U.S.-Mexico Border Security Cooperation

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Right on Immigration
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Introduction

Border security cooperation between the United States and Mexico has waxed and waned over the past three decades, evolving from near nonexistence in the early 1990s to a complex array of programs and policies that have been inconsistently applied across administrations, with widely varying results. Two major themes emerge from a consideration of this recent history: the unstable nature of U.S.-Mexico cooperation as a result of major policy reversals brought on by political changes in both countries, and the corruption and incompetence of Mexican elites.

The first of these, the inconstancy of U.S.-Mexico security cooperation, has been exacerbated by a lack of institutionalization of all such cooperation—in contrast, for example, to the North Atlantic Treaty Organization (NATO)—subjecting specific programs and policies, however promising, to the whims of the administrations in power on either side of the Rio Grande.

The second, the corruption of Mexican elites, severely limits the scope and effectiveness of any cooperation efforts the United States might undertake. However, recent experience demonstrates there is limited room for effective cooperation on discreet issues if both governments closely coordinate their efforts and take steps to institutionalize such cooperation.

The list of policy options and avenues of cooperation available to the U.S. government today is, therefore, quite limited, and the prospects for success are slim. They include the following:

- The recent successful passage of the United States-Mexico-Canada Agreement (USMCA) might be leveraged for greater, albeit behind-the-scenes, cooperation on a range of trade and security issues.

- Over the past 14 years, a number of viable policy options have been included as part of the Mérida Initiative and might be reintroduced as part of a broader cooperative scheme tied to USMCA, but these legacy Mérida policies and programs would need to be re-branded.

- The training and professionalization of Mexican security forces remain an area in dire need of U.S. involvement at the federal, state, and local level, and might be accomplished under a NATO-like multilateral arrangement with Mexico and Canada, or with a bilateral arrangement with Mexico.

In each of these areas, the U.S. government would need to proceed carefully, making sure to provide political cover for Mexican leaders wary of appearing subservient to the United States. Even if the reality of any such border security cooperation was an uneven partnership, it would need to be framed as an endeavor among equals to solve binational challenges facing both countries.

It remains the case, however, that after two decades of efforts to cooperate on border security and implement durable binational policies and programs, the

Key Points

- U.S.-Mexico security cooperation has been unstable and inconsistent for decades, in part because of a lack of institutionalization of cooperative programs and policies.

- The corruption and incompetence of Mexican elites has made consistent cooperation on security issues difficult and unstable.

- Despite these challenges, a few avenues for cooperation are still open. The recently passed United States-Mexico-Canada Agreement (USMCA) might be leveraged for greater cooperation on trade and security issues.

- A number of viable policies and programs that have been a part of the Mérida Initiative might be re-branded and introduced as part of a broader cooperative scheme tied to USMCA.

- The training and professionalization of Mexican security forces might be accomplished under a NATO-like arrangement with Mexico and Canada, or a bilateral agreement with Mexico.

United States has little to show for the effort. In light of the accelerating deterioration of the Mexican state and the growing power of Mexican drug cartels, especially in northern Mexico near the southwest U.S. border, it is time to consider whether attempts at binational border security cooperation should be abandoned in favor of a unilateral approach.

Background

By the mid-1990s, both the United States and Mexico had recognized their respective roles in illegal drug trafficking—the U.S. as a consumer and Mexico as a producer, with transit points distributed throughout both countries. In 1996, both governments established the High Level Contact Group for Drug Control (HLCG), the purpose of which was to coordinate counternarcotics efforts, build trust between U.S. and Mexican federal agencies, and expand the law enforcement capabilities of both countries. The U.S. delegation was headed by the director of the Office of National Drug Control Policy, and the Mexican delegation by the Mexican attorney general and the ambassador to the United States.

The HLCG marked the beginning of formal and substantive cooperation on counternarcotics activities between Mexico and the United States and resulted in a new partnership embodied in a U.S.-Mexico Binational Drug Threat Assessment and a joint U.S.-Mexico Declaration of the Alliance Against Drugs, signed in May 1997. A joint U.S.-Mexico binational drug strategy was issued in February 1998, which identified 16 objectives aimed at reducing drug-trafficking and related activities (United States General Accounting Office, 11). The strategy stated that "bilateral and multilateral cooperation among nations is necessary to achieve acceptable results in the struggle against production, distribution, trafficking, and consumption of illicit drugs," and would include related crimes such as "money laundering, diversion of precursor and essential chemicals, and arms trafficking" (U.S.-Mexico High Level Contact Group for Drug Control, 1).

The strategy outlined three general objectives: halt the increase in drug trafficking, drug use, and drug production in both countries; treat the health and safety problems related to the drug trade; and eliminate the crimes associated with it (U.S.-Mexico High Level Contact Group on Drug Control, 2). To achieve these objectives, the strategy laid out specific actions for each of the 16 points, and in February 1999, both countries agreed to a number of "Measures of Effectiveness" (MOE) to evaluate the strategy's effectiveness and implementation.

