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REVISITING THE MERIDA INITIATIVE

by

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Abstract

Lauded as “unprecedented” when signed in 2008, the Merida Initiative is a bilateral United States-Mexico effort to combat drug related violence in Mexico. Founded on four strategic pillars 1) disrupt capacity of organized crime to operate, 2) institutionalize capacity to sustain rule of law, 3) create a 21st Century border structure, and 4) build strong and resilient communities, Merida was designed to attack the underlying conditions that offered a permissive environment for drug related crime. However, despite its multi-billion-dollar price tag, what followed is more than a decade of increasing violence in Mexico, and even higher drug trafficking and associated deaths in the United States. In answering where the initiative went wrong, this paper briefly outlines the effectiveness of these pillars, and identifies detracting conditions not addressed in Merida. Finally, three recommendations are offered which provide a manageable way forward for bilateral success.

Introduction to Merida

The bilateral relationship between the United States and Mexico is one seemingly wrought with contradiction. Some 25-years after the implementation of the North American Free Trade Agreement (NAFTA), Mexico has grown to be the U.S.'s largest trade partner.¹ According to the United States Trade Representative, 2018 US-Mexico trade totaled 671.1 Billion dollars, a number that is only expected to climb with the enactment of the recently authored U.S., Mexico, and Canada Trade Agreement (USMCA).²

However, in spite of this spectacular level of trade, the security dilemma posed by Mexico complicates what would otherwise be a great relationship. Estimates show that as high as 90 percent of illicit drugs enter the U.S. from Mexico.³ Mexico, as their vector, and these drugs, are attributed to more than 50,000 U.S. deaths, and countless other social maladies, each year.⁴ Tens of thousands of undocumented people enter the U.S. from Mexico each year, largely fleeing drug related violence in Mexico and Central America, and have been considered a national security concern for decades.⁵ While these numbers trend upwards, and lend themselves as fodder for political rhetoric, their mention in national security discourse is far from new. The U.S. has been engaged in a so called "war on drugs" for more than 50 years and concerns about

¹ Office of the United States Trade Representative. 2019. *U.S.-Mexico Trade Facts*. Accessed December 23, 2019. <https://ustr.gov/COUNTRIES-REGIONS/AMERICAS/MEXICO>.

² Ibid.

³ Morris, Stephen D. 2012. "Corruption, Drug Trafficking, and Violence in Mexico." *Brown Journal of World Affairs* XVIII (II): 29-43.

⁴ National Center for Health Statistics. 2020. *Overdose Death Rates*. March. Accessed March 20, 2020. <https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>.

⁵ Partopilo, John, and Matt York. 2014. *Immigration: A National Security Threat?* September 8. Accessed January 15, 2020. <https://cuslar.org/2014/09/08/immigration-a-national-security-threat/>.

the porous U.S.-Mexican border have been in the forefront of immigration and drug enforcement conversations for nearly as long. More than the short-sighted building of a wall, both countries have set out previously to address these U.S. security challenges at their source in Mexico, through a 2008, U.S. funded bilateral agreement called the Merida Initiative.⁶ Though after ten years in operation and with the aforementioned statistics it is clear the initiative has been less than fully successful.

Established in 2008, and lauded as an “unprecedented” and “historical” bilateral effort in combatting drug related violence in the U.S. and Mexico, the Merida Initiative lays out its strategic objectives and aligns its program execution under four areas of cooperation, or pillars: 1) disrupt capacity of organized crime to operate, 2) institutionalize capacity to sustain rule of law, 3) create a 21st Century border structure, and 4) build strong and resilient communities.⁷ With approved funding of roughly 2.3 billion dollars over slightly more than 10 years, the initiative is cursed with high expectations. Penned after a hugely successful Plan Columbia, Merida too is charged with tackling a high magnitude, multi-faceted, international problem, while supported by a comparatively small bank roll.⁸ However, the Merida Initiative, although clearly under resourced for the scale of the issues it is intended to address, has not failed in its objectives strictly due to funding. However, it has failed because it does not sufficiently address key enabling factors in each of its core tenets, and has been implemented within an environment of extreme drug related violence and corruption in Mexico. This paper will answer why the initiative has failed to succeed in each of its pillars, and demonstrate how

⁶ United States Department of State. n.d. *The Merida Initiative*. Accessed October 1, 2019. <https://mx.usembassy.gov/our-relationship/policy-history/the-merida-initiative/>.

