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Rethinking the Mérida Initiative: Why the U.S. Must Change Course in its Approach to Mexico's Drug War

by Stephanie Erin Brewer*

INTRODUCTION

AS DRUG-RELATED VIOLENCE SURGES IN NORTHERN MEXICO, U.S. GOVERNMENT OFFICIALS HAVE COME TO PLACE URGENT PRIORITY ON THE NEED TO REDUCE DRUG TRAFFICKING south of the U.S.-Mexico border. Citing this goal, the U.S. government began in late 2008 to implement a multi-year, \$1.4 billion foreign aid plan known as the Mérida Initiative with the stated purpose of enhancing Mexico's ability to reduce crime, with overwhelming emphasis on the drug trade. This aid package complements other forms of U.S. security aid to its southern neighbor, including millions of dollars in annual military aid from the Department of Defense.¹ Yet an examination of the current Mexican and regional context leads to the conclusion that without a paradigm shift in design, the hundreds of millions of taxpayer dollars earmarked for the Mérida Initiative and other anti-drug aid to Mexico will fuel a dysfunctional approach to public security—one that is characterized by widespread human rights violations within the framework of an ineffective war against criminals that has not reduced drug-related violence.

This misguided public security paradigm contrasts sharply with an alternative approach that, rather than battling the symptoms of the drug trade, would primarily target the engine that drives it: namely, demand for drugs in the United States. The need for a clear break with past strategies and a significant focus on demand reduction is all the more salient in light of the growing recognition by political actors and analysts in the region that the Americas are in dire need of a new approach to reducing drug trafficking—and that the United States could have a decisive role to play in taking this step forward.

This article, which forms part two of a two-part series examining Mexico's public security policies from a human rights perspective, presents an overview of the Mérida Initiative and discusses its current and potential impact on respect for human rights in Mexico.² It concludes that now is the time for the U.S. administration to rethink the Mérida Initiative and other public security aid programs, paving a new path that efficiently targets the driving forces behind drug trafficking while respecting and promoting human rights.

THE MÉRIDA INITIATIVE

The Mérida Initiative aid package originated in a meeting between Mexican President Felipe Calderón and former U.S.



Courtesy of Juan Carlos Cruz

Special Forces during an operation in Culiacán, Sinaloa State, Mexico.

President George W. Bush in March 2007.³ In the following months, officials of both administrations met to draw up the basic structure of the proposed package,⁴ which centered largely on providing material and technical support to Mexico's security forces in their war against drug criminals.

The final version of the Mérida Initiative, signed into law by Bush on June 30, 2008, channels \$400 million worth of support from the United States to Mexico in its first year,⁵ including \$116.5 million in military assistance.⁶ The detailed spending plan prepared by the U.S. State Department in September 2008 outlines the proposed uses of Mérida funding, including the purchase of airplanes and helicopters for the Mexican military for surveillance, counternarcotics, and counterterrorism operations;⁷ the purchase of scanners and armored vehicles;⁸ the establishment of law enforcement databases;⁹ training for specialized police units combating organized crime;¹⁰ and anti-corruption activities in the federal police.¹¹ At the time of the Initiative's enactment, the U.S. government contemplated at least two more years of funding, with a total anticipated amount of \$1.4 billion.¹² In 2009, Congress approved a total of \$300 million in Mérida funding for Mexico.¹³ This lower amount may signify a reduction in total Mérida spending over the contemplated three-year period.

The initial Mérida spending plan, in addition to its law enforcement components, also mentions prevention activities including online training of drug treatment counselors,¹⁴ as well as "rule of law" and "human rights activities,"¹⁵ including technical assistance in the implementation of judicial reforms. As will be explained below, 15% of the money in certain funding categories will be reserved until the U.S. State Department reports that Mexico has achieved four specific human rights goals. Yet viewed in the context of the Initiative's overall design and fund-

*Stephanie Brewer is the International Legal Officer at the Miguel Agustín Pro Juárez Human Rights Center in Mexico City. For a more detailed analysis of several of the themes discussed in this piece, see Center Prodh's full-length report *Human rights under siege: public security and criminal justice in Mexico* (Sept. 2008, available at www.centroprodh.org.mx/English).