At the time, Mexican President Ernesto Zedillo faced mounting internal opposition to increasing law

enforcement cooperation with the U.S. However, the one-party rule of Zedillo's Institutional Revolutionary Party (PRI), which had been in power since 1929, enabled his administration to overcome this opposition and ensure cooperation among the different levels of government.

A major shift in U.S.-Mexico joint counternarcotics efforts was marked by the arrest and extradition of Juan García Ábrego, leader of the Gulf Cartel, on January 14, 1996. García Ábrego was a dual U.S.-Mexico citizen, and his arrest by Mexican authorities at a ranch near Monterrey, Nuevo León, was directly assisted by Drug Enforcement Administration (DEA) agents based in Mexico City. His extradition heralded a new era in U.S.-Mexico cooperation. Before 1994, the Mexican government had rarely extradited a Mexican national to the U.S. That changed in 1995 after Mexico undertook a review of its extradition policies, after which extraditions ramped up quickly. Between 1995 and 2000, Mexico extradited 61 people to the U.S.—a more than sevenfold increase compared to the previous 15 years. During this same period, the U.S. tripled the number of extraditions to Mexico, to 86 (Arzt, 354).

By the turn of the new century, then, a new era of cooperation and coordination between the U.S. and Mexico had begun, with rising expectations on both sides of the border despite some internal opposition in the Mexican government. However, events would soon dramatically reshape the nature of U.S.-Mexico security cooperation.

By the turn of the century, a new era of cooperation and coordination between the U.S. and Mexico had begun.

Bush-Fox, 2000-2005

In early September 2001, Mexican President Vicente Fox arrived in Washington, D.C., for a state visit. The year before, Fox had ended the 71-year rule of the PRI by winning the presidency on the conservative National Action Party (PAN) ticket and had been the first foreign leader granted a state visit by the George W. Bush administration. Both presidents had high hopes for the September visit and for a possible immigration deal that would "regularize" Mexican workers who had come to the United States illegally, granting them some protections and benefits, if not full amnesty, in exchange for certain residency and occupational requirements like learning English. In return, Mexico would ramp up efforts to police its northern border and build on the joint binational drug strategy in cooperation

with U.S. law enforcement agencies. Fox and his foreign minister, Jorge Castañeda, were also optimistic that the continued expansion of the North American Free Trade Agreement (NAFTA) and economic growth in Mexico would eventually put an end to mass migration to the U.S. as more workers chose to remain in Mexico (Leiken).

A week later, the planes hit the Twin Towers, and everything changed. There would be no immigration deal in the ensuing years of the Fox and Bush administrations, or in any administrations to come. Instead of cooperating on immigration reform, the attacks of 9/11 shifted the terms of the discussion, from immigration and counternarcotics to security and counterterrorism. When it came to the border, the paramount concern of U.S. policymakers was to prevent a terrorist attack on U.S. soil originating in Mexico. Drug trafficking ceased to be a high priority for the U.S., and federal law enforcement efforts and intelligence sharing quickly came to be viewed through the lens of counterterrorism.

There would be no guest worker program or any regularization of immigration, and the shared objectives laid out in the 1998 binational drug strategy would be eclipsed by a major reorganization of the U.S. bureaucracy resulting in the creation of the Department of Homeland Security (DHS) and the shuttering of the Immigration and Naturalization Service (INS). As part of that reorganization, Border Patrol (BP), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the U.S. Citizenship and Immigration Service (USCIS) would all be brought under DHS, the primary purpose of which was not to manage immigration or fight drug trafficking but to safeguard the country. In addition, Congress passed two laws that would reshape border security: the 2001 USA Patriot Act and the 2002 Enhanced Border Security and Visa Entry Reform Act, which made changes to visa policies and procedures, increasing information sharing and cooperation with Mexico and other countries.

In March 2002, Bush and Fox signed the Smart Border agreement, a plan focused on securing infrastructure and the flow of goods and people.

The new focus on security was also reflected in a spate of new binational initiatives. In March 2002, Bush and Fox signed the Smart Border agreement, a 22-point plan focused on securing infrastructure and the flow of goods and people. This agreement marked the genesis of commercial clearance programs like the Free and Secure Trade (FAST) program for shipments entering the United States from Mexico and Canada, among other such programs. It was also the beginning of closer cooperation between the U.S. and Mexico on the screening of third-country nationals, intelligence sharing, joint training, and the development of compatible databases. In 2003, Mexico independently launched Operation *Centinela*, which involved the deployment of 18,000 military troops and 12,000 federal police officers to secure Mexico's northern and southern borders, oil platforms, electricity grids, and other areas of strategic interest to the U.S., including the U.S. embassy (Ratt and Brescia, 228). The operation's purpose, like the Smart Border agreement, was not only to prevent terrorists from crossing Mexico's northern border but to improve detention operations and measures to target organized crime and human trafficking in northern Mexico.

This era also saw an attempt at trilateral cooperation between the U.S., Mexico, and Canada in the creation of the Security and Prosperity Partnership of North America (SPP) in March 2005. The SPP was an ambitious effort in regional integration designed to build on the economic gains of NAFTA and to coordinate security between the

three governments in the wake of the 9/11 attacks. The idea was that a trilateral framework like the SPP could overcome the dysfunction and failures of previous cooperative agreements and respond to major economic changes like the entry of China to the World Trade Organization (WTO) and the massive increase in cross-border commerce from NAFTA. To do this, the three governments established ministerial-led working groups to develop goals and measurements for greater regional integration and bureaucratic cooperation.