⁷ Ibid.

⁸ Ibid.

the environment of insecurity, woven through each of these pillars, serves to undermine their effect individually and as a whole. In so doing, through clear examples that criminal organizations have not been disrupted, rule of law has not strengthened, border structure is abysmal, and communities less secure, key points for enabling success can be identified. These points will supply the framework for recommended courses of action intended to accomplish the original intent of the Merida Initiative, and strengthen the bilateral relationship beyond trade.

Pillar 1: Disrupt Capacity of Organized Crime to Operate

The purpose of Merida's first pillar is to disrupt the capacity of organized crime to operate.⁹ In the context of the initiative and Mexican organized crime this is predominantly referencing drug cartel operations. To curtail the efforts of the cartels, Merida supports the investigation, capture, prosecution, and incarceration of key cartel leaders and the disruption of their enterprise through providing related equipment, technological advantage, and training to Mexico's drug enforcement apparatus.

To date, the funding under this pillar has largely been expended by providing 7 aircraft to the Mexican Navy and 7 to the Federal Police, valued at more than 220 million dollars.¹⁰ Mexico is a large country, with geography ranging from mountainous, to vast deserts, to coastal waterways and territorial islands. These aircraft, surveillance and transport by type, are a necessary investment, allowing police and military units to conduct operations combating narco-trafficking throughout these environments.

⁹ United States Department of State. n.d. *The Merida Initiative*. Accessed October 1, 2019. <https://mx.usembassy.gov/our-relationship/policy-history/the-merida-initiative/>.

¹⁰ *Ibid.*

And this training and equipment may have contributed to successes. Consider the arrests of cartel leadership Joaquin “El Chapo” Guzman, head of the Sinaloa Cartel, and of Omar Trevino Morales, leader of the Los Zetas Cartel, in 2014 and 2015 respectively, and it seems to offer prima facia evidence that the pillar was achieving its disruptive goals. However today, despite these apparent victories, Mexico-based transnational criminal organizations are more prevalent than ever.

Prior to Merida’s inception in 2008, the Drug Enforcement Administration (DEA) assessed there to be 4 major criminal organizations in Mexico, almost entirely focused on the trafficking of narcotics into the United States.¹¹ Today there are believed to be 20, with some engaged in global operations, and all involved in a much broader criminal enterprise.¹² This “diversification” of the criminal marketplace has created an environment where these groups no longer have a sole interest in one primary commodity, such as narcotics, but instead have added ventures such as human trafficking and gun smuggling to their portfolios.

Not only expanding their business models, the cartels appear to be gaining influence and capacity within their home territories, as demonstrated in recent attempts to arrest the highest leaders of the Sinaloa cartel. After an investigation that lasted years, police investigators converged on and arrested Ovidio Guzman Lopez, son of imprisoned drug kingpin Joaquin “El Chapo” Guzman, and current head of the Sinaloa Cartel. A days long gun battle ensued, besieging the city of Culiacan, resulting in numerous fatalities and the concession by the

¹¹ Drug Enforcement Administration. 2019. *National Drug Threat Assessment*. Threat Assessment, U.S. Department of Justice. Accessed February 2020. https://www.dea.gov/sites/default/files/2020-01/2019-NDTA-final-01-14-2020_Low_Web-DIR-007-20_2019.pdf.

¹² Ramsey, Geoffrey. 2012. *Study: US Marijuana Legalization Could Cut Cartel Profits By 30%*. November 5. Accessed December 1, 2019. <https://www.insightcrime.org/news/analysis/study-legalization-cut-cartel-profits-by-30/>.

Mexican government to the demands of the cartel by releasing their leader. Mexican President Lopez-Obrador asserted that the risk of increased violence against civilians was too great to have kept Guzman-Lopez in custody and that, “the capture of a criminal cannot be worth more than the lives of the people”.¹³ By sacrificing the rule of law President Lopez-Obrador granted the cartels a decisive victory, proving their tactics of extreme violence effective in bending the government to their criminal will.