[Fifteen percent] of the money in certain funding categories will be reserved until the U.S. State Department reports that Mexico has achieved four specific human rights goals. Yet viewed in the context of the [Mérida] Initiative's overall design and funding distribution, these human rights elements come across as side features to the package.

ing distribution, these human rights elements come across as side features to the package. The Initiative's design leaves no doubt that it is overwhelmingly geared toward law enforcement activities, including military operations, undertaken in the current battle against criminals. It is worth underscoring that the Mérida Initiative follows years of U.S. counternarcotics aid to Mexican security forces,¹⁶ a process that continues to influence the approach to drug trafficking deployed by the Mexican government.

REINFORCING A DYSFUNCTIONAL PUBLIC SECURITY PARADIGM

The severity of the threats posed by drug trafficking and related violence is undeniable. It is precisely due to the gravity of these problems that efficient responses are required both nationally and regionally to bring about sustainable reductions in the drug trade. At the same time, any drug-fighting plan must avoid supporting or increasing existing forms of violence, including violence committed by state agents.

In light of these criteria, the most severe flaw in the Mérida Initiative is that it reinforces the war-like mentality that has led Mexico to deploy its military and police in a territorial battle against criminals as the answer to drug trafficking. This war on crime has brought with it a steeply escalating universe of human rights violations against Mexico's residents, including arbitrary killings, torture, and illegal arrests.¹⁷ Furthermore, this strategy has not led to a decrease in drug-related violence but rather has seen a tripling of drug-related homicides in the past three years, with the number of killings in 2008 now estimated at 5,630 and with more than 1,000 killings reported by Mexican media for the first fifty-one days of 2009.¹⁸

One could argue that the United States can avoid fueling human rights violations in Mexico by withholding funding from certain military or police units shown to be responsible for such abuses or by waiting to disburse assistance until Mexico has met certain human rights requirements. Yet, even assuming that the U.S. government strictly adheres to such measures, the Mérida Initiative as a whole sends an unmistakable message of political support for the Calderón administration's violent drug war. With the Mérida Initiative, Mexico has become the country

that receives the second most military¹⁹ and police aid from the United States in the Western Hemisphere.²⁰ As mentioned, Mérida funding does not prevent Mexican security forces from continuing to receive other aid from the U.S. Defense Department²¹ through programs that are less transparent and receive less scrutiny than the Mérida Initiative²². Meanwhile, much of the Mérida funding not earmarked for the army will nevertheless go to increasingly militarized police forces, as military officers take over a growing number of command posts within the Mexican police.²³

In this climate, the most relevant question is not whether U.S. anti-drug funding provides training or equipment to a certain soldier or police officer who engages in demonstrated human rights violations (although it will be particularly grave if this takes place²⁴). Rather, the Mérida Initiative and additional military aid support a security paradigm in Mexico that has thus far engendered human rights violations by deploying forces trained for war to perform the work of civilian police and has failed to hold military forces accountable for such violations. That the U.S. government, with its enormous political and economic influence, should support Mexico's security forces in this environment curtails opportunities for the U.S. to call upon Mexico to respect human rights within and beyond its public security operations.

A CALL FOR A NEW MODEL IN THE FIGHT AGAINST DRUG TRAFFICKING

In addition to these concerns, the consistently ineffective track record of frontal-combat approaches to reducing drug trafficking leave little doubt that supporting such an approach now will not end the drug trade, despite any short-term increases in the number of arrests or amount of drugs seized. Other large-scale security operations to fight drug traffickers at various points over the past few Mexican administrations have resulted in the arrests of high-profile drug kingpins or shifted drug trafficking routes from one place to another. They have not shown signs, however, of sustainable progress in reducing the drug trade as a whole.²⁵

Thus, while effective and professional law enforcement is important at all times, the experiences and data cited above

lead to the conclusion that increased law enforcement is not the panacea to Mexican drug trafficking. Deterrence in general does not hold much power over the foot soldiers of Mexico's drug trafficking organizations; such individuals already risk a violent death at the hands of rival traffickers or authorities. Tough law enforcement, even if it achieved increased numbers of arrests, would not stop new drug traffickers from emerging, lured by the promise of economic returns in a social and economic context that frequently offers few other opportunities to earn a dignified income.

