department of State as part of other U.S. assistance to Mexico.<sup>58</sup> This is important because Merida funding and other Department of State foreign assistance, non-Merida funding, are both applied to programs and efforts with the intention of achieving the strategy's objectives. As an example, the August 2011 Congressional Research Report cited USAID using both Merida and non-Merida funds "to support an urban mapping project (Merida) and an at-risk youth program (non-Merida) administered by international organizations working in the city [Ciudad Juarez]."<sup>59</sup> These two initiatives in Ciudad Juarez are part of building strong and resilient communities, yet

the funding included non-Merida State Department funding. So, effects of the strategy's economic element may derive from funds other than those strictly approved under Merida. The Congressional Research Service report cites this nuance as one of Congress' challenges in gauging the effectiveness of Merida Initiative funding. The Initiative's ends are targeted both through efforts funded by Merida and "efforts funded through other border security and bilateral cooperation initiatives."<sup>60</sup>

This same evaluation challenge is seen with the military and law enforcement elements of power. Department of Defense provides counter-narcotics support to Mexico contributing to achieving Merida's objectives, but the Department of Defense's funding is not appropriated under the Merida Initiative. Additionally, some Department of Homeland Security and Department of Justice operations also receive funding through other appropriations that contribute to the four pillars of the "Beyond Merida" strategy.

So, what is the economic element providing? While initially buying helicopters, scanners, X-ray machines and other non-intrusive inspection equipment for the Mexican Army/Air Force, Navy, Federal Police and other agencies, the focus is shifting towards supporting reforms in the judicial sector. Establishing, improving and supporting numerous training endeavors for police, prosecutors, public defenders and corrections personnel is a major area supported by Merida funding.<sup>61</sup> Improving funding and expanding institutional capacity is a critical way to achieve the ends of the first three pillars of the "Beyond Merida" strategy.

The information element of national power is heavily applied towards building the 21<sup>st</sup> century border and building strong and resilient communities. These two pillars are ways in which the Obama Administration expands the previous strategy. As Olson and



Wilson cite in their working paper, “this final pillar [strong and resilient communities] takes into consideration that the sources, or drivers of violence cannot be understood or addressed solely with a security or law enforcement-based approach. Social and economic factors also play an important role.”<sup>62</sup> Applying the information element creates awareness and educates the people and communities on the issues and strategy. This creates alliances to counter the cartels and their effects on various communities. Information campaigns are critical to telling the government’s story and overcoming negative public attitudes about government policies.

### Military Instrument

The U.S. military historically helps other nations build their military capabilities and strengthen governments to secure their territories against both external and internal threats.<sup>63</sup> Military assistance is just one element of a broader U.S. foreign assistance menu.<sup>64</sup>

The Foreign Assistance Act of 1961 codified the Department of State’s authority and responsibility for all foreign assistance, including military assistance. There are three major foreign military assistance programs the Department of State oversees and guides: 1) Foreign Military Sales (FMS); 2) Foreign Military Financing (FMF); and 3) International Military Education Training (IMET).<sup>65</sup> While the Department of State oversees these programs and requests funding, DOD implements and executes program tasks through its Defense Security Cooperation Agency (DSCA).<sup>66</sup> Congressionally approved Merida Initiative funding provided through an FMF account administered by the Department of Defense bought aircraft, boats and other equipment for Mexican security forces.<sup>67</sup> While limiting Department of Defense’s role in Merida to administering FMF accounts and talks between high level defense officials, the military

instrument is nonetheless being applied to Mexico. Department of Defense and the uniformed U.S. military are training and educating Mexican military personnel; engaging key leaders; and providing varied technical support, all of which influence the fight against the Mexican cartels.