On the narcotics production side, proliferation of Mexican produced opiates and methamphetamines has not suffered from efforts of Merida. Today, Mexican cartel production of opium, poppy cultivation, and production of heroin is higher than at any point in history and more than capable of matching the increased demand brought about by the U.S. opioid epidemic. Additionally, Mexican TCOs are the primary transport vector for Colombian cocaine, with nearly 97 percent of all cocaine entering the United States via Mexico.¹⁴

Domestically, the cartels are expanding their territorial control within the United States. Despite high-level arrests as mentioned, the Sinaloa Cartel continues to be the largest player among Mexican TCOs in the U.S. Street level gangs and distribution networks are consistently linking with cartel representation to ensure steady supply chains of illicit narcotics. Although less reliant on violence when operating within the U.S., the widespread presence of cartel members is indicative of their increasing relevance as the greatest transnational criminal threat.

¹³ Villareal, Andres, and Maria Verza. 2019. *8 dead, 20 wounded in gunbattle across the capital of Mexico's Sinaloa state as troops fail to capture El Chapo's son*. October 18. Accessed December 15, 2019. <http://www.chicagotribune.com/nation-world/ct-nw-el-chapo-son-culiacan-20191018-3opoeufhqzcsnobgh6cae4csua-story.html>.

¹⁴ Drug Enforcement Administration. 2018. "National Drug Threat Assessment." Threat Assessment. Accessed December 1, 2019. <https://www.dea.gov/sites/default/files/2018-11/DIR-032-18%202018%20NTA%20final%20low%20resolution.pdf>.

Drug production in Mexico is at its highest point in history, and the cartels operate with virtual impunity both within and outside of their borders, expanding their enterprise daily. The decapitation approach to crippling Mexican drug cartels has been either ineffective, as in the arrest of El Chapo yielding to successors, or impossible, as seen in the arrest and release of Ovidio Guzman Lopez and the Sinaloa Cartel's insurgent efforts against the Mexican government. Clearly, if the cartels are not only surviving, but thriving, in the current environment, the ability of organized crime to operate has not been sufficiently disrupted. As these examples show, these organizations do not exist, and are not only effective, merely because of their leadership.

The Mexican cartels have been estimated generate annual income in excess of a quarter of a trillion dollars, with more than 200,000 firearms trafficked annually on their behalf from the United States.¹⁵ This equips them to forcefully coerce, or bribe, their way past or through the legal system. With this capacity for generating resources, removing a single head of a cartel will be insufficient to stop the overall organization from continuing in their criminal activities. Without limiting their access to resources, primarily cash and weapons, their influence and business will continue, regardless of their organizational name or who has the lead.

Pillar 2: Institutionalize Capacity to Sustain Rule of Law

Under pillar two, Merida is purposed to institutionalize the capacity to sustain the rule of law within Mexican public security, border, and judicial institutions. The initiative's programs are targeted towards strengthening the capabilities of these institutions by improving internal

¹⁵ U.S.-Mexico Security Cooperation Taskforce. 2018. *U.S.-Mexico Security Cooperation: 2018-2024*. Task Force Whitepaper, San Diego: University of California-San Diego.

controls, professionalizing military and police cultures, providing corrections reform, and establishing a baseline for transition into the New Criminal Justice System (NCJS).¹⁶

Likely the most diversified pillar in terms of the broadness and numbers of included efforts, it has delivered more than 300 million dollars in training and equipment. The preponderance of this funding has been directed towards training for the judiciary, prosecutors, and law enforcement officers, forensic lab updates, and improved legal education in law schools intended to reduce corruption and build public trust in its state and Federal criminal justice institutions. These enhancements are all part of a cradle-to-grave plan, designed to strengthen the operational criminal justice process. If successful, these efforts would solidify criminal cases from their initial investigation, through prosecution and potential incarceration, without adulteration by corruption or human rights violations.

However, despite these intentions, the training efforts have never been fully implemented. Even though Mexico, along with the support of the U.S. under the Merida Initiative, fully funded the implementation of the NCJS, a considerable portion of the target audience for the reform have never completed initial training. To date, an estimated 88 percent of police officers and 94 percent of prison authorities, have never been trained.¹⁷ When considering the number of human rights abuses and level of perceived corruption within these two groups, it is an easy correlation to the lack of training. Institutionalizing the rule of law cannot be effective without changing the largest subculture within the Mexican legal system: it's police and prison

¹⁶ United States Department of State. n.d. *The Merida Initiative*. Accessed October 1, 2019. <https://mx.usembassy.gov/our-relationship/policy-history/the-merida-initiative/>.