These points are especially relevant in a context of increasing recognition of the failure of the regional drug war paradigm. In February 2009, the Latin American Commission on Drugs and Democracy, composed of leading political figures including former Presidents of Mexico, Colombia, and Brazil, issued its conclusions on this subject. It strongly criticized as ineffective the U.S.-led drug war paradigm of the past 30 years and called for a public health approach to drug policy centered on treatment and demand reduction.²⁶ While it recognized the need for effective law enforcement against organized crime, the Commission observed, "Colombia is a clear example of the limitations of the repressive policies promoted globally by the United States"²⁷ in the drug war. It concluded that the sustainable solution to the drug problem lay in "demand reduction in the major consumer countries," notably the United States, as well as the European Union.²⁸

Also noteworthy is that a February 2009 telephone survey of Mexican residents, which measured reactions to the Commission's report, found that 63% agreed with the statement, "Strategies to confront drug trafficking exclusively through the police and military have failed in Latin America."²⁹ More than half of the participants in the survey (53%) agreed with the perception that, "It has not been possible to debate openly the subject of drugs to find new solutions, due to prejudices and the imposition of the United States, which only wants to use the police and military."³⁰

Despite recent calls to change course in international and regional drug policies, the Mérida Initiative fails to break with the philosophy of arresting drug-related criminals as the primary approach to reducing drug trafficking. Given the growing recognition of the need for truly new and more efficient strategies for reducing the flow of drugs, and given the severity of human rights problems in Mexico, now is the time to redefine the United States' role in Mexico's struggle against drug trafficking, beginning with U.S. foreign aid programs including the Mérida Initiative.

FIGHTING ON THE RIGHT SIDE OF THE BORDER

The engine driving Mexican drug trafficking is demand for drugs in the United States, where wholesale illicit drug proceeds reach tens of billions of dollars each year.³¹ As long as this level of demand exists, drugs will continue to flow north regardless of the level of deterrence that the security forces deploy.³² In this regard, it is likely that the most efficient use of hundreds of millions of dollars annually is to keep most of this money in the United States and direct it to demand reduction through public health services and programs to reduce drug use, such as improved access to treatment for addiction.

Another major reason for the United States to focus attention north of the border is that the military-style assault weapons that

fuel Mexican drug violence (such as AK-47s) come from the United States. The Bureau of Alcohol, Tobacco, and Firearms (ATF) estimates that 90–95% of Mexican cartels' weapons enter Mexico from the southern United States, where individual buyers, benefiting from gaping loopholes in U.S. gun laws, purchase multiple military weapons from gun sellers and then pass the weapons to drug cartels.³³

There are signs that actors in Congress and the current administration recognize the need to step up efforts to address these domestic problems. The administration of U.S. President Barack Obama recently announced a border security plan that will target the arms trade by deploying hundreds more ATF and other agents to the southwest U.S. border. The plan also contemplates measures to reduce drug demand, such as improving drug treatment within national healthcare systems.³⁴ Also noteworthy is a letter to the President signed by more than 50 members of Congress asking for enforcement of the U.S. ban on imported assault weapons.³⁵ While this measure alone will not correct underlying loopholes in U.S. gun laws, it would be a step in the right direction.

Indeed, from its inception the Mérida Initiative has been billed by both governments as the embodiment of U.S. recognition of its "shared responsibility" to combat drug trafficking.³⁶ Only recently, however, have U.S. officials begun to acknowledge clearly the need to address the factors within U.S. territory that generate drug-related violence in Mexico. Secretary of State Hillary Clinton's recent visit to Mexico marked an important acknowledgement that, in Clinton's words, "Our insatiable demand for illegal drugs [in the U.S.] fuels the drug trade."³⁷ Despite this recognition of the need to reduce U.S. drug demand, the visit was also accompanied by a pledge from the administration to seek \$80 million from Congress to purchase Blackhawk helicopters to support Mexico's drug war³⁸—an indicator of continuing U.S. emphasis on law enforcement battles with drug traffickers as a primary drug-fighting strategy. It is worth noting that the Mérida Initiative itself did not introduce any new, concrete commitments in the areas of demand reduction or reduction of arms smuggling in the United States. A change in the design of this high-profile Initiative, coupled with a decisive shift away from directing other foreign aid to Mexico's military, would thus ensure that the administration's recent statements regarding shared U.S. responsibility for drug trafficking truly signify a new level of commitment by the U.S. to address efficiently the particular ways in which it perpetuates the drug trade.

