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SUBJECT: Scenesetter for the Opening of the Defense Bilateral Working

Group, Washington, D.C., February 1

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1. (SBU) Summary: The inauguration of the Defense Bilateral Working Group (DBWG) on February 1 comes at a key moment in our efforts to deepen our bilateral relationship and to support the



Mexican military's nascent steps toward modernization. On the heels of our bilateral joint assessments in Ciudad Juarez and Tijuana, as well as the GOM's move to replace the military with the Federal Police as lead security agency in Juarez, the DBWG can help ensure that the GOM stays focused on making the kinds of institutional improvements - including greater attention to human rights and broader regional participation - that are needed to bolster its effectiveness in the immediate fight against organized crime, and to position it to become a twenty first century military in one of the leading democracies in the region. End Summary

2. (SBU) The DBWG is an important component of our overall bilateral Merida strategy for 2010. We ended 2009 with an unprecedented commitment from the Mexican government to work closely with us on an ambitious effort to move beyond a singular focus on high value targets and address some of the institutional and socio-economic constraints that threaten to undermine our efforts to combat the cartels. A truly joint effort to implement a new U.S.-Mexico strategy is yielding stronger organizational structures and interagency cooperation on both sides and a deeper understanding of the threat posed by the drug trafficking organizations. In the coming year, we will help Mexico institutionalize civilian law enforcement capabilities and phase down the military's role in conducting traditional and police functions. The DBWG will also provide a vehicle for Washington to brief the GOM on the importance of human rights issues to U.S. security policy, thus reinforcing a new formal Bilateral Human Rights Dialogue with the GOM that will include SEDENA and SEMAR.

#### Political and Economic Context

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3. (SBU) It is a challenging moment to address some of the institutional weaknesses that dot the Mexican political landscape and which periodically impede our larger efforts. President Calderon has entered the last three years of his six-year term facing a complicated political and economic environment. His National Action Party (PAN) emerged seriously weakened from a dramatic set-back suffered in the July congressional elections and was unable to recoup any real momentum during the last legislative session. Calderon's bold plan for ten ambitious areas for reform, announced in September, has yet to translate into politically viable initiatives. His personal popularity numbers have dropped, driven largely by massive economic contraction and a public sense that there is little strategy to create new and sustainable jobs. Overall, Calderon's approval ratings are still well above 50 percent, sustained largely by his campaign against organized crime. Increasingly, Mexicans realize that combating DTOs is a matter of



citizen security, and thus support a tough stance. Yet the failure to reduce violence is also a liability.

4. (SBU) Meanwhile, the opposition Institutional Revolutionary Party (PRI) is in the ascendancy, cautiously managing its illusory unity in an effort to dominate the twelve gubernatorial contests this year and avoid missteps that could jeopardize its front-runner status in the run-up to the 2012 presidential elections. With a

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strategy best described as political pragmatism, PRI insiders indicate that the party is unlikely to support any major reform efforts over the next several years - no matter how necessary - that could be publicly controversial. Slow economic recovery and budgetary pressures are reducing government resources and complicating the government's ability to balance priorities and come up with a compelling and sustainable narrative that ties the fight against organized crime to the daily concerns of most Mexicans. Mexico's rapidly declining oil production, a projected six to seven percent GDP contraction in 2009, a slow recovery in 2010, and a 47 percent poverty rate all present difficult challenges for the Calderon administration in 2010. Still, we see no "softening" of the administration's resolve to confront the DTOs head on.

#### Security Challenges

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5. (C) Calderon has aggressively attacked Mexico's drug trafficking organizations but has struggled with an unwieldy and uncoordinated interagency and spiraling rates of violence that have made him vulnerable to criticism that his anti-crime strategy has failed. Indeed, the GOM's inability to halt the escalating numbers of narco-related homicides in places like Ciudad Juarez and elsewhere - the nationwide total topped 7,700 in 2009 - has become one of Calderon's principal political liabilities as the general public has grown more concerned about citizen security. Mexican security institutions are often locked in a zero-sum competition in which one agency's success is viewed as another's failure, information is closely guarded, and joint operations are all but unheard of. Official corruption is widespread, leading to a compartmentalized siege mentality among "clean" law enforcement leaders and their lieutenants. Prosecution rates for organized crime-related offenses are dismal; two percent of those detained are brought to trial. Only 2 percent of those arrested in Ciudad Juarez have even been charged with a crime.



