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Déjà Vu: Drug Policy on the US-Mexico Border

By Laurie Freeman

Summary: The long-awaited Merida Initiative seems unprecedented, but its newness is a matter of scale, not strategy. While it may produce some positive short-term impacts, it is unlikely to have a lasting impact on drug trafficking. The Initiative is based on a flawed strategy that fails to address the main factor fueling the drug trade – the demand for illegal drugs by millions of Americans. Nor does it provide for the structural reforms necessary for strengthening law enforcement and judicial institutions in Mexico.

Staggering levels of drug-related violence terrorize life south of the US-Mexico border. Heavily armed thugs roam the streets, brazenly entering office buildings and restaurants to assassinate their targets. Gun battles erupt in city centers. Bodies bearing signs of torture turn up on streets and in ditches; some victims vanish without a trace. To fight fire with fire, the Mexican government sends troops to crack down on the violence. The US government announces a program to train thousands of members of the Mexican security forces and provide them with helicopters and other equipment. The US government also attempts to improve Mexico's police and judicial institutions by vetting agents, training them, and giving them state-of-the art technology.

That sounds like a current description of the drug war in Mexico and the "Merida Initiative," the US government's "unprecedented" new anti-drug plan. But it applies equally well to the drug trafficking and related violence that wreaked havoc on the US-Mexico border a decade ago, as well as the US and Mexican drug policies implemented to combat it.

Of course there are differences between the Mexico of today and a decade ago. About 90 percent of cocaine destined for the United States passes through Mexico, up from two-thirds in the 1990s. Once-mighty kingpins have been killed or jailed, replaced by more ruthless leaders. The violence has spread to other border towns, as well as to once tranquil cities in Mexico's interior. The drug cartels' tactics have become more shocking, with beheadings an increasingly popular choice. The Institutional Revolutionary Party (*Partido de la Revolución Institucional*, PRI) is no longer in power, and President Felipe Calderón has aggressively pursued drug cartels, extraditing record numbers to the United States.

But the basic dynamics of the drug trade are no different. Because drugs are illegal – and in high demand in the United States – drug traffickers use *plata* or *plomo* to get drugs across the border. They also use violence to eliminate rivals, enforce contracts, and intimidate anyone who stands in their way.

The US government's strategy for confronting the drug trade remains remarkably unchanged as well. It focuses on law enforcement training and tools, such as helicopters, computers and software, communications systems, and inspections equipment, but pays little attention to the institutional reforms necessary to help Mexican law enforcement agencies better resist corruption. The Merida Initiative's newness is a matter of scale, not strategy.

Many in Washington don't realize that the US government has been down this road before, nor do they know the story of that foray's spectacular failure. The Merida Initiative should be evaluated in light of the US anti-drug efforts that precede it. Doing so reveals little reason to believe the strategy will work this time around either.

The First Time Around

A decade ago, the Juárez and Tijuana cartels caused carnage and corruption as they battled for dominance of the drug trade. Their feud led to countless murders, at least one hundred disappearances, and the murder of a Roman Catholic Cardinal at an airport in central Mexico.

To combat them, the US and Mexican governments turned to the Mexican military, which in their view was more trustworthy than the police, as well as endowed with the sophisticated weapons and equipment necessary for confronting the increasingly violent and sophisticated cartels.

The Pentagon devised a program to train and equip thousands of Mexican special forces soldiers known as GAFES (*Grupos Aeromóviles de Fuerzas Especiales*) to serve as "combat-ready shock troops to attack drug cartels." In 1997 and again in 1998, more than 1,000 Mexican military personnel, including many members of the GAFES, were trained in the United States. They were taught helicopter operations and maintenance, as well as assault tactics, explosives, rural and urban warfare, drug interdiction, and operational intelligence gathering and planning. To equip these units, the US government donated equipment to the Mexican military, including four C-26 aircraft and 73 UH-1H helicopters.

GAFES were deployed throughout Mexico to investigate and apprehend drug traffickers. The Mexican government increasingly relied on GAFES for anti-drug efforts in the wake of successive police corruption scandals.