This is not to exclude the possibility of U.S. aid to Mexico. Of great relevance would be policies and programs that create viable alternatives to illicit economic activities for Mexicans living in poverty. In terms of public security aid packages, the Mérida Initiative itself signals areas such as funding to support training of drug treatment counselors and sharing of best practices in the realm of judicial reform, both of which are potentially fruitful areas of cooperation. In particular, effective sharing of technical expertise to support Mexico's transition to an adversarial judicial system characterized by oral criminal trials and support for the establishment of police oversight mechanisms and community policing models would provide more sustainable contributions to public security in both countries than, for example, funding the Mexican armed forces. A rethinking of foreign aid to Mexico, emphasizing such institution-building and preventive activities while eliminating military aid, would additionally send

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a clear message that the U.S. will not fund entities that continue to commit systematic human rights violations.

HUMAN RIGHTS ELEMENTS IN THE MÉRIDA INITIATIVE

Finally, it is worth mentioning the four human rights reporting requirements that are built into the Mérida Initiative. Fifteen percent of the funds contemplated for Mexico under the U.S. funding categories “International Narcotics Control and Law Enforcement” and “Foreign Military Financing Program” in the Initiative cannot be disbursed until the U.S. State Department reports that the Mexican government is:

- Improving the transparency and accountability of its police forces
- Ensuring that civilian (not military) prosecutors and judicial authorities are investigating and trying members of federal police and military forces credibly alleged to have committed human rights violations, in accordance with Mexican and international law
- Enforcing the prohibition on using testimony obtained through torture as evidence in court, in accordance with Mexican and international law
- Establishing a mechanism for regular consultation between the Mexican government and civil society to monitor implementation of the Mérida Initiative³⁹

These human rights elements identify specific problems requiring action or reform. Despite their limitations in the context of the overall design and political message of the Mérida Initiative, these conditions therefore present an opportunity to

call attention to and send a message regarding the urgent need to respect rights in the specific situations addressed. On the other hand, failure by the U.S. administration to evaluate fulfillment of these basic and specific conditions in good faith would send a damaging message of tolerance for acts that the U.S. itself has found to be human rights violations. Thus, with the Initiative well underway, it is crucial that at least these basic human rights elements are observed and that the U.S. State Department does not report fulfillment of these points until the necessary progress has actually occurred.

Mexico’s level of progress on these elements during the first nine months of the Mérida Initiative has been far from encouraging. For instance, since the enactment of the Mérida Initiative, Mexico has continued to use military jurisdiction (that is, military authorities) to investigate cases of human rights violations committed by soldiers, a practice that has been denounced as impermissible by national and international human rights bodies.⁴⁰ Throughout the Calderón administration, during the first two years of which Mexico’s National Human Rights Commission received over 1,500 reports of human rights abuses by military forces,⁴¹ the system of military jurisdiction has maintained impunity in cases of grave human rights violations committed by soldiers. Prompted by such concerns, in the recent Universal Periodic Review of Mexico by the 47-member United Nations Human Rights Council, no fewer than seven States officially recommended to the Mexican government that civilian authorities should have jurisdiction over cases of military human rights violations.⁴²

Neither is there any sign that the Mérida Initiative’s human rights reporting requirements have yet diminished the widespread use of torture by Mexican security forces. Mexico’s current lack of compliance in these areas of well-established human rights law underscores the need for the U.S. to demonstrate that the four human rights requirements are not merely cosmetic, but require good faith implementation to trigger release of funding.

CONCLUSION

The Obama administration has a singular opportunity to break with the drug-fighting strategies of the past, which have focused on fighting the symptoms of the drug trade through force, and lead the way to a modern approach that prioritizes the causes of drug trafficking while recognizing the centrality of respect for human rights. These goals will not be served by a primarily law enforcement-oriented aid package, let alone one that tacitly or publicly lauds a militarized drug war characterized by widespread human rights violations.

The U.S. must instead prioritize domestic demand reduction and halt the flow of assault weapons over the border if it is to cease exporting both the motive and the means for violent drug trafficking to Mexico. As consensus grows in the region regarding the need to move beyond the inefficient and damaging anti-drug strategies of the last decade, it is crucial that the U.S. government follows through and expands upon recent declarations recognizing the need for domestic action. While an important step forward, these should constitute only the beginning of a profound paradigm shift in this regard in U.S. anti-drug strategies. A failure by the United States to change course fully now will mean not only that it finds itself working largely on the wrong side of the border, but also on the wrong side of history.