6. (S) The failure to reduce violence has focused attention on the military's perceived failures and led to a major course change in January to switch the overall command in Ciudad Juarez from the military to the federal police. The military was not trained to patrol the streets or carry out law enforcement operations. It does not have the authority to collect and introduce evidence into the judicial system. The result: arrests skyrocketed, prosecutions remained flat, and both the military and public have become increasingly frustrated. The command change in Juarez has been seen by political classes and the public as a Presidential repudiation of SEDENA. When SEDENA joins you at the DBWG, it will be an agency smarting from the very public statement of a lack of confidence in its performance record in Juarez.

7. (C) Below the surface of military professionalism, there is also considerable tension between SEDENA and SEMAR. SEMAR succeeded in the take down of Arturo Beltran Leyva, as well as with other major targets. Aside from the perceived failure of its mission in Juarez, SEDENA has come to be seen slow and risk averse even where it should succeed: the mission to capture HVTs. The risk is that the more SEDENA is criticized, the more risk averse it will become. The challenge you face in the DBWG is to convince them that modernization and not withdrawal are the way forward, and that transparency and accountability are fundamental to modernization. There is no alternative in today's world of information technology.

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8. (C) The DBWG is just one mechanism for addressing the challenge of modernization. SEDENA's shortfalls are at times quite noticeable and serve for dramatic charges on human rights and other grounds. We have actively sought to encourage respect for the military's role in Mexican society and tread carefully with regard to the larger theme of military modernization. What SEDENA, and to a lesser extent SEMAR, need most is a comprehensive, interactive discussion that will encourage them to look holistically at culture, training and doctrine in a way that will support modernization and allow them to address a wider range of military missions. This is where the DBWG can help.

9. (C) Currently, the military is the lightning rod for criticism of the Calderon Administration's security policies. We are having some success in influencing the GOM to transition the military to secondary support functions in Juarez. Still, the GOM's capacity to replicate the Juarez model is limited. They simply lack the necessary numbers of trained federal police to deploy them



in such numbers in more than a few cities. There are changes in the way that the military can interact with vetted municipal police, as we have seen in Tijuana, that produce better results. But in the near term, there is no escaping that the military will play a role in public security.

10. (C) Military surges that are not coordinated with local city officials and civilian law enforcement, particularly local prosecutors, have not worked. In Ciudad Juarez, a dramatic increase in troop deployments to the city early last year brought a two-month reduction in violence levels before narcotics-related violence spiked again. The DTOs are sophisticated players: they can wait out a military deployment; they have an almost unlimited human resource pool to draw from in the marginalized neighborhoods; and they can fan complaints about human rights violations to undermine any progress the military might make with hearts and minds.

11. (SBU) SEDENA lacks arrest authority and is incapable of processing information and evidence for use in judicial cases. It has taken a serious beating on human rights issues from international and domestic human rights organizations, who argue with considerable basis, in fact that the military is ill-equipped for a domestic policing role. While SEDENA has moved to address human rights criticisms, its efforts are mechanistic and wrapped in a message that often transmits defensiveness about bringing a hermetically sealed military culture into the twenty-first century. The military justice system (fuero militar) is used not only for a legitimate prosecutorial function, but also to preserve the military's institutional independence. Even the Mexican Supreme Court will not claim civilian jurisdiction over crimes involving the military, regardless of whether a military mission is involved. Fortunately, the Mexican military is under increasing pressure to change on a number of fronts. A recent Inter-American Human Rights Court ruling found Article 57 of Mexico's code of military justice, which effectively allows the military to keep all violators within its own justice system, violate Mexico's constitution and mandated improvements in the way cases involving alleged human rights abuses by the military are handled. A report issued by Amnesty International in December noted that complaints to the National Commission on Human Rights against the military increased from 367 in 2007 to over 2000 from 2008-June 2009.

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Change on the Horizon

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12. (SBU) Calderon has undertaken serious reforms since coming to office, but he also must tread carefully in dealing with the Mexican military. With our help, he has refined his anti-crime strategy and made significant progress in a number of important areas, including inaugurating a new Federal Police command and intelligence center, establishing stronger vetting mechanisms for security officials, and constructing information-sharing databases to provide crime fighting data to various federal, state, and local elements. Calderon also has recognized that the blunt-force approach of major military deployments has not curbed violence in zones like Ciudad Juarez, and has replaced SEDENA forces with Federal Police officers as the lead security agency in urban Ciudad Juarez.