However, by 2009 the SPP had been wound down and closed. Its demise was largely the result of bureaucratic gridlock, a lack of institutionalization among the three countries, and the vagaries of domestic politics (Gluszek, 17). Newly elected President Barack Obama had little interest in continuing programs undertaken by the Bush administration, and after 2008, the SPP lost momentum—although it had already begun to lose momentum after the election of Mexican President Felipe Calderón in 2006, who was similarly hesitant to continue programs that began under Fox.

Bush-Calderón and the Mérida Initiative, 2006-2008

The election of Calderón to the Mexican presidency in 2006 inaugurated a new era in Mexico's struggle against organized crime, and indeed a new era in U.S.-Mexico security cooperation. Running as head of the PAN, Calderón narrowly defeated Andrés Manuel López Obrador of the left Party of the Democratic Revolution (PRD) amid accusations of voter fraud by López Obrador (McKinley Jr. and Thompson). This would leave a legacy of bitterness on the part of López Obrador, who, since winning the Mexican presidency in December 2018, has been more focused on crushing PAN and his other domestic political rivals than going after the cartels (Sheridan).

Within weeks of taking office in December 2006, Calderón sent 6,500 troops to the state of Michoacán, launching what would become known as Mexico's drug war, now in its 14th year, and inaugurating what is commonly known as the kingpin or decapitation strategy, going after the leaders of transnational criminal organizations (TCOs). To do this, he deployed tens of thousands of military personnel within Mexico to assist and, in some cases, replace local police forces, many of whom were—and still are—in the pay of drug cartels and other criminal gangs (Lakhani and Tirado).

This militarized response to drug trafficking would come to define the Calderón era and would also reshape the cartels themselves, splintering them into smaller, warring factions that have since destabilized vast swaths of the country, including many northern cities near the U.S. border. Homicides had declined under the Zedillo and Fox

administrations, and 2007 marked a historic low point in Mexico's homicide rate. But after Calderón's first year in office, homicides rose dramatically, totaling nearly 15,000 in 2008 (Calderón et al., 12). All told, under the Calderón administration (2006-2012), homicides surged to more than 120,000—nearly twice as many as under his predecessor.

Counternarcotics aid from the United States prior to 2006 was a mere fraction of what came following that year. That changed with Calderón, who, in March 2007, asked for U.S. assistance in fighting TCOs. From that request came the Mérida Initiative, first announced in October 2007 and signed into law in June 2008. The agreement embraced a set of principles about bilateral cooperation combating drug trafficking and crime, but unlike past agreements, Mérida came with substantial U.S. aid. Under Mérida, U.S. security aid to Mexico increased from $48 million in FY2007 to $400 million in FY2008. During the first phase of the program (FY2008-FY2010), these funds enabled the purchase of more than $590 million worth of aircraft and helicopters (Seelke and Finklea, 9). Annual Mérida funding peaked in FY2010 at $639 million and dropped sharply in subsequent years (11). In FY2019, Congress provided just $139 million for the initiative, $61 million above the budget request from the Trump administration (Seelke, 2). All told, Congress has appropriated some $3 billion for Mérida since its inception.

The Calderón administration leveraged Mérida funding to expand the size of the federal police, buy new equipment, and increase training. Mexico purchased an array of equipment from the U.S., including Black Hawk helicopters, night-vision goggles, software, and used Mérida funds to establish federal police academies that train thousands of new recruits (Roberts and Walser). However, accusations of corruption and criminal activity by federal police, including top officials, persisted throughout the Bush-Calderón era and beyond. In 2008, Mexico's acting federal police commissioner, Gerardo Garay, resigned amid accusations his office was allowing the powerful Sinaloa Cartel to move narcotics

through Mexico City's international airport (Lange). More recently, the December 2019 arrest and indictment of Genaro García Luna on charges he took millions in bribes from the Sinaloa Cartel while serving as public security secretary under Calderón (Semple and Villegas) underscores the depth of official corruption during this era. García Luna held a cabinet-level position in the Calderón government as the nation's top crime-fighter. In that role, he was the chief engineer of the administration's kingpin strategy and its use of the military for counternarcotics operations, as well as the expansion of the federal police.

More than any other program over the past 30 years, the Mérida Initiative has strengthened U.S.-Mexican law enforcement cooperation and intelligence sharing, while also allowing the United States to shape Mexico's policies in these areas to some degree. However, it should be noted that after 2012 Mérida became an amorphous administrative designation for U.S. counter-cartel aid and ceased being a distinct, recognizable program with clear policy goals. Indeed, given the persistence of widespread corruption in the Mexican state and rising levels of violence across the country, the Mérida Initiative has, at best, a mixed record. While Mérida has improved U.S.-Mexico security cooperation, critics say that the kingpin strategy of merely breaking up cartels has failed to decrease violence in Mexico, significantly reduce corruption, or strengthen the rule of law, while encouraging turf wars among criminal organizations (Felbab-Brown).