But it didn't take long for some of these elite soldiers to become corrupt and abusive. GAFES assigned to the Mexico City airport were caught accepting bribes from drug traffickers in 1997. Later that year, a group of GAFES kidnapped and tortured 20 young men suspected of stealing a wristwatch, killing one. Six of the soldiers implicated in that incident had received US training. A DEA official told Congress that, "military officers, once exposed to the extraordinary opportunities for corruption, are equally susceptible as civilians."

Corruption wasn't the anti-drug package's only unanticipated problem. The helicopters and planes proved to be of little utility. The C-26 aircraft were intended for aerial surveillance purposes, but lacked surveillance capability. The Vietnam-era UH-1H helicopters could not fly high enough to locate illicit crops, and the Mexican military complained that they were too old, broke down too often, and lacked sufficient spare parts. Out of frustration, in 1999 the Mexican military returned all of the donated helicopters, save one that had crashed.

The most damaging byproduct of the GAFE plan became evident years later. In 2002, several dozen GAFE deserters began working for the Gulf cartel as eavesdroppers and enforcers. Known as the Zetas, their inside knowledge of the Mexican security forces and their expertise with sophisticated weaponry, surveillance techniques, and operational planning gave Gulf cartel leader Osiel Cárdenas an edge over his competitors. According to the FBI, "Unlike other traffickers, the elite military background of its leaders allows [the] Zetas to mount complicated, precise operations." The Zetas used extreme violence against double-crossers and rival traffickers, and engaged in kidnapping and extortion on the side. Their brutality inspired the Sinaloa cartel to form a similar group of cold-blooded ex-military enforcers.

Drug Violence in Mexico Today

The current spike in violence in Mexico's drug war was principally sparked by Osiel Cárdenas' March 2003 arrest in Nuevo Laredo. His arrest, rather than slowing the flow of drugs, merely altered the balance of power among cartels and unleashed a wave of violence. The Zetas battled to retain the Gulf cartel's power over Nuevo Laredo, and the Sinaloa cartel's gunmen vied to wrest it from them. After gunmen killed Nuevo Laredo's police chief as he left his office his first day at work, the Fox administration launched Operation Safe Mexico, sending hundreds more troops and federal police to Nuevo Laredo.

Other cities have also become battlegrounds for warring cartels, and wild shootouts and brutal killings became almost daily occurrences. Acapulco, once known for sunny beaches and glamorous hotels, became known for beheadings. In April 2006, a policeman's severed head was found in a downtown plaza. Other heads washed ashore in the weeks that followed. Cartel enforcers adopted this shocking tactic throughout the country. In Michoacán, a bag of severed heads was tossed into a nightclub; in Veracruz, a decapitated head was posted outside an army barracks; in Tabasco, the head of a city councilman was found inside a refrigerator that had been delivered to a local newspaper.

By the end of 2006 there had been more than 2,200 drug-related murders in Mexico. The death toll in 2007 already reached this number by October.

The Merida Initiative

Soon after taking office, President Calderón deployed about 27,000 military and police officers to nine Mexican states. They intensified already ongoing efforts to

eradicate drug crops, intercept drug shipments, and apprehend criminals. Calderón also persuaded the Congress to increase Mexico's security budget by 24 percent. Mexico now spends about $2.5 billion annually on combating organized crime.

Calderón was clear from the beginning of his administration that he expected the United States to support Mexico more in its anti-drug efforts. According to Calderón, "The US is jointly responsible for what is happening to us … in that joint responsibility the American government has a lot of work to do." This firm stance, and increased cooperation with US officials, has sparked a new level of partnership between the two countries, leading to the agreement to work out a deal for additional cooperation.

For months, the two administrations were involved in intense negotiations about an anti-drug aid package. The US Congress, which must approve any aid, received no information about what it might contain. The secrecy surrounding "Plan México," as it was originally dubbed, fueled a lot of speculation. The plan's name and anticipated size evoked comparisons to Plan Colombia, raising concerns that US agencies desired a more active involvement in anti-drug efforts on Mexican soil.