Over the past several years, engagements, exchanges and collaboration increased between the two nations' militaries leading to a growing relationship. Former commander of U.S. Northern Command (NORTHCOM), General Victor E. Renuart, Jr., highlighted this trend in his March 2010 testimony to the Senate Armed Services Committee, stating "the level of communication, interchange, cooperation and training exchanges between U.S. and Mexican armed forces has increased dramatically over the last two years and represents a historic opportunity for long-term strategic improvement of the U.S.-Mexico security partnership."<sup>68</sup>

A primary indicator of this growing engagement is the increase in the number of Mexican military personnel training in the U.S. According to Roderic Ai Camp's working paper on the Mexican armed forces and drugs, "the numbers of Mexican officers in U.S. schools has grown markedly. Mexicans have the most officers in the Department of Defense IMET funded programs of any Latin American country."<sup>69</sup> Department of Defense provides other opportunities in addition to training and education provided through IMET programs.

Congress separately authorizes and funds the Department of Defense to provide "a wide variety of smaller military-to-military education and training programs."<sup>70</sup> These include international military personnel attending U.S. military service schools such as

the U.S. Army War College and the Department of Defense Centers for regional security studies such as the Center for Hemispheric Defense Studies.<sup>71</sup>

Department of Defense also provides counter-narcotics related training through Congressional authority under Section 1004 of the National Defense Authorization Act (NDAA) for FY1991 which was extended through FY2011.<sup>72</sup> This law, along with President George H. W. Bush's National Security Directive 18 of August 21, 1989, establishes the precedent for Department of Defense's training and support role in counter-narcotics.<sup>73</sup> This congressional authority provides the umbrella for a large slice of the Department of Defense counter-narcotics training to the Mexican military.

The joint DOD and DOS report on Foreign Military Training for FY2010 reported the U.S. trained 801 Mexican military students in FY2010 DOD-funded training and education opportunities at a cost of \$10.4 million.<sup>74</sup> The vast majority of these students, 420, received drug interdiction and counter-narcotics related training under the section 1004 authorities. Under the Foreign Assistance Act and the 2008 Foreign Operations Export Financing and Related Programs Appropriations ACT, the Department of State provided training to another 125 military students at a cost of \$2.2 million. Within this category, 60 students received counter-narcotics and related law enforcement training from the Department of State Bureau of International Narcotics and Law Enforcement (INL).<sup>75</sup> However, INL partners with Department of Defense to provide training and other support to law enforcement and security forces.<sup>76</sup> These FY2010 statistics represent only a snapshot, but provide evidence of how the U.S. military instrument is applied to fighting the cartels through building capability in the Mexican security forces.

U.S. - Mexican military engagement is also occurring and increasing due to Mexican overtures and specific interests. Senior Mexican military officers expressed interest in military justice and operational law and NORTHCOM delivered a Subject Matter Expert Exchange and Mobile Training Team to assist. NORTHCOM attorneys and Mexican military attorneys conferred to develop curricula for Mexican military lawyers. Additionally, NORTHCOM facilitated visits by senior Mexican military attorneys to observe and learn about the U.S. military justice system and how the U.S. military operates while complying with domestic and international law.<sup>77</sup> Such interests are driven by the rising charges of human rights abuses in the fight against the cartels. Although not technically part of the Merida Initiative, these examples are evidence of the military instrument at play in strengthening institutions and combating the cartels.

Key leaders are engaging for broader dialogue and exposure. In 2008, for the first time ever, the entire Mexican all-service National Defense College, including its director (two star general), visited U.S. Northern Command, the U.S. Air Force Academy and Cheyenne Mountain Air Force Station. Also, U.S. military and Mexican political leaders, representing Mexican congressional committees on national defense, foreign relations and the Navy, engaged at both the U.S. National Defense University and at U.S. Northern Command headquarters.<sup>78</sup>

Beyond education and key leader engagements, the two militaries collaborate on operations, albeit still on a small scale. Much of the collaboration occurs in the maritime realm. The U.S. Navy and Coast Guard conduct pre-planned cooperative maritime counternarcotics operations with both the Mexican Secretariat of the Navy (SEMAR) and Secretariat of National Defense (SEDENA; the army and air force). They executed

four operations in 2008, ten in 2009 and twenty-four in 2010.<sup>79</sup> In order to facilitate this collaboration, the Mexican Navy started assigning liaison officers at various commands as far back as 2005. The Mexican Navy placed an officer at the Joint Interagency Task Force South; one at U.S. Fleet Forces Command; and in 2007, they placed one at U.S. Northern Command. The liaison officers facilitate collaboration and cooperation, increasing information exchange between these various U.S. headquarters and Mexico's Navy Ministry. These relationships also prompted growing cooperation between the Mexican Navy and U.S. Coast Guard. Closer collaboration increases the Mexican Navy's situational awareness and enables it to better track drug movements by air and sea, which recently resulted in the Mexican Navy seizing cartel vessels, including mini-sub, in Mexican waters.<sup>80</sup>