Given the persistence of widespread corruption in the Mexican state and rising levels of violence across the country, the Mérida Initiative has, at best, a mixed record.

Supporters of Mérida, however, point to other metrics, like extraditions. Under Calderón, extraditions to the United States increased dramatically. While extraditions steadily increased during the Fox administration, averaging 35 individuals annually, during the Calderón administration that average increased to more than 100 per year (Seelke and Finklea, 26), which the U.S. State Department has used as an example of Mérida's success.

Mérida was not the only cooperative security initiative undertaken during these years. In 2004, both countries

signed a memorandum of understanding to better manage migration flows and protect the human rights of immigrants, and in 2005 jointly launched Operation Against Smugglers Initiative on Safety and Security (OASISS), aimed at expanding efforts to combat human trafficking. In addition, the United States took unilateral action along the border. In 2006, DHS initiated the multiyear Secure Border Initiative (SBI), which increased staffing and funding for Border Patrol and CBP and established an integrated network of sensors and cameras along the border. SBI also furnished federal agencies tasked with border security with night vision scopes, ground vehicles, aircraft, and unmanned aerial vehicles, all of which served to further militarize the border itself (Lipton).

Obama-Calderón Era, 2009-2012

When Obama took office in 2009, Calderón's drug war was entering a new and violent phase. Drug-related homicides would continue to increase over the next three years, each setting a new record for the total number of homicides in Mexico—22,409 in 2011, a high point that would be surpassed in 2017 and every year thereafter. At the same time, apprehensions of illegal immigrants along the southwest border had been declining since 2005, and by 2011 would reach a near-record low of 327,577 (U.S. Border Patrol).

The drop in illegal immigration during this period, partly driven by the 2008-2009 economic recession in the U.S., did not coincide with any major new security initiatives or increased immigration enforcement on either side of the border. Indeed, after 2010, the Obama administration sharply decreased funding for the Mérida Initiative, all but eliminating more than $100 million in Foreign Military Financing (FMF), even as the U.S. stepped up cooperative efforts in Mexico's drug war. During these years, the U.S. deployed drones, dogs, police trainers, intelligence agents, and signals intelligence to Mexico in an unprecedented level of involvement in Mexico's fight against the cartels (Wilkinson et al.).

In 2011, the Obama and Calderón administrations revised the strategy behind the Mérida Initiative, eventually settling on a four-pillar framework of (1) disrupting organized criminal groups, (2) institutionalizing the rule of law and protecting human rights, (3) creating a 21st-century border, and (4) building strong and resilient communities. Since FY2011, funding for pillar 2 has exceeded funding for all other pillars (Seelke and Finklea, 9-10), with a shift in emphasis from providing military hardware to strengthening Mexico's criminal justice system. Under this framework, institution-building meant hundreds of millions of dollars in U.S. aid for police and judicial training, prison reform, and forensic equipment and training to support Mexico's

transition to an American-style accusatorial justice system, which the country adopted in 2008 (but which today remains largely inchoate).

Throughout both phases of the Mérida Initiative, a major feature of U.S. security aid to Mexico was the vetting—under the so-called "Leahy laws" attaching country-specific conditions to foreign aid—of Mexican security officials by U.S. law enforcement agencies and the State Department. At the height of such vetting in 2012, the U.S. Embassy in Mexico City vetted more than 26,400 individuals, second only the U.S. Embassy in Bogotá, Colombia (Serafino et al., 15). However, critics have questioned the efficacy of U.S. vetting in Mexico, citing the refusal of top Mexican officials to comply with vetting procedures. As a 2018 report by the U.S.-Mexico Security Cooperation Task Force noted:

> *Since before the Calderón administration, the Mexican government has refused to honor U.S. requests that all Mexican officials who take part in U.S.-Mexican joint task forces and special interdiction units (SIUs) be subjected to stringent vetting. While lower-ranking members of the SIUs and task forces would be required to submit themselves to background checks and polygraphs, top Mexican officials on such task forces would refuse to participate in the same vetting procedures. Given the extensive corruption of even the top layers of Mexico's law enforcement agencies and military forces, this critical deficiency has resulted in vital intelligence leaking out, difficulties in sustaining longer-term intelligence and interdiction operation, compromised tactical intelligence, and impediments to strategic intelligence development and sharing. This has also discouraged U.S. law enforcement and justice officials from sharing intelligence more widely (*U.S.-Mexico Security Cooperation Task Force, 6*).*