On October 22, 2007, the Bush administration officially announced the proposed aid package, known as the Merida Initiative. The Initiative's basic aim is to reduce the asymmetry between Mexican agents (police, intelligence, and military) and drug traffickers who have advanced weapons, high-tech communications gear, and aircraft. The primary components of the package are helicopters and aircraft for rapid transport and surveillance; enhanced telecommunications, inspections equipment, and data analysis capabilities; and training for establishing witness protection and victim assistance programs.

Training will occur in Mexico, in the United States, and in third countries, depending on the kind of training. For example, no military training will take place on Mexican soil. But other types of training – teaching police and prosecutors how to use criminal databases or secure telecommunications systems, or teaching military personnel how to use certain types of equipment – may take place in Mexico, with instruction provided by US law enforcement agents or private contractors.

Aside from training, the Merida Initiative does not contemplate the presence of US personnel in Mexico, as advisors or in operational roles as in Plan Colombia. According to Tom Shannon, the Assistant Secretary of State for Western Hemisphere Affairs, "all [anti-drug] activities undertaken in Mexico will be undertaken by Mexican authorities."

The Merida Initiative will total $1.4 billion over the next two to three years. The Bush administration requested $500 million for the first year (fiscal year 2008), as part of the supplemental budget request for the war in Iraq and Afghanistan. This is more than ten times current annual US anti-drug aid to Mexico. The Bush administration may request the remaining $900 million in the 2009 fiscal year; if it does not, it will be up to the following administration to decide whether to continue the Initiative. The exact

amount of funding and the contents of the aid package also depend on the US Congress. Many members of Congress support the goals of the Merida Initiative but are reluctant to approve it as it stands. They resent the Bush administration's failure to consult with them during the negotiations.

Official summaries of the Merida Initiative are a laundry list of computer systems and software, high-tech gadgets, vehicles, and security equipment. There's something for everyone. Over a third of the Initiative's year one funding request ($208 million) will purchase aircraft to reinforce anti-drug operations and improve the government's rapid response capability. For the army, that means eight transport helicopters; for the navy, two surveillance planes; and for the attorney general's office (PGR), two surveillance aircraft will be refurbished.

An additional $156 million will be used to improve law enforcement technology and equipment. Mexican intelligence agencies will receive secure communications systems, expanded database interconnectivity, and data management and forensic analysis tools. Customs and the federal public security police will receive non-intrusive inspection equipment (scanners and x-ray vans) and new canine teams and training. The PGR will get armored vehicles, bullet-proof vests, and helmets. Even the health ministry will get computer hardware and software, to create a network for demand reduction and rehabilitation.

A total of $100 million will be set aside for "institution building and the rule of law." This includes $60 million to "revamp information management and forensics systems" and training for the PGR, as well as support for anti-gang and anti-organized crime units and victim and witness protection programs. It also includes $20 million for digitalizing the prosecutors' work, providing a case management system, and rebuilding its database; as well as $15 million for "programs promoting anticorruption, transparency, and human rights."

Critique: Different Scale, Same Strategy

So many of the Merida Initiative's components have to do with general border security, crime prevention, and law enforcement issues that one begins to wonder what its central objective really is. Is the Merida Initiative intended to combat drug trafficking? Is it a border security plan? Or is it a hodgepodge of equipment and training that Mexico thought it needed?

The answer is not clear. If the Initiative's objective is to reduce drug trafficking and related violence and corruption, prior experience suggests that it is unlikely to have a major impact, for two main reasons. One, it is based on a flawed strategy that prohibits drugs and attempts to eliminate them en route to the United States, which actually fuels violence and corruption. Two, providing tools and training to law enforcement agencies is no substitute for comprehensive police and judicial reform, necessary for reducing corruption and impunity for violent crimes.

Failed Strategy Fuels Profits, Violence, and Corruption

Only the Merida Initiative's price tag is unprecedented. Its strategy and contents (helicopters, computers, equipment, and training) are nothing new. The US government has been pursuing the same failed strategy for decades.