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ENDNOTES: Rethinking the Mérida Initiative

¹ In 2008, Mexico received nearly \$13 million in aid from the Department of Defense. See Center for International Policy, Latin America Working Group Education Fund, and Washington Office on Latin America, *Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean*, "U.S. Aid to Mexico, All Programs, 2004–2009," (last visited March 28, 2009), <http://justf.org/Country?country=Mexico&year1=2004&year2=2009>.

² Part one of the series presented an overview of human rights violations that characterize Mexico's current public security operations in its war against crime.

³ See Secretaría de Relaciones Exteriores, *INICIATIVA MÉRIDA: Un Nuevo Paradigma de Cooperación en Materia de Seguridad*, Oct. 22, 2007, available at <http://portal.sre.gob.mx/eua/index.php?option=news&task=viewarticle&sid=334>.

⁴ *Id.*

⁵ Supplemental Appropriations Act, Pub. L. No. 110-252 § 1406(a) (2008).

⁶ *Id.*, Chapter 4(A).

⁷ FY 2008 SUPPLEMENTAL APPROPRIATIONS SPENDING PLAN: Mexico, Central America, Haiti and the Dominican Republic, Sept. 4, 2008, p. 5.

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 7.

¹² See, e.g., Remarks by United States Ambassador to Mexico Antonio O. Garza at the signing of the Letter of Agreement on the Mérida Initiative—As prepared, Dec. 3, 2008, available at www.usembassy-mexico.gov/eng/Ambassador/eA081203Jointdeclaration.html.

¹³ Omnibus Appropriations Act, Pub. L. No. 111-8 § 7045(e) (2009).

¹⁴ FY 2008 SUPPLEMENTAL APPROPRIATIONS SPENDING PLAN: Mexico, Central America, Haiti and the Dominican Republic, 6, Sept. 4, 2008.

¹⁵ *Id.* at 4.

¹⁶ Center for International Policy, Latin America Working Group Education Fund, and Washington Office on Latin America, *Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean*, "Grant U.S. Aid Listed By Program, All Programs, Entire Region, 2004–2009," (last visited March 3, 2009), http://justf.org/All_Grants_Program.

¹⁷ See Stephanie Erin Brewer, *Structural Human Rights Violations: the True Face of Mexico's War on Crime*, 16 HUM. RTS. BRIEF 7 (2008). In 2008 alone, Mexico's National Human Rights Commission received 1,230 reports of human rights violations committed by military forces. See the 2008 Annual Report of the National Human Rights Commission, available at www.cndh.org.mx.

¹⁸ Juan Velez & Marco Lara Klahr, *Muertes del narco ya no se investigan*, EL UNIVERSAL, Feb. 23, 2009, available at www.eluniversal.com.mx/primera/32540.html.

¹⁹ While notorious levels of corruption among Mexican police sometimes lead international actors to assume that the military is immune to this problem, it is worth recalling that one of the most violent criminal organizations in Mexico, the *Zetas*, was founded by former members of the armed forces, belonging to an elite military

squad that had received training from the United States as part of an earlier drug-fighting program. See LAURIE FREEMAN, STATE OF SIEGE: DRUG-RELATED VIOLENCE AND CORRUPTION IN MEXICO: UNINTENDED CONSEQUENCES OF THE WAR ON DRUGS, 3, June 2006, available at www.wola.org/media/state_of_siege_06.06.pdf. Media sources continue to report that current and former army officers are involved in drug trafficking. See, e.g., Juan Arvizu Arriola & Andrea Merlos, *Desertan en 8 años 150 mil soldados*, EL UNIVERSAL, Dec. 4, 2008, available at www.eluniversal.com.mx/primera/32093.html; Jorge Carrasco Araizaga, *Militares: el enemigo, de la misma familia*, EL PROCESO, Feb. 15, 2009, available at www.proceso.com.mx/noticias_articulo.php?articulo=66376.

²⁰ Center for International Policy, Latin America Working Group Education Fund, and Washington Office on Latin America, *Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean*, "Grant U.S. Aid Listed By Country, All Programs, Entire Region, 2004–2009," (last visited Feb. 27, 2009), http://justf.org/All_Grants_Country.