Obama-Peña Nieto Era, 2012-2017

Calderón's successor, Enrique Peña Nieto (2012–2018), enacted major changes to the Mexican government's counternarcotics strategy and its willingness to cooperate with the U.S. on security-related issues. Peña Nieto, whose election marked a return to power for the PRI after 12 years of PAN rule under Fox and Calderón, pledged to abandon his predecessor's kingpin strategy and focus on reducing violence against civilians and fostering economic growth. In practice, however, Peña Nieto continued to deploy federal police and military forces throughout the country, leading to human rights abuses against civilians and the further militarization of law enforcement, while curbing much of the active cooperation with U.S. law enforcement agencies that had flourished under his predecessor (Miroff).
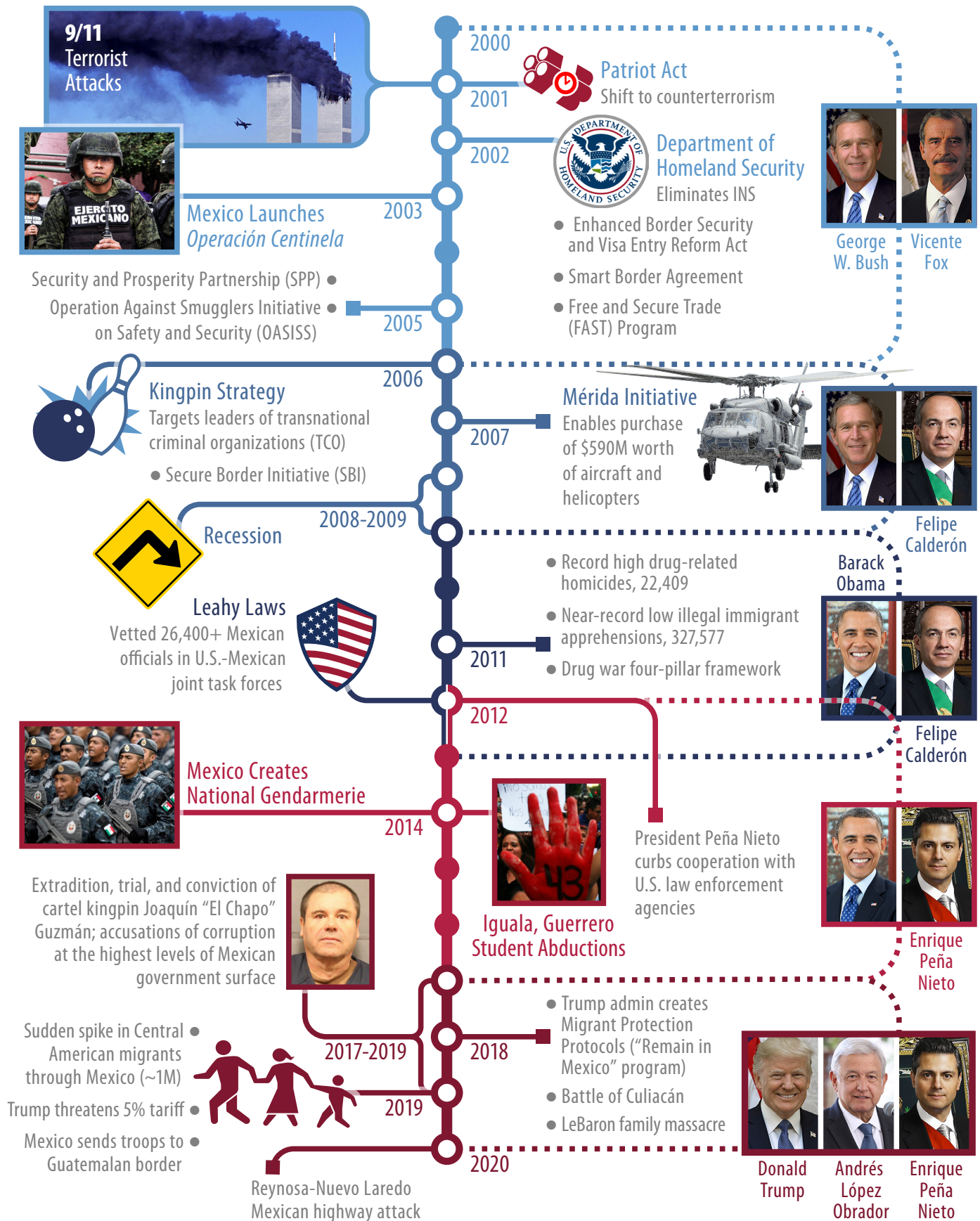
Despite an initial drop in homicides and continued moderate economic growth in Mexico (Harrup), the Peña Nieto era would become known above all for record levels of violence, pervasive impunity, and rampant corruption at the highest levels, including a scandal involving Peña Nieto's wife purchasing a $7 million luxury home from a government contractor, for which he later issued a public apology (Reuters).

Scandal would likewise plague Peña Nieto's security and law enforcement efforts. In 2014, he created a new 5,000-officer federal police force, or National Gendarmerie, that quickly drew accusations of incompetence and corruption. A government audit of the Gendarmerie found that in its first year it completed only 75 operations against organized crime compared to its mandate of 10,000 operations, and that more than 81 percent of its officers failed trustworthiness evaluations. In addition, the audit found a sharp drop in operations conducted to prosecute crime compared to the two-year period before the creation of the force, and that it had made "no advance in the improvement of public security" (Padilla). Such incompetence was not limited to the Gendarmerie. The federal prosecutor's office opened more than 500 investigations against soldiers from 2012 to 2016 but secured only 16 convictions (Wilkinson).