¹⁷ Luengo-Cabrera, Jose. 2017. *Criminal Justice Reform in Mexico: Implementation Challenges*. Accessed February 1, 2020. <http://visionofhumanity.org/mexico/criminal-justice-reform-mexico-implementation-challenges/>.

officers. Unless and until this training is completed, the improvement in human rights abuses and corruption will not be noticed within these groups. Absent this training implementation, the stated goal of reforming corrections and professionalizing the police culture cannot be achieved.

A measure of progress, or lack thereof, in establishing internal control measures and corrections reform, came in 2014 with the escape of Juaquin “El Chapo” Guzman from a Mexican penitentiary. Guzman had managed to escape in a brazen, yet largely unnoticed manner, through a mile-long tunnel that had been constructed underneath his cell. That such a feat was carried out, for such a high-profile, notorious prisoner, is a black mark against the anti-corruption movement, and a negative statement as to the current environment within the Mexican criminal justice system.

What is more troubling, however, is that the criminal justice system lacks the capacity to handle the volume of violent crimes it is facing: too few police, investigators, and court officers, and too many crimes. With an estimated 40,000 homicides a year, and at least as many missing persons cases, the ability of Mexican law enforcement to properly investigate and solve these cases is beyond taxed. Murders in Juarez and Tijuana occur with such frequency and regularity, that investigators are forced to travel from one to the next without the time to initiate an inquiry into the matter.¹⁸ With such a high crime rate it is understandable that some 90 percent of crimes are never prosecuted.¹⁹ Although additional crime lab equipment and training are helpful, this level of violence overwhelms any combined resources to be provided by the current initiative

¹⁸ Berger, Miriam. 2019. *Justice for victims of violent crime in Mexico is rare. Can the deaths of nine Mormons change that?* November 12. Accessed December 1, 2019. <https://www.washingtonpost.com/world/2019/11/08/justice-victims-violent-crime-mexico-is-rare-can-deaths-nine-mormons-change-that/>.

¹⁹ Bruneau, Thomas C. 2017. "The Ambiguity of American Power: Drugs, Crime, and Violence in Latin America." *Latin American Research Review* 52 (5): 925-932. <http://doi.org/10.25222/larr.245>.

and the Mexican government. Pillar two will not be successful without first reducing crime by way of their access to resources. Increasing investigative resources to meet the number of crimes would be a financially exhausting endeavor. By instead reducing their access to weapons and cash, the cartels ability to perpetrate crime, directly or indirectly, may be more effectively managed to a level which can be dealt with through existing resources.

Pillar 3: Create a 21st Century Border Structure

Pillar three is intended to create a 21st Century border structure by providing a foundation for better border security infrastructure and technology at Mexico's northern and southern border crossings, sea ports and air ports. Similar to previous pillars, this is done through the delivery of training to border security forces, Attorney General's Offices, and Federal Police Units, mostly in the topics of modern border security and inspections. Infrastructure support is also provided in the form of Non-Intrusive Inspection Equipment (NIIE), such as x-ray machines, electronic air and chemical testers, as well as canines trained in the detection of weapons, narcotics, and currency.²⁰

However, the effect of this pillar has been largely unseen. To date, although illegal Mexican migration across the U.S.-Mexico border has been greatly diminished, there has been an exponential growth in the migration of other people groups and nationalities. The U.S. Border Patrol reported more than 132,000 apprehensions, many seeking asylum, on the U.S. Mexico

²⁰ United States Department of State. n.d. *The Merida Initiative*. Accessed October 1, 2019. <https://mx.usembassy.gov/our-relationship/policy-history/the-merida-initiative/>.

border for May 2019.²¹ Further, narcotics are crossing the border at a steadily increasing rate, with cocaine more than twice, and methamphetamine five times the rate prior to Merida.²²

Although Mexico has greatly improved its immigration enforcement and border security approach, instituting a National Guard, and increasing the number of illegal immigration apprehensions at its southern border, these mechanisms when combined with those offered through the Merida Initiative are insufficient. Between their use of relatively advanced tunnel construction, unmanned aerial systems (UASs), and aircraft to transport narcotics and people, and creative ways of sneaking materials through checkpoints, it is abundantly clear that the cartels will readily innovate their way beyond physical barriers, around waiting border agents, or past an inspection point.²³ To get ahead of these rapidly innovative and creative smugglers would require much more depth to the Merida Initiative and exponentially increased collaboration on both sides of the border.

