

U.S.-Mexico National Security Cooperation against Organized Crime: The Road Ahead

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In a recent appearance at the Border Security Conference in El Paso, TX, U.S. “Border Czar” Alan Bersin told the audience, “Make no mistake. A national security threat to Mexico is a national security threat to the United States.” Only days later, Homeland Security Secretary Janet Napolitano signed a letter of intent with Mexico’s Attorney General to enhance cooperation by sharing information, intelligence, and evidence in order to effectively prosecute those involved in organized crime and drugs and arms smuggling. Napolitano also announced the first-ever Mexico-based Border Enforcement Security Task Force (BEST) that will coordinate intelligence-sharing on both sides of the border. Ten to 15 years ago, these actions would have probably provoked big headlines in the Mexican press on U.S. interventionist intentions and Mexico’s loss of sovereignty. Nothing of the sort happened this time, but that does not imply that the phantoms of nationalism are gone. Instead, I believe that they are asleep and could be soon awakened to cause a deviation from the current organized crime strategy.

As Mexican President Felipe Calderón enters into the second half of his six-year term, he continues to emphasize working cooperatively with the United States in combating organized crime. His courage in the fight against drug trafficking, even when his life and those of his family members have been threatened by the drug cartels, is unprecedented. Calderón took an important step forward for Mexico’s national security interest by collaborating with the United States and sharing the responsibility of tackling organized crime. Will Calderón’s successor continue down this road? Can we foresee an equivalent to the North American Free Trade Agreement (NAFTA) on the security front? Carlos Salinas, we recall, did not have the consensus of his party when he negotiated NAFTA, yet it was the right decision. Is Mexico heading in that direction in the security agenda? There may be even more at stake now.

If the winner of the 2012 presidential election is from the National Action Party (PAN), we will probably see largely a continuation of the current strategy, though we would review the Joint Operations and deployment of the army in some parts of the country. If instead the Institutional Revolutionary Party (PRI) candidate is triumphant, will their political maneuver be to have the policy changed radically? The PRI will certainly have the majority of the state governorships; will the governors collaborate more with a president of their same party? What will civil-military relations look like should PRI governors become the main obstacle to crushing organized crime syndicates in states such as Tamaulipas, Veracruz, or the State of Mexico?

The complexity of organized crime, combined with a profound public insecurity crisis in which kidnappings, robberies and piracy escalate, would change the PRI. In fact, the PRI will be confronted with a new dilemma of decentralized power, where the president would need to negotiate deals with governors in order to guarantee some degree of governability. Would the PRI move beyond party politics and electoral strategies to enhance the interests of the state? Will the PRI accept being labeled as a “failed state”?

U.S.- Mexico Cooperation

The Mérida Initiative (MI) is without a doubt a key step towards a framework of shared responsibility between the United States and Mexico. The U.S. government has acknowledged that the driving force of the drug cartels is drug consumption that provides them with economic strength and firepower. Nevertheless, despite an increasingly close and trustworthy relationship, obstacles remain. Many U.S. officials and congressmen, for example, see Mérida as an assistance program to Mexico and other countries of Central America rather than a binational framework to help Mexico and the United States come even closer together. Officials on both sides agree that this is a crucial and fragile moment.

The domestic politics on either side play out very differently and those handling the relationship need to be sensitive and clear about this reality. Calderón is moving into the second half of a six-year term, and considerable pressure is being put on him to revise his strategy against organized crime. Obama is starting his first four-year term, and has considerable internal issues to address, such as healthcare reform and the budget deficit.

The political junctures can play against each other at a given time. Hence both need to clearly deliver the benefits of this new stage in the bilateral relationship. Building institutions has been Mexico's defining challenge. It is in both countries' interests that political actors across the political spectrum deliver the institutional strength and political will the country needs in order to forge ahead and reduce organized crime to a law enforcement problem. Mexico needs to see the United States more engaged in dealing with the consumption side. This is not an easy task because, for the most part, U.S. society does not perceive what prompted a response 15 years ago: escalating rates of crime; higher levels of drug consumption, particularly of cocaine and methamphetamines; and middleclass suburban kids winding up in hospital emergency rooms.

The United States, however, can do more to halt southbound trafficking by engaging with federal and local law enforcement partners to bolster border security in a more integrated fashion. There is little science to it: the U.S. Congress needs to allocate more funds to allow state and federal law enforcement agencies to partner in the border region with their Mexican counterparts to tackle the power of organized crime, without disrupting trade or commerce. However, it should not only be at the border where such efforts take place. Allocating funds in Illinois, Washington, and other states to collaboratively work together in the complexities of combating organized crime and its social impact is needed.