Although the Peña Nieto administration barely met a 2016 deadline to implement justice reforms passed in 2008, Mexico's justice system remains hopelessly backward despite more than a decade of targeted U.S. aid. Mexican states that have received the most aid for reforms show better results than others, but problems persist nationwide as many criminals are routinely released due to flawed investigations, botched crime scenes, corrupted evidence, and errors by prosecutors (Partlow). Rates of impunity for serious crimes, including homicide, are estimated to be as high as 95 percent (Angel et al.).

Perhaps the most high-profile instance of corruption and institutional decay during the Peña Nieto administration was the abduction and disappearance of 43 students from the Ayotzinapa Rural Teachers' College in Iguala, Guerrero, in September 2014—a case that implicated a local crime syndicate, municipal government officials, and dozens of police officers. It led to widespread protests and the resignation of Guerrero's governor, and the case remains unsolved. The Iguala mass abduction would come to symbolize endemic government corruption in the Peña Nieto era and presaged a sharp increase in violence that began in 2015 and has not abated. During Peña Nieto's term, homicides averaged about 30,000 per year, nearly 10,000 more on average than during Calderón's term (Calderón et al., 6).

U.S.-MEXICO BORDER SECURITY COOPERATION 2000-2020

9/11 Terrorist Attacks

2000

2001

Patriot Act
Shift to counterterrorism

2002

Department of Homeland Security
Eliminates INS

- Enhanced Border Security and Visa Entry Reform Act
- Smart Border Agreement
- Free and Secure Trade (FAST) Program

2003

Mexico Launches *Operación Centinela*

Security and Prosperity Partnership (SPP) ●

Operation Against Smugglers Initiative ● on Safety and Security (OASISS)

2005

George W. Bush   Vicente Fox

2006

Kingpin Strategy
Targets leaders of transnational criminal organizations (TCO)

● Secure Border Initiative (SBI)

2007

Mérida Initiative
Enables purchase of $590M worth of aircraft and helicopters

Recession

2008-2009

Felipe Calderón

Leahy Laws
Vetted 26,400+ Mexican officials in U.S.-Mexican joint task forces

- Record high drug-related homicides, 22,409
- Near-record low illegal immigrant apprehensions, 327,577
- Drug war four-pillar framework

2011

Barack Obama

2012

Felipe Calderón

Mexico Creates National Gendarmerie

2014

President Peña Nieto curbs cooperation with U.S. law enforcement agencies

Iguala, Guerrero Student Abductions

Extradition, trial, and conviction of cartel kingpin Joaquín "El Chapo" Guzmán; accusations of corruption at the highest levels of Mexican government surface

Enrique Peña Nieto

Sudden spike in Central ● American migrants through Mexico (~1M)

Trump threatens 5% tariff ●

Mexico sends troops to ● Guatemalan border

2017-2019

2019

2018

- Trump admin creates Migrant Protection Protocols ("Remain in Mexico" program)
- Battle of Culiacán
- LeBaron family massacre

2020

Reynosa-Nuevo Laredo Mexican highway attack

Donald Trump   Andrés López Obrador   Enrique Peña Nieto

Even as violence increased, Peña Nieto walked back many of the cooperative security arrangements the U.S. had been pursuing under Calderón, such as the vetting of security personnel, the participation of U.S. law enforcement officials in counternarcotics operations, and the use of U.S. assets such as drones and signals intelligence against cartel networks. Intelligence sharing in particular suffered when the Peña Nieto government mandated that U.S. law enforcement agencies funnel all intelligence through Mexico's Ministry of the Interior rather than allowing them to choose between the army, navy, or federal police. Previously, U.S. officials had developed "vetted" elite counternarcotics units within Mexico's marine corps to take out high-value cartel targets. As the *Washington Post* reported at the time, "The new protocols mean that the U.S. Drug Enforcement Administration, CIA and other agencies can no longer bypass Mexico's central government to work directly with their trusted military contacts to pass along tips on the whereabouts of cartel targets" (Miroff).

Even as violence increased, Peña Nieto walked back many of the cooperative security arrangements the U.S. had been pursuing under Calderón.

None of these changes improved the security situation in Mexico. After an initial drop in homicides, violence skyrocketed under Peña Nieto even as levels of illegal immigration remained relatively low. The high-profile saga of the arrest, escape, re-arrest, and eventual extradition to the U.S. of notorious Sinaloa Cartel kingpin Joaquín "El Chapo" Guzmán underscored the weakness of the Mexican state and the deteriorating security situation. After twice escaping from maximum-security prisons in Mexico, Guzmán's 2018 trial in the U.S. turned into a spectacle of damning corruption allegations from more than a dozen of Guzmán's associates, including testimony that Ismael Zambada García, who for years ran the Sinaloa Cartel with Guzmán, had access to $1 million per month to bribe high-ranking government officials. The most serious allegation during the trial was that Peña Nieto himself accepted a $100 million bribe from Guzmán (Feuer). Peña Nieto denied it, but the trial nevertheless served to tarnish his administration and underscore the depth of government corruption and collusion with the drug cartels.