²¹ See *Id.*, "Grant U.S. Aid Listed By Program, All Programs, Entire Region, 2004–2009," (last visited March 3, 2009), http://justf.org/All_Grants_Program.

²² See Center for International Policy, Latin America Working Group Education Fund, and Washington Office on Latin America, *Ready, Aim, Foreign Policy: How the Pentagon's role in foreign policy is growing, and why Congress—and the American public—should be worried*, 5–7, March 2008, available at <http://justf.org/files/pubs/080306read.pdf>. In the realm of military-to-military assistance, according to one recent media report, in northern Mexico the U.S. military is training Mexican security forces in tactics of urban warfare against drug criminals using lessons learned in Iraq. Víctor Hugo Michel, *Prepara EU a SEDENA en guerra urbana*, MILENIO, Feb. 20, 2009, available at www.milenio.com/node/170680.

²³ See, e.g., Jéssica Zermeño, *Toman Generales mandos policiacos, Reforma*, Feb. 15, 2009, available at www.reforma.com/enfoque/articulo/484/967995/; José Ernesto Topete, *Militarizan Cd. Juárez; mando castrense asume control policiaco*, EL MEXICANO, May 19, 2008, available at www.oem.com.mx/elmexicano/notas/n703335.htm; Javier Valdez, Rubén Villalpando, & Mauricio Conde, *Militares asumen el control de dos corporaciones policiacas de Sinaloa*, LA JORNADA, May 20, 2008, available at www.jornada.unam.mx/2008/05/20/index.php?section=politica&articulo=016n2pol; Jacobo Orendar, *Reynoso nombra a un militar en la SSP*, MILENIO, Nov. 25, 2008, available at <http://impreso.milenio.com/node/8114207>; Jorge Ortiz Heras, *Tijuana militariza seguridad pública*, EXCELSIOR, Dec. 2, 2008, available at www.exonline.com.mx/diario/noticia/primera/pulsonacional/tijuana_militariza_seguridad_publica/431767; Luis Brito/Agencia Reforma, *Refuerzan PFP con otro General*, EL MAÑANA, Dec. 19, 2008, available at <http://www.elmanana.com.mx/notas.asp?id=95389>; Silvia Otero, *La PFP "adopta" enseñanza militar*, EL UNIVERSAL, Feb. 9, 2009, available at www.eluniversal.com.mx/nacion/165626.html.

²⁴ The U.S. has been widely criticized for providing assistance to Colombian military units responsible for extrajudicial executions and other grave human rights violations within the framework of Plan Colombia. See, e.g., Amnesty International and the Fellowship of Reconciliation, *Assisting Units that Commit Extrajudicial*

Killings: A Call to Investigate U.S. Military Policy toward Colombia, April 9, 2008, AI Index: AMR 23/016/2008.

²⁵ See Maureen Meyer, *At a Crossroads: Drug Trafficking, Violence and the Mexican State*, with contributions from Coletta Youngers and Dave Bewley-Taylor (Nov. 2007), 1, available at www.wola.org; United States Government Accountability Office, *Drug Control: U.S. Assistance Has Helped Mexican Counternarcotics Efforts, but Tons of Illicit Drugs Continue to Flow into the United States*, 9, Aug. 2007.

²⁶ COMISIÓN LATINOAMERICANA SOBRE DROGAS Y DEMOCRACIA, *DROGAS Y DEMOCRACIA: HACIA UN CAMBIO DE PARADIGMA*, Feb. 11, 2009, available at http://drogasydemocracia.org/files/2009/02/declaracao_espanhol_site.pdf.

²⁷ *Id.* at 7. (Author's translation.)

²⁸ *Id.* (Author's translation.)

²⁹ María de las Heras, 63%: “La vía policial y militar contra el narco, un fracaso en América Latina,” *MILENIO*, Feb. 16, 2009, available at <http://impreso.milenio.com/node/8533187>. (Author's translation.)

³⁰ *Id.* (Author's translation.)

³¹ See, e.g., NATIONAL DRUG INTELLIGENCE CENTER, NATIONAL DRUG THREAT ASSESSMENT 2009, “Bulk Cash Smuggling,” Dec. 2008, available at <http://www.usdoj.gov/ndic/pubs31/31379/index.htm>; COLLEEN W. COOK, CRS REPORT FOR CONGRESS: MEXICO'S DRUG CARTELS, 4 Oct. 16, 2007.