This strategy consists of attacking drugs at their source or in transit to the United States in order to make them more scarce, drive up their street price, and thus discourage demand. The "supply side" strategy may sound logical in theory, but it has failed in reality. It has not made drugs in shorter supply or more expensive. On the contrary, they are cheaper and more plentiful. In 2003, after more than 20 years of intense US efforts to reduce the supply of illegal drugs, the street prices of cocaine and heroin were at all-time lows. Recent spikes in cocaine prices will likely be followed by dips, as traffickers find alternate routes or methods for getting drugs to consumers. Such temporary price hikes also create incentives for more suppliers to enter the market, since there's more money to be made for selling their product.

Despite the downward trend in drug prices, the drug business remains incredibly lucrative. The prohibition of drugs, which are demanded by millions of Americans, produces opportunities for enormous profits that dwarf all enforcement efforts. Take the cocaine market, for example. According to the National Drug Intelligence Center, in 2005, Mexican drug proceeds for cocaine ranged from $2.9 billion to $6.2 billion.

The prohibition of drugs fuels violence. In illegal markets, contracts cannot be established or settled through legal channels; they are enforced privately and often with violence. Furthermore, efforts to arrest traffickers and dismantle their organizations also lead to violence. A blow to one cartel becomes a business opportunity for another, and the winner uses violence to establish control over new routes.

There should be no mistaking that violence is a direct result of the US policy of prohibition and efforts to combat the drug trade. Drug prohibition's side effects are particularly destructive in Mexico because they corrode already weak and corrupt institutions, causing violence to spiral out of control.

Tools without Transparency or Effective Controls

According to Tony Garza, US Ambassador to Mexico, the Merida Initiative "will provide Mexico…with additional tools, training and techniques to turn the page on organized crime and transnational threats." The best tools, training and techniques will not have their intended impact if their recipients are not professional, capable, and trustworthy. Improved public safety requires effective law enforcement institutions, not just bigger machines, better skills, and faster computers. A broken-down car won't run if you give it a paint job, a driver, and a GPS system, but fail to fix the engine.

There are plenty of problems with the Mexican police, such as low pay and lack of a public service ethic. Improvements in those areas are necessary but not sufficient,

however, because they alone will not reduce police corruption. Fixing the police "engine" requires a system of transparent and effective internal and external controls, which would allow the authorities to investigate corrupt officers.

In fact, without transparency and control mechanisms, giving law enforcement institutions more skills and resources could be a dangerous thing. Knowing how to investigate drug criminals won't mean a thing if agents don't want to arrest and prosecute them. If agents are in league with drug traffickers, as is often the case, their training can make matters worse.

The Zetas are the best example of that problem. US officials do not appear to have learned the lesson. When asked if the US government was concerned that training might end up serving traffickers, Shannon responded that, "we can't allow ourselves to be dominated by fear of what might happen…based on the example [of the Zetas]."

What an Effective Anti-drug Aid Package Should Look Like

Calderón is right that drug trafficking is not a problem that Mexico can solve on its own. Drug trafficking in Mexico is rooted in geography and US policy. Mexico is not a source of cocaine, but it does lie between cocaine's source in the Andes and its final destination, the United States. Mexico is also a producer of illicit drugs such as marijuana, heroine and methamphetamines. US policy is to blame because the US government prohibits certain drugs like marijuana, cocaine, and heroin, while failing to shrink US demand for these drugs.

To help Mexico reduce drug trafficking and related violence and corruption, an effective US anti-drug aid package should focus on three issues: drug demand reduction; comprehensive police and judicial reform; and the illegal arms trade. In that sense, an effective anti-drug aid package may not actually involve much foreign aid. While it is important to support long-term police and judicial reform efforts in Mexico, the US government should focus its anti-drug resources and energies at home, in order to reduce drug demand and strengthen regulations on gun sales.

