



LOYOLA UNIVERSITY CHICAGO INTERNATIONAL LAW REVIEW

CONTENTS

Feature Articles

The Mérida Initiative for Mexico and Central America: The New Paradigm for Security Cooperation, Attacking Organized Crime, Corruption and Violence
Steven E. Hendrix

Legal Responses to Discriminatory Actions: A Comparative Analysis
Hugo Rojas

Bright Future for Marine Genetic Resources, Bleak Future for Settlement of Ownership Rights: Reflections on the United Nations Law of the Sea Consultative Process on Marine Genetic Resources
Kirsten E. Zewers

Student Articles

The Implications of Rwanda's Paragraph 6 Agreement with Canada for Other Developing Countries
Christina Cotter

What's A Survivor To Do? An Inquiry Into Various Options and Outcomes For Individuals Seeking Recovery of Nazi-Looted Art
Sarah K. Mann

VOLUME 5, ISSUE 2

SPRING/SUMMER 2008

CONTENTS

Feature Articles

- The Mérida Initiative for Mexico and Central America: The New Paradigm for Security Cooperation, Attacking Organized Crime, Corruption and Violence
Steven E. Hendrix 107
- Legal Responses to Discriminatory Actions: A Comparative Analysis
Hugo Rojas 127
- Bright Future for Marine Genetic Resources, Bleak Future for Settlement of Ownership Rights: Reflections on the United Nations Law of the Sea Consultative Process on Marine Genetic Resources
Kirsten E. Zewers 151

Student Articles

- The Implications of Rwanda's Paragraph 6 Agreement with Canada for Other Developing Countries
Christina Cotter 177
- What's A Survivor To Do? An Inquiry Into Various Options and Outcomes For Individuals Seeking Recovery of Nazi-Looted Art
Sarah K. Mann 191

THE MÉRIDA INITIATIVE FOR MEXICO AND
CENTRAL AMERICA: THE NEW PARADIGM FOR SECURITY
COOPERATION, ATTACKING ORGANIZED
CRIME, CORRUPTION AND VIOLENCE

Steven E. Hendrix†

The Mérida Initiative (the "Initiative") offers the United States, Mexico, and Central America the opportunity to deepen mutual commitments to each other and join together to attack a common enemy: organized crime and corruption.

Why Should We Care?

As Americans, we must both confront and admit that our citizens have a problem with narcotics. In 2007, approximately 24,000 Americans died because of drugs — a figure approximately eight times the number of victims from September 11, 2001.¹ One in four families is affected by substance abuse.² About one million Americans are heroine addicts.³ Drugs have a \$200 billion negative effect on the U.S. economy.⁴ Roughly eighty percent of all persons in prison in the United States are either drug traffickers, or they committed a crime while on drugs, or they committed a crime to get money to buy drugs.⁵ There is no school district in the United States, no Congressional district for that matter, which is not affected by drugs.

Mexico also has serious narcotic problems expanding beyond issues with our joint border.⁶ According to the United States General Accounting Office, Mex-

† Mexico and Central America Desk, U.S. Agency for International Development (USAID) and Senior Research Fellow, De Paul University College of Law, International Human Rights Law Institute. The author would like to thank Julie Bulgrin, Steve Tupper, Roberta Jacobson and Ellen Leddy for their help with this article.

¹ Enterprise Institute for Public Policy Research, Presentation by Robert "Bobby" Charles, Assistant Secretary of State for International Narcotics and Law Enforcement, Washington, DC, Nov. 8, 2007 available at <http://www.aei.org/events/filter..eventID.1584/transcript.asp> [hereinafter Charles].

² See generally Common Sense for Drug War Policy, "Drug War Facts" Dec. 31, 2007, available at <http://www.drugwarfacts.org/prisdug.htm>.

³ Charles, *supra* note 1; *Drug War Facts*, *supra* note 2 at 49 (noting that a National Survey on Drug Use and Health 2005 estimated that the US population aged twelve and over frequently using heroin was very slight).

⁴ Charles, *supra* note 1.