Organized Crime Breeds Local Crime

Drug violence and drug trafficking operations span both sides of the border. They can be interconnected from Wisconsin and Tapachula to El Paso and Ciudad Juárez, yet addressed very differently. Changing this disjointed approach requires time, political leadership, and an understanding of how organized crime evolves locally, moves regionally, and transcends to our national borders. Improving border, air, and maritime controls through technical assistance or infrastructure investment are steps in the right direction that have a positive impact on our communities. Consolidating information-sharing, building up cases, and reaching a point in which the United States and Mexico can work together against organized crime are goals that remain to be realized. The

United States has to do a better job in sharing information from North to South, instead of only requesting information from its partner and not revealing how and for what it was useful.

The U.S. Challenge: Gun Control

The U.S. government, through its Southwest Border Counternarcotics Strategy, has recognized the close links between firearms trafficking and drug trafficking on the southwest border. Criminal organizations on the Mexican side have considerable access to firearms and ammunition to fight against rival organizations, to defend themselves and to confront Mexican law enforcement agencies, all of which fuel the escalating violence in the region and in our communities.¹ Ten years have passed since the first talks between Mexico and the United States began regarding the implementation of an E-trace system in Spanish to track weapons. Will the United States deliver on its commitment?

How can the Obama administration move beyond the gun control debate, without hurting his potential reelection? There are those that believe that pushing gun control could take Democrats back to the 1994 election, which many in the party believe they lost because of gun politics. Mexico has to be sensitive to the U.S. political reality and needs to do a better job of understanding the limits of what this administration can do. It is important to convey that halting the flow of weapons is not about challenging the Second Amendment to the U.S. Constitution, but of deepening both governments' capacity to stop weapons, especially assault weapons from getting into the wrong hands: those of organized crime groups, which have used them against Mexican law enforcement, military personnel, and innocent civilians.

U.S.-Mexico Military Relations

Today, the U.S.-Mexico military-to-military relationship is ever growing. A few weeks ago, Mexico's National Defense Secretary, General Guillermo Galván Galván, reviewed the status of cooperation and areas of opportunity as he interviewed his U.S. counterpart, law enforcement officers, and civilian leadership. The Secretary had the

¹ National Southwest Border Counternarcotics Strategy, ONDCP. June 2009. p.29.

opportunity to visit the Northern Command and see first hand what our Mexican liaisons are learning. While this relationship is moving ahead, the Mexican military needs to do better in other areas, for example, disclosing information about preventing or sanctioning those responsible for human rights violations.

The Mérida Initiative funds were in jeopardy because of human rights concerns. The US\$100 million installment of U.S. drug-fighting aid to Mexico was held up over concerns in Congress over abuses by the military. The law allows withholding 15 percent of the Mérida funds until Secretary of State Hillary Clinton reports to Congress that the Mexican government is meeting four requirements that include improving transparency and accountability, establishing regular dialogues with non-governmental organizations, prosecuting military and police officers who violate human rights, and prohibiting the use of testimony obtained by torture.

For the record, the military presence in the war against organized crime is not there as a result of the military seeking to be a key participant. Civilians use the military as a result of the lack or even nonexistent capacity of local and state law enforcement forces for the rule of law. This reality is the result on the failure of state and local authorities to invest in police and justice systems.

No human rights violations should go unpunished and any suspicion of a violation should be investigated. Media have put enormous pressure on the military, and yet a pattern of systematically violating human rights is not there. Instead that same pressure should be put on local and state authorities to work together with the federal government to restore the capacity of the rule of law or else be forced to pay the electoral cost.

It is widely known that organized crime groups have mobilized social groups to disrupt key capital cities like Monterrey, in the state of Nuevo León, to withdraw the military from the fight against organized crime, and yet the governor and municipal authorities depend heavily on the military presence as a result of their own failure to build the police force needed to contain crime. So we need to better understand that the responsibility against the power of organized crime goes beyond our political and governmental differences. Additionally, the military need to handle better and more efficiently the information on the actions they are developing to prevent and investigate human rights violations.

Post-Mérida

The electoral clock puts pressure on both governments for different reasons but both administrations in power are evaluated by voters on their performance. U.S. society has to better grasp that Mexico's security should be a matter of concern to them. The future of U.S.-Mexico national security cooperation should be looking at consolidating a scheme similar to the North American Free Trade Agreement, in which security cooperation would be well-established and institutionalized.

Of course, this involves much more than dealing with "drugs and thugs." The threat they pose truly threatens the future of our communities and our bilateral relationship in the 21st century.