Trump/Peña Nieto/López Obrador Era, 2017-Present

The election of Donald Trump in 2016 heralded a new era in U.S.-Mexico relations. Trump had campaigned as a NAFTA skeptic and an immigration hard-liner—promising, for example, to build a wall along the southwest border and make Mexico pay for it. When Trump assumed office in 2017, levels of illegal immigration were at historic lows even as violence in Mexico was reaching record highs.

The emergence of the opioid crisis in the United States placed a new impetus on combating the flow of drugs like heroin, fentanyl, and methamphetamines into the U.S., all of which have been trending upward in recent years. Reducing this flow of drugs has been a focus of the Trump administration, which proposed changes to the Mérida Initiative that amounted to a return to the Bush-Calderón model of focusing on security assistance and counternarcotics, but with lower funding levels than were provided previously. In the FY2020 budget, the Trump administration requested just $76.3 million for Mérida, a 35 percent decrease from FY2018 enacted funding (Seelke and Gracia, 2).

Due to a combination of reduced funding and the above-described changes to the Mérida Initiative imposed by the Peña Nieto administration, security cooperation between the U.S. and Mexico has stagnated in recent years. Extraditions, often cited as a measure of successful cooperation, plummeted after the Calderón administration, from 115 in 2012 to just 54 in 2013, the lowest total since 2005 (Seelke and Finklea, 26). Although average annual extraditions slightly increased throughout the Peña Nieto administration, they remained far below previous levels.

In its first two years, while levels of illegal immigration remained low, the Trump administration focused on renegotiating NAFTA under the aegis of the now-approved USMCA, essentially an update of NAFTA for the 21st century. But 2019 brought a sudden spike in the numbers of Central American migrants crossing the border illegally and claiming asylum in the U.S. Apprehensions on the southwest border increased from about a half-million in 2018 to nearly a million in 2019 (U.S. Customs and Border Protection), overwhelming U.S. border facilities and triggering a humanitarian crisis.

In March 2019, when apprehensions exceeded 100,000, Trump threatened to close the border if Mexico did not step up immigration enforcement efforts. In May, apprehensions approached 150,000, and Trump threatened Mexico with a 5 percent tariff on all imported goods from Mexico unless "the illegal immigration problem is remedied," he wrote on Twitter (Karni et al.). President Andrés Manuel López Obrador, who had won the election in December

Illegal immigration steadily declined after May 2019 and by December had returned to pre-crisis levels.

2018 under his own left-wing populist MORENA party, responded swiftly to avoid the tariffs. He immediately deployed 6,000 troops from the newly created National Guard to Mexico's southern border with Guatemala, increased deportations and detentions of Central American migrants throughout the country, and weeks later sent 15,000 troops to the northern border (Graham).

In addition, over the summer months, López Obrador agreed to work with the Trump administration to implement the Migrant Protection Protocols (MPP) program, also known as "Remain in Mexico" program, which sends some Central Americans seeking asylum back to Mexico to await the adjudication of their cases. While MPP has been plagued with problems on both sides of the border—in the United States, problems conducting asylum hearings for migrants residing in shelters south of the Rio Grande; in Mexico, problems with housing large numbers of migrants—it nevertheless helped reduce the numbers of apprehensions at the border. Between the deployment of the National Guard, increased deportations and detentions in Mexico, and the implementation of the MPP, illegal immigration steadily declined after May 2019 and by December had returned to pre-crisis levels.

As the migrant crisis subsided at the border, three episodes in late 2019 and early 2020 highlighted the deteriorating security situation in Mexico. On October 18, 2019, a battle erupted in the city of Culiacán, the capital of Sinaloa state, between a cadre of national guardsmen and Sinaloa Cartel gunmen. Government forces had attempted to arrest Ovidio Guzmán, the son of jailed kingpin Joaquín "El Chapo" Guzmán, while serving a U.S. warrant. After taking him into custody, the troops were attacked by hundreds of heavily armed cartel henchmen, who laid siege to the city and blocked the roads with burning vehicles, preventing the troops from evacuating the area. Video footage posted on social media showed cartel gunmen driving through the streets in custom-made armored vehicles with mounted high-caliber machine guns. After hours of fighting, the national guardsmen were ordered by the government to surrender, and Ovidio was released (Sieff).

The incident shocked the Mexican public. How could government military forces have been outgunned by a cartel? Why did the government order government troops to stand down? The next day, López Obrador defended the government's decision to surrender, saying, "Many people were at risk and it was decided to protect people's lives. I agreed with that, because we don't do massacres, that's over" (Graham and Diaz).

Less than a month later, on November 4, 2019, a convoy of women and children—all of them with dual U.S.-Mexican citizenship—traveling in the state of Sonora some 70 miles from the U.S. border were ambushed by cartel gunmen. All three women were killed, along with six children, two of them 8-month-old twins. Eight other children managed to escape, although some were wounded by gunfire. The victims were members of the LeBaron family, a Mormon community that has lived and farmed in northern Mexico for decades. The massacre sparked outrage in the United States and renewed calls from U.S. lawmakers to designate Mexican drug cartels as foreign terrorist organizations (FTOs) and to impose sanctions on cartel-associated individuals.