13. (C) These steps reflect the GOM's willingness to respond to public pressure and to focus on building strong, civilian law enforcement institutions that are necessary for sustained success against organized crime in Mexico. Indeed, Public Security Secretary Genaro Garcia Luna has sought to raise the standards of his Federal Police so it is capable of gradually replacing the military's role in public security through improved hiring, training, and vetting practices. With new authorities granted under federal police reform legislation passed last year, including a broadened wire-tapping mandate, the SSP is well-placed to significantly expand its investigative and intelligence-collection capabilities. The GOM is exploring new ways to bring local and state police up to standards to support the anti-crime fight. Federal judicial reform has been slower in coming, but the Attorney General's Office (PGR) is looking to modernize as an institution. For example, PGR created with USG assistance the Constanza Project (Justicia Para Todos), a \$200 million dollar initiative designed to transform PGR's culture, in part by promoting transparency, training attorneys to build stronger cases, and digitizing files in order to incorporate a paperless system less susceptible to corruption.

14. (C) USG assistance has been crucial to these efforts, and we are looking ahead to ensure that we help Mexico build its most key institutions with seamless integration of operations, investigations, intelligence, prosecutions, and convictions. Joint assessment missions -- one to Tijuana and San Diego and one to Ciudad Juarez and El Paso - were designed to further guide our bilateral efforts and address one potential weakness -- the dysfunctionally low level of collaboration between Mexican military and civilian authorities along the border. The Tijuana assessment was completed December 3-4 and Ciudad Juarez's January 14-15. Mexico also has agreed to explore a task force model for joint intelligence and operations, and Mexico's intelligence civilian intelligence service, CISEN, has been charged with overseeing such efforts. We need to develop new programs to build a greater



intelligence fusion capability, and continue to support the Federal Police's own institutional development and training capacity, and swifter implementation of judicial reform. Moreover, with many of our federal programs well underway, we are broadening our efforts to include work at the state level.

#### Military Modernization Key

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15. (S) In this context, it is absolutely necessary that we intensify our efforts to encourage modernization of the Mexican military. General Galvan Galvan, head of SEDENA, is an impressive military man with an appreciation for the uncomfortable, non-traditional challenges facing the Mexican military forces. But he is also a political actor who has succeeded, at least in part, by protecting the military's prerogatives and symbolic role. His experience provides him with little guidance on how to manage change and modernization against a backdrop of criticism and often vitriolic accusations. Historically, suspicion of the United States has been a prime driver of a military bureaucratic culture that has kept SEDENA closed to us. We believe Galvan is committed to at least following orders when it comes to Calderon's vision of a more modern Mexican state and a closer relationship with the United States. Our ties with the military have never been closer in terms of not only equipment transfers and training, but also the kinds of intelligence exchanges that are essential to making inroads against organized crime. Incipient steps towards logistical interoperability with U.S. forces are ongoing related to Haiti relief. SEDENA, for the first time and following SEMAR's lead, has asked for SOF training. We need to capitalize on these cracks in the door. Any retreat on engagement on our side will only reinforce SEDENA's instincts to revert to a closed and unaccountable institution.

16. (C) Our engagement on human rights in the DBWG must also be carefully structured. Presentations from the U.S. side on how human rights play into our conduct of military and security policy will be constructive. It will be useful to transmit to SEDENA the kinds of systemic human rights concerns that arise in Washington. But neither SEDENA nor SEMAR will engage in a dialogue on human rights in the DBWG. That will be reserved for the ad hoc meeting of the Bilateral Human Right Dialogue with Paul Stockton scheduled for Mexico City on February 12.

17. (C) SEDENA and SEMAR still have a long way to go toward



modernization. The DBWG can go a long way in addressing a number of key points. We have seen some general officers, in Tijuana for example, who are looking for ways to build links between units in the field and local prosecutors, but this has not been done systematically. It needs to be encouraged. Encouraging the Mexican military to participate more actively in the international arena, such as through greater security cooperation outreach to Central America and Colombia, and even with limited participation in regional humanitarian ops to possibly peacekeeping, will also be key to helping the military transition from a mentality of "Protecting the Revolution" to a more active, dynamic, and flexible force. SEDENA and SEMAR share the parochial, risk-averse habits that often plague their civilian counterparts in Mexican law enforcement agencies. While the Navy's capture of Beltran Leyva may up the ante and encourage innovation by competition between security services, both SEDENA and SEMAR have serious work to do on working more effectively and efficiently with their security partners.

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