⁵ *Id.*

⁶ See Alfredo Corchado, *Exclusive: Drug Cartels Operate Training Camps Near Texas Border Just Inside Mexico*, DALLAS MORNING NEWS, March 29, 2008.

ico's drug trade is worth twenty-three billion dollars a year.⁷ The Washington Post noted that, "[m]ore than 20,000 Mexican troops and federal police are engaged in a multi-front war with the private armies of rival drug lords, a conflict that is being waged most fiercely along the 2000 mile length of the U.S.-Mexico border."⁸ The U.S. State Department notes that about ninety percent of all cocaine coming into the U.S. comes through Mexico.⁹

In terms of citizen security situations, Nuevo Laredo and Tijuana have elements of failed states. Nuevo Laredo actually has checkpoints manned by gang members of the Zetas, an organized criminal enterprise reminiscent of the cruel Chicago-style mafia of the 1930s.¹⁰ Through threats and intimidation, along with selective assassination, drug gangs, including the Zetas, have managed to stifle the press.¹¹ Today, drug cartels decide what the media will publish in Nuevo Laredo. When the newspaper editor from "El Mañana" did not comply, he was killed, and the press effectively silenced.¹² Seventy-one Americans have been killed there by drug traffickers.¹³ Texas Congressman Henry Cuellar notes that just across the border from his district, in Nuevo Laredo, there were sixty kidnappings of American citizens last year.¹⁴ Through intimidating and silencing dissent, the civic movement has effectively died. Adding to security problems, two thousand weapons enter Mexico daily from the United States.¹⁵

In April 2006, the United States Agency for International Development's (USAID) assessment on gangs noted that rising crime is threatening democratic development and slowing economic growth across Central America and Mexico.¹⁶ Gang activity has transcended the borders of Central America, Mexico,

⁷ Manuel Roig-Franzia, *Drug Trade Tyranny on The Border: Mexican Cartels Maintain Grasp With Weapons, Cash and Savagery*, WASH. POST, Mar. 16, 2008 at A01. (Estimate based on U.S. Government Accountability Office Report).

⁸ *Id.* See also Lourdes Garcia-Navarro, *Mexico's Drug-Related Murders Rise*, National Public Radio, Morning Edition broadcast (Dec. 17, 2007), recording available at www.npr.org/templates/story/story.php?storyId=17307578.

⁹ BUREAU FOR INT'L NARCOTICS & LAW ENFORCEMENT AFFAIRS, U.S. DEP'T OF STATE, INT'L NARCOTICS CONTROL STRATEGY REPORT Vol. I, at 167 (Mar. 2007) [hereinafter *Int'l Narcotics Control Strategy Report*], available at <http://www.state.gov/documents/organization/81446.pdf>; accord Roig-Franzia, *supra* note 7; accord U.S. Security Assistance to Mexico: Hearing Before the Subcomm. on the Western Hemisphere of the H. Comm. on Foreign Affairs, 110th Cong. 69 (2007) (testimony of Joy Olson, Exec. Director, Washington Office on Latin America).

¹⁰ Richard Walker, *Terror Plagues Border: Corruption, Kidnapping, Crime Ruining Texas Town*, AM. FREE PRESS, Aug. 1, 2005, available at http://www.americanfreepress.net/html/terror_plagues_border.html; see also John Ross, *Drug War Mayhem Boils Over from Border to Border*, COUNTERPUNCH, February 14, 2008 available at <http://www.counterpunch.org/ross02142008.html>.

¹¹ Susana Hayward, *Local Press Silent on Drug War*, EL UNIVERSAL MEXICO NEWS, Aug. 13, 2005, available at http://www2.eluniversal.com.mx/pls/impreso/noticia.html?id_notas=11540&tabla=miami.

¹² *Id.*

¹³ *Id.*

¹⁴ U.S. Rep. Henry Cuellar, Keynote Address at the American Enterprise Institute for Public Policy Research on Battling the Deadly Drug Cartels in Mexico: A Shared Responsibility (Nov. 8, 2007), (transcript available at <http://www.aei.org/events/filter..eventID.1584/transcript.asp>).