³² The enduring power of drug demand in the face of all obstacles is demonstrated by the discouraging results of past U.S. anti-drug plans centered on militarized law enforcement approaches to drug trafficking, notably Plan Colombia. Through this program, the United States has provided roughly \$5 billion dollars in military and police counternarcotics and security aid since 2000, including support for large-scale drug fumigation, but these measures have failed to reduce cocaine production or stem the flow of drugs from the country. See WASHINGTON OFFICE ON LATIN AMERICA, *CHEMICAL REACTIONS: FUMIGATION: SPREADING COCA AND THREATENING COLOMBIA'S ECOLOGICAL AND CULTURAL DIVERSITY*, Feb. 2008, available at www.wola.org/media/WOLA%20Chemical%20Reactions%20February%202008.pdf; U.S. GOVERNMENT ACCOUNTABILITY OFFICE, *PLAN COLOMBIA: DRUG REDUCTION GOALS WERE NOT FULLY MET, BUT SECURITY HAS IMPROVED; U.S. AGENCIES NEED MORE DETAILED PLANS FOR REDUCING*

ASSISTANCE, 2, 27, Oct. 2008; see also Leslie Bernstein, *Can Mexico learn from Colombia's drug war?*, *SAN DIEGO UNION-TRIBUNE*, Feb. 16, 2009, available at www3.signonsandiego.com/stories/2009/feb/16/1n16colombia00218-colombia-drug-war-continues-desp/.

³³ U.S. Embassy in Mexico, *México-Estados Unidos de un Vistazo: Combate contra Armas de Fuego Ilícitas*, Feb. 2009, available at www.usembassy-mexico.gov/sataglance_illicit_firearms.pdf; see also Associated Press, *ATF: most illegal guns in Mexico come from U.S.*, *USA TODAY*, Aug. 11, 2008, available at www.usatoday.com/news/washington/2008-08-11-mexico-guns_N.htm; James C. McKinley, Jr., *U.S. Is a Vast Arms Bazaar for Mexican Cartels*, *THE N.Y. TIMES*, Feb. 26, 2009.

³⁴ Press Release, White House, Administration Officials Announce U.S.-Mexico Border Security Policy: A Comprehensive Response & Commitment (Mar. 24, 2009), available at www.whitehouse.gov/the_press_office/Administration-Officials-Announce-U.S.-Mexico-Border-Security-Policy-A-Comprehensive-Response-and-Commitment/.

³⁵ Letter from Eliot L. Engel and fifty-two members of Congress to President Barack Obama, Feb. 12, 2009, available at www.lawg.org/storage/lawg/documents/congressional%20letter%20to%20obama%20w%20%20signatures%20-%20assault%20weapons%20feb%202009.pdf.

³⁶ See U.S. Dept. of State, *MÉRIDA INITIATIVE*, www.state.gov/p/inl/Merida/; Secretaría de Relaciones Exteriores, *INICIATIVA MÉRIDA: Un Nuevo Paradigma de Cooperación en Materia de Seguridad*, Oct. 22, 2007, available at <http://portal.sre.gob.mx/eua/index.php?option=news&task=viewarticle&sid=334>.

³⁷ Mark Landler, *Clinton Says U.S. Feeds Mexico Drug Trade*, *THE N.Y. TIMES*, March 25, 2009.

³⁸ *Id.*

³⁹ See Supplemental Appropriations Act, Pub. L. No. 110-252 § 1406(b) (2008).

⁴⁰ See Brewer, *supra* note 17.

⁴¹ See National Human Rights Commission (CNDH), Annual Reports, available at www.cndh.org.mx.

⁴² Human Rights Council, *Draft Report of the Working Group on the Universal Periodic Review: Mexico*, Feb. 13, 2009, UN Doc. A/HRC/WG.6/4/L.13.

We'd like to make note of a correction to Ms. Brewer's piece that appeared in Vol. 16, Issue 2 entitled "Structural Human Rights Violations: The True Face of Mexico's War on Crime." The sentence on page 9 that read "Researchers for Mexico's National Human Rights Center have concluded that roughly two-thirds of Mexico's investigatory police rely on torture to obtain information from detainees" should read "Researchers for Mexico's National Human Rights Center have concluded that roughly two-thirds of authorities who employ torture are investigatory police who rely on torture to obtain information from detainees."