Collaboration also takes the form of combined naval training such as the Mexican Navy's participation in the UNITAS Gold 2009 exercises. While the two navies cooperate more, the Mexican Army remains reserved in pursuing collaboration opportunities. However, the Mexican Army assigned a liaison officer to Northern Command in 2009, and Mexico's Secretary of National Defense, General Guillermo Galvan, visited Northern Command and met with Secretary of Defense, Robert Gates, in Washington.<sup>81</sup>

Beyond these efforts, the U.S. military is also sharing technology, both directly and indirectly. General Renuart testified, U.S. military engagement "goes beyond providing hardware and the associated training, it also focuses on developing the ability to analyze and share the information that will allow the Mexican military to conduct operations against drug trafficking organizations to systematically dismantle them."<sup>82</sup>

Encouraged by these efforts, Mexico requested NORTHCOM's help to establish a joint intelligence center. A Congressional Research Service report also cited a New York Times story from March 16, 2011 reporting on the Department of Defense sending unmanned aerial vehicles into Mexico to gather intelligence on the cartels.<sup>83</sup> While these examples represent direct technological support to Mexican security forces, a counter-tunnel initiative, led by the U.S. Army Corps of Engineers' Engineer Research and Development Center, is a case of subtle Department of Defense support indirectly assisting Mexico. The initiative combines the Department of Homeland Security, NORTHCOM, other combatant commands and coalition partners "to explore, map and characterize illicit subterranean structures."<sup>84</sup> The initiative uncovered two unfinished tunnels along the Southwest border by bringing together technologies like seismic acoustic sensors and robotics.<sup>85</sup> While not a case of direct support of the Mexican military by uniformed U.S. military, it serves as an example of how to discretely employ military capability in the campaign against the cartels.

The training and education programs, key leader engagements, collaborative operational activities, and or technical support are not officially part of the Merida Initiative. Yet, they are all evidence of how the U.S. is quietly and effectively integrating the military instrument of power into its strategy to defeat the Mexican drug cartels. But, is doing so quietly the proper approach or is there ample need to increase that role?

#### Reasons to Sustain the Military Role

The U.S. military needs to remain engaged with the Mexican military. Positive relations with the Mexican military further facilitate developing their capacity and capability. Positive relations and improving capacity bode well for collaborating on mutual security concerns such as terrorism. There is growing concern about the nexus

between illicit traffickers, with well established distribution networks and smuggling routes, and terrorist organizations.<sup>86</sup> Potential threats posed by the cartels are a legitimate security concern and thus the pretext for the growing engagement between the Mexican and U.S. militaries.

An expanding positive relationship between the two bodes well for the security of the wider Western Hemisphere. Many subscribe to the theory that an increased role fighting the cartels for the Mexican military is what led to an increased U.S.-Mexican military cooperation. If true, then to further counter-narcotics support it is beneficial to further grow the relationship. Some analysts argue the U.S.-Mexican military relationship was strong before President Calderon's emphasized role for the military. Either way, there is no doubting the Calderon administration's policies enabled the growing relationship. The U.S. must develop the relationship for the same reasons it fosters a similar relationship with Canada. It is also no surprise, as a hemisphere neighbor, Canada also desires a greater relationship with the Mexican military.<sup>87</sup>

The current U.S. approach with the Mexican military is a judicious and politically acceptable level of involvement. Formal training and education programs, key leader engagements, liaisons and technical assistance, particularly in the intelligence realm, are subtle, low key and relatively low cost approaches to applying the military instrument. The strategic question is, if the current approach is good, will more, as many advocate, be that much better?