¹⁵ *Id.*

¹⁶ U.S. AGENCY FOR INT'L DEV., CENTRAL AMERICA AND MEXICO GANG ASSESSMENT, 5 (April 2006), available at http://www.usaid.gov/gt/docs/gangs_assessment.pdf.

and the
coordin
cated co
there ar
the Unit

When
globaliz
have fac
countrie
and the
United
gangs n

In Oc
fund the
do.¹⁹

How W

A his
tion. M
tably, C
presiden
not a me
inaugera
tory fro
was a m
and We:

One c
Bush in
for a Me
in his A

¹⁷ *Id.* ε

¹⁸ *Id.* ε

¹⁹ H.R.

²⁰ Rob
www.coha

²¹ Key
27, 2005, :

²² Statu
Mexico - C
<http://www>

The Mérida Initiative for Mexico and Central America

and the United States and evolved into a transnational concern that demands a coordinated, multi-national response to effectively combat increasingly sophisticated criminal gang networks. The U.S. Department of Justice estimates that there are some 30,000 gangs with approximately 800,000 members operating in the United States.¹⁷

Whereas gang activity used to be territorially confined to local neighborhoods, globalization, sophisticated communications technologies, and travel patterns have facilitated the expansion of gang activity across neighborhoods, cities, and countries. The monikers of notorious gangs such as Mara Salvatrucha (MS-13) and the 18th Street gang (Barrio 18) now appear in communities throughout the United States, Central America, and Mexico. Members of these international gangs move fluidly in and out of these neighboring countries.¹⁸

In October 2007, Congress passed a resolution calling for the administration to fund the inter-agency anti-gang strategy, something the Mérida Initiative would do.¹⁹

How We Got Here

A historical context is important at this point in order to fully grasp the situation. Mexican President Felipe Calderón was elected in September 2006.²⁰ Notably, Calderón's predecessor, Vicente Fox, was the first democratically-elected president in Mexico since the Mexican Revolution seventy years earlier who was not a member of the ruling Institutional Revolutionary Party (PRI).²¹ Calderón's inauguration represented the first democratic transfer of power in Mexican history from one democratically-elected president to his successor. For Mexico, this was a moment on par with the significance of the fall of the Berlin Wall to East and West Germans.

One of the first things Calderón did, as President, was to meet with President Bush in Mérida, Yucatán, México in March 2007.²² Again, this is highly unusual for a Mexican president to seek out American cooperation at such an early point in his Administration. At that meeting, President Calderón shared some alarming

¹⁷ *Id.* at 10-11.

¹⁸ *Id.* at 5.

¹⁹ H.R. Res. 564, 110th Cong., 153 CONG. REC. 11090 (2007) (enacted).

²⁰ Roberto Mallen, Council on Hemispheric Affairs, Mexico's Felipe Calderón (Nov. 6, 2007), <http://www.coha.org/2007/11/06/mexicos-felipe-caldern/>.

²¹ Kevin Sullivan & Mary Jordan, *For Mexico's Fox, a 'Revolution' Unfulfilled*, WASH. POST, June 27, 2005, at A01.

²² State Department Office of the Spokesman, "Fact Sheet: The Merida Initiative: United States – Mexico – Central America Security Cooperation," U.S. Department of State, Oct. 22, 2007, available at <http://www.state.gov/r/pa/prs/ps/2007/oct/93800.htm>.

news with his American counterpart;²³ he noted that organized crime had a serious grip on Mexico.²⁴

The day before Presidents Bush and Calderón met in Mérida, President Bush was in Guatemala, meeting with their President Oscar Berger.²⁵ On March 12, 2007, speaking from Guatemala City, President Bush noted:

Our countries are working together to fight transnational gangs. And the President [Berger] was right — I suggested we think about this issue regionally. You've got to understand that these gangs are able to move throughout Central America and up through Mexico into our own country, and therefore, we've got to think regionally and act regionally.²⁶

Historically, through the narcotics certification process, the U.S. issued country reports assessing how well various third world countries were working to stop the flow of illegal drugs.²⁷ The identified countries, in turn, often criticized the United States for causing the problem through U.S. demand for drugs, and wondered how the U.S. could sit in judgment on its neighbors.²⁸ It was a historic opportunity for both the U.S. and Mexico to join forces in a new collaborative way. This partnership is unprecedented between the two countries in that it provides for collaborative, peer-to-peer coordination on a scale never before imagined.