As of January 2, 2020, prosecutors in Mexico have detained seven people in connection with the massacre, including the police chief of the town of Janos, Chihuahua, near where the ambush occurred. In response to the killings, President Trump, in an interview, had initially called for Mexican drug cartels to be designated as FTOs, backing off this position only at the request of López Obrador, saying he would temporarily hold off on the designation (Mele and Semple). While FBI investigators were sent to assist Mexican authorities in the aftermath of the massacre, to date, no other actions have been taken by the United States.

Americans traveling in northern Mexico now face growing dangers from cartels. On January 4, 2020, a 13-year-old

American boy traveling with his family from the Monterrey area back to the United States was killed in a cartel ambush in Tamaulipas state. The boy's mother, brother, and uncle were also injured in the attack. The family was traveling in two separate vehicles, both with Oklahoma license plates, on the Reynosa-Nuevo Laredo Mexican highway in Ciudad Mier, when gunmen ordered them to stop. When they refused, the gunmen opened fire (Gallón and Toropin). According to the Tamaulipas attorney general's office, the slain boy was a U.S. citizen, and his parents are permanent U.S. residents, and the FBI has offered to assist Mexican authorities (Booker).

Recommendations

It is fair to say that the Mexican state's sovereignty is eroding, especially in areas of northern Mexico now almost entirely under the sway of cartels and TCOs. Two decades of security cooperation efforts with the United States have failed to create durable Mexican institutions with which U.S. agencies can liaise. After 20 years of such efforts, neither country has much to show for it.

> # The Mexican state's sovereignty is eroding, especially in areas of northern Mexico now almost entirely under the sway of cartels and transnational criminal organizations.

That is not to stay there are no possible avenues for substantive binational cooperation, but that such avenues are, at this point, highly circumscribed. The passage of USMCA might afford new opportunities for collaboration on security issues relating to trade and narcotics interdiction, but only if such collaboration is presented to the Mexican government as part of a larger strategy to facilitate the secure flow of goods across the border. A number of policies enacted as part of the Mérida Initiative might be resurrected under a new aegis. In particular, the vetting of Mexican security personnel, including high-ranking officials, should be a priority. No long-term cooperation with Mexican law enforcement is possible unless U.S. agencies can have confidence in their counterparts. A return to vetting might be accomplished as part of a larger aid effort to train and professionalize Mexican security forces at all levels. For any of this to work, however, the United States must have the buy-in of the Mexican president, who at present shows little inclination to cooperate with the U.S. on security issues or pursue any discernable security strategy of his own.

Under such circumstances, the question for U.S. policymakers is not what new cooperative program or binational security agreement the United States should propose to Mexico, but whether the time for such agreements—for bilateralism as such—has come to an end.

To date, the Trump administration has pursued a combination of bilateral and unilateral policies to secure the border. The MPP program, for example, relies entirely on the willingness of Mexico to cooperate with U.S. agencies and receive migrants back into Mexico who have illegally crossed into the U.S. Other policies, like changes to how asylum claims are processed, the relocation of CBP and BP personnel from inland checkpoints to border areas, and the deployment to the border of the U.S. military in a support role, are all unilateral actions the Trump administration has taken to meet the crisis.

At the same time, the U.S. is relying on unilateral actions by the Mexican government. Mexico's crackdown on illegal immigration on its southern border, its deployment of National Guard troops to border areas, and increased deportations and immigration enforcement in the country's interior are entirely internal policy changes involving no cooperation or coordination with U.S. agencies.

Such action and cooperation on the part of Mexico should not be taken for granted, and therefore cannot form the basis of U.S. border policy moving forward. Instead, U.S. policymakers should consider additional ways to enhance security on the southwest border unilaterally. Such policies could include the following:

- Reforms to the immigration and asylum system,

- Building up physical infrastructure and facilities that can accommodate periodic surges of illegal immigration, and

- Erecting or enhancing physical barriers in high-traffic areas.

Conclusion

The migrant crisis, the battle of Culiacán, the LeBaron massacre, and the highway ambush in Tamaulipas all highlight how security cooperation has changed in the Trump-López Obrador era, becoming a much more transactional—at times adversarial—arrangement in which trade, immigration, and border security have become intertwined and interdependent. Meanwhile, violence in Mexico has reached record levels for three years in a row, with 2019 reaching a new high of more than 35,500 murders (Betz). The spiraling violence is now affecting tourist areas that have long been excluded from the kind of bloodshed that has routinely afflicted other parts of the country.

Meanwhile, corruption in Mexican officialdom remains rampant, and there appears to be little that U.S. counterparts in Mexico can do to stem it. López Obrador, for all his seeming willingness to work with Trump on immigration and trade, seems to have no articulable security strategy beyond his campaign slogan of "hugs, not bullets," even as criminal gangs and cartels branch out from drug trafficking and pursue new sources of illicit income through kidnapping, extortion, migrant smuggling, and fuel theft.

If the recent history of border security cooperation between the United States and Mexico has any lessons to offer, it is that cooperation is fruitful for the U.S. only when it has a willing and capable partner south of the Rio Grande. At present, the U.S. government has no such partner, and until it does, it should pursue border security on a unilateral basis. ★

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