#### Reasons to Restrain the Military Role

While the U.S.-Mexican military relationship is growing, it is seemingly doing so more through the lead and desire of the Mexican government and military. The U.S. must remain mindful of aggressively inserting itself and pushing any initiative. Given

U.S.- Mexican history, deep-seated cultural attitudes, and the identity of the Mexican military, particularly the army, advancing the relationship is probably best done based on Mexican desires and sense of urgency vice those of the U.S. The desire and initiative shown by senior Mexican leadership to seek more educational opportunities related to civil-military relations and military justice, in the context of human rights concerns, are examples of a Mexican-led approach in furthering the relationship. The U.S. military can provide plenty of influence, but must let Mexico decide what to access, when to do so and to what extent. A more proactive U.S. push risks interrupting or derailing the momentum towards closer ties and greater collaboration.

Another factor which gives the U.S. pause in considering deeper engagement of the Mexican military in the near term is the policy preference of the next Mexican president. Elections in the summer 2012 will determine both a new president and either change policy or maintain the status quo role of the Mexican military against the cartels. A decreased role for the Mexican military will likely remove or diminish the context and purpose for further engagement with the U.S. military.

The risks associated with further militarizing the security situation in Mexico is another reason to abstain from increasing the use of the military instrument. Further militarization implies a misread or misunderstanding of the operational environment, applying the wrong instrument and risking unintended consequences. Professor Kan's previously cited article provides numerous examples of many observers classifying what is taking place in Mexico as type of insurgency, narco insurgency or narco terrorism. Some may generalize the environment in Mexico as the result of a failing state. In his working paper on the role of the military, Camp cited a Joint Forces Quarterly article



from 2008 that argued Mexico, along with Pakistan, presented “two worse case scenarios for failing states.”<sup>88</sup> Kan points out that perceiving the Mexico problem as a narco, or just plain insurgency or a failed state, essentially implies a heavy dose of the military instrument. He cites Andrew Bacevich’s well articulated observation that “To frame the problem [in Mexico] as an insurgency almost necessarily invites a military response.”<sup>89</sup> Kan argues how policy makers define the problem will certainly determine the response.

Kan views the Mexican problem as not one of insurgency and low intensity conflict, but rather a problem best characterized as high intensity crime.<sup>90</sup> The strategy and application of the various instruments of national power will depend on which definition of the problem you subscribe to. Increasing the military role – further militarization – risks distorting the lens through which policy makers continue to view the environment and problem in Mexico, thus risking using the wrong tool for the job, destroying advances made by other means for other instruments of power and likely resulting in military mission creep.

Military mission creep is tied to a third reason not to increase the U.S. military role: cost. Despite statutory authorization to provide counternarcotics support, increasing the U.S. military influence is a very costly option. It will require additional dollars just when the nation is depending on reducing the military to pay its debts. In an environment with closer scrutiny on costs and missions, increasing the U.S. military’s counternarcotics support mission in Mexico is un-necessary.

The Merida Initiative already focuses on building the capacity of Mexican law enforcement institutions. The U.S applies various U.S. law enforcement agencies to

facilitate this with diplomatic bi-lateral cooperation and economic assistance. This approach and emphasis certainly implies Department of State policy makers frame the problem as crime vice insurgency. Therefore, increasing the military role will be both counter to our policy and likely redundant. The better approach is to maintain and sustain the military's efforts of developing a long term relationship with the Mexican military, build capacity and do so as economically as practicable.

Perhaps the ultimate reason for not increasing the military's role is not in found in the supply-side of the problem, but instead on the demand side of the drug equation. All actions, using whatever instruments of power aimed at supply side factors, will not ultimately curb the demand for any drug. Attacking the supply side through interdiction, enforcement and prosecution does not address the root cause. Through diplomacy with Mexico as part of the Merida Initiative, the U.S. voiced its commitment to reducing drug demand at home. Yet the U.S. persists on applying further resources to supply side symptoms – production, smuggling, distribution and the attendant violence. In an era of limited dollars, every one applied to those symptoms is one less dollar available to target demand.

“Studies show treatment and rehabilitation are twenty times more effective in decreasing illegal drug trade.”<sup>91</sup> Before risking friction in a budding relationship, further militarizing the environment and generating mission creep, the U.S and Mexico can consider other means. Rather than increasing the role of the military, strongly increasing programs and approaches for targeted education, prevention and rehabilitation may increase success by focusing on our own drug problem.