With the Mérida Initiative, the old "name and blame" game has receded to the past, and has been replaced with a new security partnership based on collaboration and mutual respect.²⁹ We realize that we cannot succeed without the help of the Mexicans, and they cannot succeed without our help. Historically, Mexico has not asked for our help and has received little help from anyone else for that matter. On our side, we like to think that we can get the job done ourselves. But in this case, we are all fighting an enemy in organized crime that is opportunistic and borderless.

²³ Roberta Jacobson, Statement, in *Five Perspectives on the Merida Initiative*, LATIN AMERICAN OUTLOOK (Am. Enter. Inst. for Pub. Policy, Wash., D.C.), Mar. 4, 2008, available at http://www.aei.org/publications/pubID.27601/pub_detail.asp.

²⁴ *Id.* President's Remarks at a Dinner Hosted by President Felipe de Jesus Calderón in Mérida, Mexico, 43 WEEKLY COMP. PRES. DOC. 327 (Mar. 13, 2007).

²⁵ President's News Conference with President Oscar Berger Perdomo of Guatemala in Guatemala City, 43 WEEKLY COMP. PRES. DOC. 317 (Mar. 12, 2007).

²⁶ *Id.* at 318.

²⁷ See, e.g., *Hearing Before the Subcomm. on the Western Hemisphere of the S. Comm. on Peace Corps, Narcotics, and Terrorism*, 105th Cong. (Mar. 12, 1997) (testimony of Robert S. Gelbard, Assistant Sec'y for Int'l Narcotics & Law Enforcement Aff.), available at http://www.fas.org/irp/congress/1997_hr/s970312g.htm. The new procedure is laid out by the U.S. Dep't of State, *Narcotics Certification Process*, U.S. DEP'T OF STATE, available at <http://www.state.gov/p/inl/c11766.htm>.

²⁸ Mark A. Chinen, *Presidential Certifications in U.S. Foreign Policy Legislation*, 31 N.Y.U. J. INT'L L. & POL. 217, 219, 271-72 (1999).

²⁹ Alfredo Corchado & Tim Connolly, *U.S. Seeks Unity Against Drug Trade*, DALLAS MORNING NEWS, Jan. 16, 2008.

Lik
having
proble
tain pu
democ
eighty
Mexic
himself
areas c
much
The
Ciudad
fickers
The re
border
arrests
The
and se
society
Devel
achiev
"Th
highes
increa
rate of

³⁰ S
Coopera
gov/octc

³¹ Ia

³² S

eration,
93800.h
at the A
Mexico:
filter.,ev

³³ P

³⁴ Jc

³⁵ Ja
2008 av
in.

³⁶ S
don of E
.aspx?N

³⁷ E,
(2007),

³⁸ Ia

³⁹ C
Report f

Volum

The Mérida Initiative for Mexico and Central America

Like us, Mexico perceives organized crime, including the narcotics trade, as having serious consequences³⁰ and Mexico is willing to do its part to attack this problem.³¹ The Calderón government is working diligently to increase and sustain public security by strengthening the rule of law as a basic tenet of Mexico's democracy.³² In tandem, the Initiative remains respectful of Mexican sovereignty by tracking the Mexican National Development Plan and responding to Mexican requests for assistance.³³ But, as President Calderón discovered for himself during the transition and early in his presidency, there are geographic areas of Mexico where even the government has no control.³⁴ The situation was much worse than even he ever imagined. It was a crisis.

The Mexican situation erupted regionally in January 2008. Street battles in Ciudad Juarez, Tijuana and Tamaulipas between security forces and drug traffickers involved heavy weaponry and resulted in multiple casualties and arrests.³⁵ The regional nature of the threat is evident from the January 2008 murder of a border patrol agent, the kidnapping of Americans by drug traffickers, and the arrests of three American citizens following the gun battles in Tamaulipas.³⁶

The Mexican government has adopted a clear policy to foment the rule of law and security as integral and interdependent components of a safe and democratic society.³⁷ It has made that policy one of the five basic themes of its National Development Plan.³⁸ The challenge is to implement that policy in a way that achieves the fruition of both components, both security and the rule of law.