But no matter the technology resource, the piece continually missing in implementing Merida is the people used in its security. The cartels' demonstrations of extreme violence have been used threateningly to sway legal outcomes. Similarly, the cartels' vast financial resources to have bribed their way to favorable results. There have been countless instances of U.S. and Mexican border patrol agents being threatened or bribed into allowing droves of people and/or tons of narcotics through their checkpoint or across the surveilled border. Some former U.S. Border Patrol internal affairs specialists have even gone as far as to suggest that as many as

²¹ U.S Customs and Border Protection. n.d. *CBP Enforcement Statistics*. Accessed March 1, 2020. <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

²² Ibid.

²³ United States Attorney's Office Southern District of California. 2015. *International Smuggling by Drones Nets 28 Pounds of Heroin*. August 12. Accessed February 1, 2020. <https://www.justice.gov/usao-sdca/pr/international-smuggling-drones-nets-28-pounds-heroin>.

5,000 U.S. Border Patrol agents have been corrupted by the cartels.²⁴ In an environment where just one corrupt agent, bought by a 100,000-dollar bribe can nullify a half-billion dollars of high-tech equipment, it is clear the initiative's resources will need to drive beyond the status quo. This pillar requires an effort to degrade the resources, for coercion and bribery, available to the cartels if it is to be successful. Only by reducing the financial weight of the cartels, or their capacity to visit violence, can efforts to improve border security be more effective.

Pillar 4: Build Strong and Resilient Communities

Merida's fourth pillar targets the building of strong and resilient communities and is intended to get after the basic societal disfunctions which contribute to lawlessness: joblessness, marginalized groups, negative public perception of government, etc. This pillar engages select communities through direct engagement with youth, delivering job creation programs, offering social safety nets, and establishing community confidence in public institutions. Further, it serves to counter the narco-culture so pervasive in Mexico which glamourizes the pitting of cartels against the sitting government and accepts corruption as a way of life.

Uniquely within the initiative, this pillar also leverages a multinational function, the Organization of American States, into its broader drug demand reduction approach in assisting with the creation of Drug Treatment Courts, which are intended to minimize incarceration while also reducing illegal drug consumption. Although, regardless of this level of influence and investment, to date only 5 of Mexico's 32 states have active Drug Treatment Courts.

²⁴ Raff, Jeremy. 2017. *The Border Patrol's Corruption Problem*. May 5. Accessed January 15, 2020. <https://www.theatlantic.com/politics/archive/2017/05/not-one-bad-apple/525327/>.

Additionally, this pillar incorporates “culture of lawfulness” programs into community efforts, similar to the U.S. drug abuse resistance education (D.A.R.E.) youth programs. These programs are purposefully designed to reduce crime and corruption by building a sense of individual responsibility toward lawful behavior within the predominant focus group of junior high school age children. Thus far, while far from affecting the entire population, more than 800,000 students have received this training. Building upon this and lending credibility to government functions, civilian watch booths have been added to court offices, providing direct civilian interaction on behalf of the courts and increasing probability of criminal reporting. As with the educational programs, the watch booths are mostly seen in the areas of the state surrounding Mexico City with limited proliferation to the other Mexican states.

But just as before, the cartels capacity for violence undermines any effort towards a culture of individual responsibility to lawfulness. In a society where public murders of dozens of people, in broad daylight, have become commonplace, teaching responsibility in schools will not be enough to dissuade corruption or encourage public confidence in the systems that shaped the contemporary environment. Likewise, as entire police precincts are arrested for corruption, with a court continuously corrupted by the cartels expected to hold them accountable, it should not be expected that the newly taught culture of lawfulness would engender public confidence in the process.²⁵

²⁵ BBC News. 2018. *Mexico town's entire police force detained after murder*. June 25. Accessed December 1, 2019. <https://www.bbc.com/news/world-latin-america-44597807>.

Recommendations and Conclusion

As designed today, the Merida Initiative, does not accomplish its broader purpose of adding stability to the Mexican government, or increasing security for the American people. Wrought with mismanagement, constrained by resources, and plagued with shifting political paradigms within which it must operate, Merida was doomed from its inception. When adjusted for purchasing parity, the one quarter, to one half of a trillion dollars generated each year by the cartels is sufficient to mount a well-armed criminal insurgency, beyond rival by the Mexican government. Pitting Merida against this problem, much greater than its own size, is equivalent to a title fighter boxing two weight classes above their own and has made for the most implausible match. Moving forward, there are three offered courses of action, excluding the maintenance of the status quo: (1) Realign Merida's pillars with shared priorities of U.S.-Mexico leadership, (2) Reconsider U.S. gun policies, namely as they relate to transfer of firearms into Mexico, and (3) Reconsider U.S. drug policies. These courses of action are not intended as a be-all, end-all approach, but as opportunities for improving the current environment.