## Conclusion

Drugs from Mexico are a long running problem for the U.S. The government, working with the Mexican government, is combating this threat and doing so in varying degrees dating back to the 1970s.<sup>92</sup> Upon taking office in 2006, President Calderon made fighting drug trafficking and organized crime a top priority. He's done so by "increasing Mexico's annual budget for security and public safety from \$7.3 billion in 2007 to \$10.9 billion in 2011" and striving for constitutional reforms aimed at legal, judicial and law enforcement institutions.<sup>93</sup> Additionally, he sought greater U.S. cooperation in the battle, particularly for increased emphasis on reducing U.S. demand for drugs and stopping the flow of illicit weapons and bulk currency to Mexico. His appeal to President George W. Bush and the U.S. resulted in the Merida Initiative. At its core the initiative is \$1.5 billion in foreign assistance through various programs overseen by the Department of State between FY2008 and FY2010.<sup>94</sup> Congress continues to support the initiative by appropriating \$143 million in FY2011 and the Obama Administration is requesting \$282 million for FY2012.<sup>95</sup>

The Merida Initiative, however, is more than just economic assistance and financing. Diplomacy and the information element of power are also integral to the initiative. This includes all areas from "increased bilateral communication and cooperation, from law enforcement officials engaging in joint operations on the U.S.-Mexico border to cabinet-level officials meeting regularly to discuss bilateral security efforts."<sup>96</sup> President Obama, in refining the strategy, also added a focus area of building strong and resilient communities.<sup>97</sup> The information instrument of power will perhaps be the dominant tool in this endeavor to educate and build a culture of lawfulness, both in communities and institutions, particularly law enforcement agencies.<sup>98</sup>

While the military instrument plays a minor part under the Merida Initiative, it is nonetheless a vital, but discrete part of the overall U.S.-Mexican security cooperation pact. President Calderon's use of the Mexican Army and Navy to fight the cartels prompted increased interaction with the U.S. military resulting in a budding relationship. The Mexican military's future role in the anti-drug mission may shrink with a newly elected president in 2012. The strength of the current military relationship will weather any change. The growing relationship is a positive development and one the new president will likely retain for mutual security concerns on the border and in the hemisphere.

The most recent Congressional Research Service report on the Merida Initiative stated, "a principal challenge in assessing the success of Merida is separating the results of those efforts funded via Merida from those efforts funded through other border security and bilateral cooperation initiatives."<sup>99</sup> Nevertheless, over 34,000 organized crime related deaths in the last five years, violence spilling over into the U.S., increasing narco refugees, corrupt Mexican government institutions, and eroding public trust in the Mexican government demand U.S. attention and resources. The Merida Initiative brings to bear all elements of national power to attack these and other problems. Yet, these are by products produced by an insatiable appetite for drugs in the U.S.

### Recommendation

Regardless of how long the U.S. continues to sustain the Merida Initiative in whatever combinations of instruments and to whatever financial depths, the other half of the drug equation, the demand side, must be better addressed. A strategy focused solely or largely on supply side factors will not eliminate, nor even significantly reduce the problem of drug trafficking from Mexico or any other country. As part of the Merida

Initiative, the U.S. publicly, as well as through on-going diplomatic relations, acknowledges the requirement to reduce demand. Acknowledging this in our strategic communications and on-going diplomatic relations is important to sustain our relationship and cooperation with Mexico to counter the cartels. However, to ultimately reduce the cartels' threat and influence, the U.S. must go well beyond the Merida Initiative and combine a different set of ways and means to achieve an end of reduced demand for drugs in this country. The solution is not to increase the role of the military. Hammering the problem like a nail won't work. It will only distort the problem, escalate risks and costs and change the entire equation. In short, it will make things worse. The solution is to continue with the Merida strategy and do what the U.S agreed to, effectively attacking our side of the equation – demand.

## Endnotes

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<sup>26</sup> *Ibid.*, 38-45.

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<sup>50</sup> Ibid., 19.

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