"The Congressional Research Service notes that Latin America has among the highest homicide rates in the world, and in recent years murder rates have been increasing in several countries in Central America."³⁹ "Latin America's average rate of 27.5 homicides per 100,000 people is three times the world average of 8.8

³⁰ See, e.g., Press Release, White House Office of the Press Secretary, Request to Fund Security Cooperation with Mexico and Central America, (Oct. 22, 2007), available at http://nicaragua.usembassy.gov/october_22_2007.html.

³¹ *Id.*

³² See generally, *Fact Sheet: The Merida Initiative: United States – Mexico – Central America Cooperation*, U.S. DEP'T OF STATE, Oct. 22, 2007, available at <http://www.state.gov/t/pa/prs/ps/2007/oct/93800.htm>; see also Armand Peschard-Sverdrup, CEO of the Peschard-Sverdrup and Associates, Speaker at the American Enterprise Institute for Public Policy Research on Battling the Deadly Drug Cartels in Mexico: A Shared Responsibility (Nov. 8, 2007), transcript available at <http://www.aei.org/events/filter..eventID.1584/transcript.asp> [hereinafter Peschard-Sverdrup].

³³ Peschard-Sverdrup, *supra* note 32.

³⁴ Jo Tuckerman, *Drug Violence Raises Fears in Mexico*, BOSTON GLOBE, Feb. 8, 2007.

³⁵ James C. McKinley Jr., *Mexico Hits Drug Gangs With Full Fury of War*, N.Y. TIMES, Jan. 22, 2008 available at http://www.nytimes.com/2008/01/22/world/americas/22mexico.html?_r=1&oref=slog in.

³⁶ See, e.g., Press Release, U.S. Congressman Tom Tancredo of Colorado, Tancredo Demands Pardon of Border Agent amid New Killing (Jan. 22, 2008), available at <http://tancredo.house.gov/PRArticle.aspx?NewsID=1335>.

³⁷ *El Plan Nacional de Desarrollo 2007-2012*, Mensaje del Presidente Felipe Calderón Hinojosa (2007), <http://pnd.presidencia.gob.mx/>.

³⁸ *Id.*

³⁹ Clare M. Ribando, Congressional Research Service, Report on Gangs in Central America, CRS Report for Congress 2 (July 27, 2007), http://www.wola.org/media/crs%20gangs_07.pdf.

homicides per 100,000 people.”⁴⁰ “Based on the most recent Crime Trend Surveys (CTS) data available from the United Nations Office on Drugs and Crime (UNODC), Guatemala and El Salvador are among the most violent countries in the world for which standardized data has been collected.”⁴¹ “Whereas homicide rates in Colombia, historically the most violent country in Latin America, have fallen in the past few years, homicides have increased dramatically in El Salvador, Guatemala, and Honduras.”⁴² “In 2005, the estimated murder rate per 100,000 people was roughly fifty-six in El Salvador, forty-one in Honduras, and thirty-eight in Guatemala.”⁴³

What is in the Mérida Package?

The Mérida Initiative is an American foreign assistance package consisting of training and equipment that has been proposed to the U.S. Congress. This package is the result of extensive negotiations with our Mexican and Central American counterparts.⁴⁴ Through the Merida Initiative, the United States seeks to strengthen our partners’ capacities in three broad areas: (1) Counter-Narcotics, Counterterrorism, and Border Security; (2) Public Security and Law Enforcement; and (3) Institution Building and Rule of Law.⁴⁵ In order to strengthen our partners in these areas, four goals were set:

- 1) Break the power and impunity of criminal organizations;
- 2) Assist the Governments of Mexico and Central America in strengthening border, air, and maritime controls from the Southwest border of the United States to Panama;
- 3) Improve the capacity of justice systems in the region to conduct investigations and prosecutions; implement the rule of law; protect human rights; and sever the influence of incarcerated criminals with outside criminal organizations; and
- 4) Curtail gang activity in Mexico and Central America and diminish the demand for drugs in the region.⁴⁶

Funding is currently split between a multi-year plan, potentially encompassing two to three fiscal years.⁴⁷ About a third of the money is in the President’s

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Press Release, Washington Office on Latin America (WOLA), WOLA Sees Positive Points, Shortcomings in Bush Administration’s Mexico and Central America Aid Package (Oct.22, 2007) available at http://www.wola.org/index.php?option=com_content&task=viewp&id=587&Itemid=8.