Realign Merida's Pillars: The current political environment in Mexico is drastically different than that which existed at the onset of the Merida Initiative. President Lopez-Obrador (AMLO) was elected on a platform that championed an end to the "war on drugs". Since entering office, he has ensured continued decriminalization of user level narcotics, and has mentioned considering amnesty for drug traffickers, while focusing on efforts that would reduce the demand for drugs and take a more rehabilitative stance in dealing with users. Add to this his

outright rejection of funding received through the Merida Initiative and it is clear the current bilateral agreements days are numbered.²⁶

Similarly, the political environment within the U.S. has seen shifts, albeit in a more conservative direction than that of Mexico. U.S. President Donald Trump, ran a successful campaign heavily influenced by his pro-law enforcement stance and heavy rhetoric directed towards the U.S.-Mexico border security dilemma. Today focused intensely on building a monstrous border wall along that border, President Trump has demonstrated little interest in dismissing the “war on drugs”, even going as far as to offer President Lopez-Obrador U.S. military assistance in combating the cartels. With such polar differences in national politics at play, it is clear a new consensus must be reached on the initiative in order to find a successful way forward.

The U.S. stands to gain nothing for its efforts if it continues to apply resources into Merida when its design is so largely contradictory to the desires of Mexican leadership. While understandable to change domestic policy in order to address domestic interests, forcing the hand of a sovereign government to change its own domestic policy to match your desires is unlikely to be successful. However, by retooling the initiative to offer greater support to Mexican immigration enforcement and border security, it would funnel resources towards mutually

²⁶ Sheridan, Mary Beth. 2019. *Mexico's President just says no to U.S. cash to fight drug crime*. May 9. Accessed December 1, 2019. https://www.washingtonpost.com/world/the_americas/amlo-rejects-us-crime-fighting-funds-injecting-new-uncertainty-into-relationship/2019/05/09/f9e368fe-71c2-11e9-9331-30bc5836f48e_story.html.

beneficial U.S.-Mexico national security objectives, while still providing some limited support to U.S. counter-trafficking efforts.

Reconsider U.S. Gun Policies: As seen in the catastrophic increase in Mexican homicide rates, and the outgunning of the Mexican police and military by the cartels, the availability of firearms to criminal organizations is significant. According to the U.S. Bureau of Alcohol, Tobacco, and Firearms (BATF) more than 70 percent of firearms used in the commission of crimes in Mexico are committed with weapons purchased in the United States.²⁷ A further 200,000 guns are estimated by the BATF to be trafficked to Mexico from the U.S. annually, with many of these lawfully purchased.²⁸ Additionally, there is a strong correlation between the increase of firearm incidents in Mexico, and the 2004 sunset of the Assault Weapons Ban.²⁹

The steps to be taken by the U.S. need not be drastic. Passing legislation that would require background checks for all firearm purchases, even private sellers, and restricting all sales to foreign nationals without a federal permit would provide considerable limitations to the lawful acquisition of these firearms by cartels and would also serve to reduce the accessibility to firearms by criminal elements within the U.S. Recent studies have shown that such mechanisms

²⁷ Parsons, Chelsea, and Eugenio Weigand-Vargas. 2018. *Beyond Our Borders: How Weak U.S. Gun Laws Contribute to Violent Crime Abroad*. February 2. Accessed December 15, 2019. <https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/>.

²⁸ Lindsay-Poland, John, and Laura Weiss. 2017. "Re-Arming the Drug War in Mexico and Central America." *NACLA Report on the Americas* 49 (2): 182-185.

²⁹ Young, Stewart M. 2012. "Going Nowhere "Fast" or "Furious": The Nonexistent U.S. Firearms Trafficking Statute and the Rise of Mexican Drug Cartel Violence." *University of Michigan Journal of Law Reform* 46 (1): 1-68.

of “gun control” are acceptable to the majority of Americans on both sides of the political aisle, making this a politically tenable course of action on the domestic front.³⁰ Leveraging recent active shooter incidents such as that committed by a foreign national in Pensacola, Florida, would serve as a reminder that this legislation was beneficial to both sides of the border.