The US should re-direct resources to provide greater access to drug treatment. A landmark 1994 study by the RAND Corporation found treatment for heavy cocaine users to be 23 times more effective at reducing cocaine consumption than drug crop eradication, 11 times more effective than interdiction, and seven times more effective than domestic enforcement. Despite treatment's proven effectiveness (and cost-effectiveness), most drug users who seek treatment do not obtain it, often because the cost is too high. Of the estimated 8.1 million Americans who needed treatment for an illicit drug use problem in 2004, only 1.4 million (17 percent) received it. Treatment alone will not solve the drug problem, of course, but it will have some impact on shrinking the drug market and consequently reducing the crime and public health problems associated with it.

US officials say that the Merida Initiative is a foreign aid package, so US domestic demand-reduction programs are not included in it. However, there are no plans for a major federal initiative to expand and improve drug treatment programs. It is telling that demand reduction is not even mentioned in the Drug Czar's September 2007 *National Southwest Border Counternarcotics Strategy*.

Rather than giving Mexican law enforcement more training and technology, the US should support comprehensive police and judicial reform. Among other things, these reform efforts should increase transparency and strengthen internal and external control mechanisms, so that the institutions, the public, the media, and policymakers can monitor police performance, ensure accountability, and be on guard for evidence of corruption.

Finally, a joint program to combat drug trafficking and violence must address arms trafficking. Mexico shares a long border with Texas, New Mexico, and Arizona, where the sale of guns and ammunition is largely unregulated. As a result, weapons are ridiculously easy to acquire at gun shows and through straw purchases in US border cities and then transport into Mexico. The weapons arrive in Mexico via the "*hormiga*" (ant) trade, by which small quantities of weapons trickle over the border, often concealed in the trunks of some of the millions of cars that cross the border every year. Although the x-ray equipment included in the Merida Initiative may help Mexican authorities stem the flow of guns, they cannot screen every vehicle that crosses the border.

There are steps that the US and Mexican governments can take to make weapons trafficking more difficult. US and Mexican officials are reportedly improving the procedures by which Mexican agents request gun traces from their US counterparts, which will help identify trafficking patterns and build prosecutions against criminals. In addition, the US government should increase oversight and investigations of corrupt federal firearms dealers and increase criminal penalties for those that are complicit in trafficking. Corrupt federally licensed dealers are the largest source of firearms diverted to the black market, yet few are prosecuted, much less have their licenses revoked. The US government should also regulate the secondary market by requiring a background check on all private arms transfers. Finally, gun laws should be strengthened in states like Arizona, New Mexico, and Texas. For instance, they could limit the number of weapons an individual can purchase in a month, regulate the purchase of ammunition, and require background checks at gun shows.

Weapons are in such high demand in Mexico because drug traffickers need them to stay competitive in an illegal enterprise. This will continue to be the case as long as the drug market is both illegal and lucrative. For that reason, reducing weapons trafficking ultimately requires reducing the demand for weapons, and that can best be done by making the drug market less attractive – one way to do this is by reducing drug use in the United States.

Conclusion

Congressman Henry Cuellar of Texas remarked in support of the Merida Initiative that, "If we're going to be successful in cutting out this cancer over there, we're going to have to invest a large amount." His statement reveals quite a lot about how most US officials view drug trafficking in Mexico. For all the talk about joint responsibility, drug trafficking and its related ailments are perceived as a tumor that can be surgically removed. US officials have always viewed drug trafficking thus, as a problem "over there" that needs to be eliminated. They keep recurring to the same "surgery," arming the police and military with tools for cutting down cartel leaders and cutting off the drug supply. But this cancer has spread because its cause is going untreated.

While the attention Mexico is receiving is long overdue, as well as the rhetorical recognition that the US and Mexico are in this together, the Merida Initiative is unlikely to reduce drug trafficking, violence, or corruption. There may be some positive short-term impacts – perhaps there will be temporary disruptions in the drug market, and perhaps more drug traffickers will be arrested, extradited, and prosecuted. But the Merida Initiative will not reduce the flow of drugs in the medium or long term because it fails to address the main factor fueling the drug trade – the demand for illegal drugs by millions of Americans – and it does not address the structural reforms necessary for strengthening law enforcement and judicial institutions in Mexico.

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