⁴⁵ Jacobson, *supra* note 23.

⁴⁶ *The Mérida Initiative: Assessing Plans to Step up our Security Cooperation with Mexico and Central America: Hearing Before the Comm. on Foreign Affairs*, 110th Cong. 14 (2007) [hereinafter *Mérida Initiative Hearings*] (testimony of David T. Johnson, Assistant Sec’y of State) available at <http://foreignaffairs.house.gov/110/joh111407.pdf>.

⁴⁷ Colleen W. Cook, Rebecca G. Rush, & Clare Ribando Seelke, Congressional Research Service, *Merida Initiative: Background and Funding*, CRS Report for Congress (Mar. 18, 2008), assets.opencrs.org/rpts/F

FY2008
Iraq and
nary fis
foreign
funding
crime v
with its
assistan
The
\$1.4 bil
2007.⁵¹
Monteb

Th
pr
vii
pe
str
de

Follo
in Septe
tations
Americ;
FY2008
tries.⁵³
purpose
to the c

com/rpts/F
On-The-R
www.state
Western F

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The
its own or
Drug Cont
on Domes
www.whit

⁵¹ The
ministries
MERIDA I

⁵² Pres
de Jesus C
21, 2007).

⁵³ *Mer*
Sec’y for

⁵⁴ *See*
available
Western H

Volume .

The Mérida Initiative for Mexico and Central America

FY2008 supplemental request, currently pending in Congress, integrated with the Iraq and Pakistan supplemental request.⁴⁸ The balance would come in the ordinary fiscal year 2009 and 2010 budgets.⁴⁹ All of the funding comes from the foreign assistance budget — there is no military or domestic Mérida program funding. While Mexico and the Central American governments are attacking crime with their domestic budgets and funding, and the U.S. is doing the same with its domestic law enforcement budget, Mérida represents only the foreign assistance portion from the U.S. to Mexico and Central America.⁵⁰

The three year Mexican component of the Mérida Initiative, at the proposed \$1.4 billion level, is based on a proposal presented to the U.S. back in May of 2007.⁵¹ On August 21, the heads of state of Canada, the U.S., and Mexico met in Montebello, where President Bush noted:

The United States is committed to this joint strategy to deal with a joint problem. I would not be committed to dealing with this if I wasn't convinced that President Calderón had the will and the desire to protect his people from narco-traffickers. He has shown great leadership and great strength of character, which gives me good confidence that the plan we'll develop will be effective.⁵²

Following the Montebello Summit, the Mexican proposal was further refined in September and validated in December through on-site inspections and consultations between officials from both the U.S. and Mexico. All of the Central American funding and sixty percent of the Mexican funding requested in the FY2008 supplemental bill was allotted to aid civilian agencies in those countries.⁵³ Approximately forty percent of the funding would be used for military purposes.⁵⁴ That percentage splits in FY2009 and FY2010, with monies shifting to the civilian side.

com/rpts/RS22837_20080318.pdf; see also *The Mexico/Central America Security Cooperation Package On-The-Record Briefing via Conference Call*, U.S. DEP'T OF STATE, Oct. 22, 2007, available at <http://www.state.gov/p/wha/rls/rm/07/q4/93955.htm> (Remarks of Thomas A. Shannon, Assistant Sec'y for Western Hemisphere Affairs).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The U.S. has been making gains in its domestic efforts to reduce the demand for drugs and attack its own organized crime problem. See, for example, Testimony of John P. Walters, Director of National Drug Control Policy, Before the House Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, Chairman Dennis Kucinich, 110th Congress, March 12, 2008, available at <http://www.whitehousedrugpolicy.gov/NEWS/testimony08/031208/031208.pdf>

⁵¹ The proposal followed from discussions in Washington, D.C. between U.S. and Mexican foreign ministries in May 2007. See REPORT TO THE S. COMM. ON FOREIGN RELATIONS, 110th Cong., THE MERIDA INITIATIVE: "GUNS, DRUGS AND FRIENDS" 5 n.3 (Comm. Print 2007).

⁵² President's News Conference With Prime Minister Stephen Harper of Canada and President Felipe de Jesus Calderon Hinojosa of Mexico in Montebello, Canada, 43 WEEKLY COMP. PRES. DOC 1095 (Aug. 21, 2007).