This option alone would not fully address the violence in Mexico, or curtail the ability of the cartels to operate. What it would do, however, is provide them a supply chain dilemma, and effectively limit their resource for violence that has largely ran unchecked. This approach, would begin reducing their overall capacity for influence and violence to a level more manageable by Mexican authorities while also minimizing direct U.S. culpability for Mexican homicides and instability.

Reconsider U.S. Drug Policy: U.S. drug policy has not offered much to improve the condition of the user, or to reduce the use of drugs, to date. Harsh criminal penalties and a general lack of social acceptance of convicted drug users has left an indelible mark on what is an ever-increasing cross-section of the U.S. population. However, after more than 50 years of combating drug use in this manner, without positive results, perhaps it is time the approach is reconsidered.

Case studies for decriminalization of user level narcotics abound, with Switzerland providing a well-documented example for consideration. Their decriminalization did not accept all drug use, but instead accepted marijuana use while mandating a treatment program for all

³⁰ Barry, Colleen L, Daniel W Webster, Elizabeth Stone, Cassandra K Crifasi, John J Vernick, and Emma E McGinty. 2018. "Public Support for Gun Violence Prevention Policies Among Gun Owners and Non-Gun Owners in 2017." *American Journal of Public Health* 108 (7): 878-881. doi:10.2105/AJPH.2018.304432.

other users in lieu of a criminal proceeding. What data has shown is that while the introduction of new drug users to a system may not decrease, that the rate of existing users seeking treatment greatly increases after decriminalization.³¹ When considered against the rate of drug use in the U.S., currently estimated around 25 million users, and that only roughly 10 percent of them will actually seek treatment, the Switzerland model would provide a clear advantage.³² Add to that Switzerland's nearly 50 percent reduction of drug overdoses, and the nearly 70,000 annual overdose deaths in the United States offers an obvious benefit towards its consideration.³³

The proliferation of marijuana sanctuaries among various states that would be increased exponentially under this model would be a catalytic benefit to the efforts of Merida. The states that have legalized marijuana have drastically reduced the amounts being provided by the cartels and have reduced their cash flow by billions of dollars.³⁴ It could be extrapolated that an increase in legalization efforts would also decrease cartel profits proportionally, especially with corresponding federal legislation changes that would allow investment by U.S. based federally insured businesses under regulation oversight to begin mass production.

³¹ Drug Policy Alliance. 2017. "It's Time for the U.S. to Decriminalize Drug Use and Possession ." Accessed December 1, 2019. <https://www.drugpolicy.org/resource/its-time-us-decriminalize-drug-use-and-possession>.

³² Substance Abuse and Mental Health Services Administration. 2015. *National Survey on Drug Use and Health*. June. Accessed December 1, 2019. <https://www.drugabuse.gov/publications/drugfacts/nationwide-trends>.

³³ Common Sense for Drug Policy, Inc. n.d. *Drug War Facts by Region: Switzerland*. Accessed December 1, 2019. <https://www.drugwarfacts.org/region/switzerland>.

³⁴ Minhee, Christine, and Steve Calandrillo. 2018. "The Cure for America's Opioid Crisis? End the War On Drugs." *Harvard Journal of Law and Public Policy* 42 (2): 548-623.

While not a perfect solution by any means, and certainly filled with political challenges and societal implications, it offers considerable benefit to the U.S. population while also serving to aid in stabilizing Mexico. The reduction in overdose deaths, coupled with the reduced cash flow to the cartels, make this an option worthy of consideration.

The current U.S. approach to stabilizing Mexico, securing the U.S., and combating transnational criminal organizations, as captured through the Merida Initiative is woefully inadequate. The four pillars, although meaningfully structured in its original publication in 2008, the change in political dynamics and opportunity to gauge effectiveness since then, clearly demonstrate a necessity to change its construct moving forward. After many years of fighting the war on drugs it is time to reconsider the existing approach and challenge the status quo. Through limited revision in U.S. drug policy, gun control, and realigning Merida to fit mutual U.S.-Mexico priorities, the resulting reduction in cartel cash flow and capacity for violence, reduction in U.S. incarceration and overdose rate, and the lack of wasted energy in the new Merida may provide a toe-hold from which to gain ground in this five decade war.

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