⁵³ *Merida Initiative Hearings*, *supra* note 46 at 10 (testimony of Thomas A. Shannon, Assistant Sec'y for Western Hemisphere Affairs).

⁵⁴ See also *Round Table of Deputy Secretary with Journalists*, U.S. DEP'T OF STATE, Oct. 30, 2007, available at www.state.gov/s/d/2007/94671.htm (Remarks of Thomas A. Shannon, Assistant Sec'y for Western Hemisphere Affairs).

The Mérida Initiative for Mexico and Central America

Why is there funding to help the Mexican military? Unfortunately, right now, Mexican organized crime is very well-armed.⁵⁵ Only the military has the resources to identify and ferret out criminal enterprises from where it has metastasized. Furthermore, while President Calderón readily admits he would prefer to use civilian law enforcement and police, they are not simply ready or adequate.⁵⁶ The Mérida funding proposal would allow time for the civilian police capacity to upgrade, while still standing up to the immediate challenge.⁵⁷ This process is time consuming since the Calderón administration is inspecting and reviewing the current federal police first in order to root out corruption.⁵⁸ Before we give them more equipment and training, we want to ensure that we're not training the wrong side.

If approved, the Mérida Initiative will provide funding for:

- Non-intrusive inspection equipment, ion scanners, canine units for Mexican customs, for the new federal police and for the military to interdict trafficked drugs, arms, cash and persons;⁵⁹
- Technologies to improve and secure communication systems to support collecting information as well as ensuring that vital information is accessible for criminal law enforcement;
- Technical advice and training to strengthen the institutions of justice — vetting for the new police force, case management software to track investigations through the system to trial, new offices of citizen complaints and professional responsibility, and establishing witness protection programs;
- Helicopters and surveillance aircraft to support interdiction activities and rapid operational response of law enforcement agencies in Mexico;
- Initial funding for security cooperation with Central America that responds directly to Central American leaders' concerns over gangs, drugs, and arms articulated during July SICA meetings and the SICA Security Strategy; and

⁵⁵ Corchado, *supra* note 6.

⁵⁶ Tuckerman, *supra* note 34 (noting that local law enforcement has been reduced in size to merely "symbolic" and local and state police hold a reputation as corrupt and unprofessional).

⁵⁷ While supporting the Merida Initiative generally, U.S. Rep. Ileana Ros-Lehtinen, the ranking Republican on the House Foreign Affairs Committee, called on the plan to provide adequate assurances to support and assist civilian police and prosecutors "because fighting illicit drugs is a traditional law enforcement mission, not a military one." House Foreign Affairs Committee, U.S. House of Representatives, Statement by Rep. Ileana Ros-Lehtinen, "Ros-Lehtinen Urges Congress to OK Supplemental Funds for U.S. Mexico Initiative to Battle Drugs, Organized Crime," (Jan. 3, 2008).

⁵⁸ Patrick Corcoran, *Corruption Could Be Undoing of Mexico's Judicial Reforms*, MEXIDATA.INFO, Mar. 17, 2008, <http://www.mexidata.info/id1754.html> (discussing how the Mexicans are tackling corruption with this program).

⁵⁹ See Marc Lacey, *Mexico: U.S. Vows Tougher Controls on Guns*, N.Y. TIMES, Jan. 17, 2008, available at www.nytimes.com/2008/01/17/world/americas (discussing Attorney General Michael B. Mukasey's plan to crackdown on the illegal flow of firearms from the U.S. to Mexico); see also Press Release, U.S. Embassy in Mexico (highlighting Ambassador Antonio O. Garza's comments: "Our Continued Efforts Will Deny Firearms to Criminal Organizations and Reduce Gun Violence"), (Jan. 16, 2008).

One
the cri
with h
Deputy
Mexica
can we
from A
Firs
recruit
Second
progra
We are
ogy sy
and tal
secure
enforce
toward
necess:
ing wi
admini
Rights

Mexico

Crit
Mexico
try and
Wid
tional
tively
to pres
In M
fair and

60 TH
tions, 3-
61 Se
ists (Oct
62 Co
Before th
63 Se
Mar. 20.

Volume