

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#1)
Senate Foreign Relations Committee
July 8, 2009**

Question:

While at The Brookings Institution, you were a leader in its Energy Security Initiative. If confirmed, what would be your priorities for bilateral and multilateral cooperation with Mexico on energy security?

Answer:

Declining production and fluctuating market conditions continue to be a significant challenge to Mexico on energy. The Calderon administration is seeking to modernize its oil production infrastructure, and is in the process of implementing new energy legislation that aims to reform the industry. An element of the new law also promotes renewable energy sources and energy efficiency with the objective of reducing Mexico's dependence on hydrocarbons by advancing specific renewable energy technologies, including wind, solar, hydro, tidal, geothermal, and biofuels. This energy reform bill earmarks three billion pesos (approximately \$220 million) annually to renewable energy and complements President Obama's push for renewable energy in the U.S. Last April, the U.S. and Mexico announced a Bilateral Framework to partner on the development of clean energy alternatives. This framework gives us an opportunity to put energy security and hydrocarbon issues in a much broader context and provides an effective way to have a dialogue on issues that traditionally have been very sensitive between the two countries.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#2)
Senate Foreign Relations Committee
July 8, 2009**

Question:

President Calderon recently stated that the future of democracy in Mexico is at stake in the government's fight against corruption and organized crime. Do you agree? How so?

Answer:

As both President Obama and Secretary of State Clinton have made clear, the United States views Mexico as a vibrant democracy, a close friend and partner, and a strategic nation whose national interests are inextricably tied to our own. Since he first entered office in 2006, President Calderon has courageously led his administration in taking on the drug cartels. We concur with President Calderon that strengthening Mexico's democratic institutions and the rule of law is the best way to combat organized crime and corruption.

It is in the national interest of the United States to support President Calderon's campaign against drug cartels and organized crime. Through cooperative engagement with Mexico, the United States recognizes its shared responsibility, and is proactively taking measures to inhibit the southbound flow of bulk cash and arms, as well as address the demand for drugs on the U.S. side of the border.

At the request of the Mexican government and within the framework of the Merida Initiative, the United States is engaged in a wide range of activities designed to strengthen Mexico's democratic institutions and increase transparency. One of

Merida's top priorities in this area is training and professionalizing police and prosecutors. We seek to improve their capacity to dismantle illicit trafficking organizations smuggling drugs, weapons, and people and encourage the promotion of the rule of law and respect for human rights.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#3)
Senate Foreign Relations Committee
July 8, 2009**

Question:

What steps is the Mexican Government taking to prevent arms smuggling from the United States, and how is the U.S. Government assisting in this effort?

Answer:

Mexico is investing \$1.2 billion dollars in hardware and technology that will be used at ports of entry to interdict contraband, including weapons, and also in recruiting and training of new customs officials. Some Mexican ports of entry are already stopping and compiling data on 100 percent of vehicles entering Mexico from the United States and running sophisticated risk analysis compilations to identify motor vehicles for further inspection. In addition, Mexican canine units will inspect vehicles as they wait in line to go through the new system. By the end of 2009, Mexico will have this system in place at every border crossing it shares with the United States. Mexico will also implement the system on its southern border.

ETrace, a web-based program for tracing the origins of seized weapons is now in use at U.S. Consulates throughout Mexico, with Regional Security Officers trained to operate the system. A Spanish-language version of eTrace is being developed for use in Mexico, Central America and throughout Latin America. Its widespread use will greatly aid in identifying the source of seized weapons, a crucial step for ATF investigation.

The Merida Initiative is providing additional non-intrusive inspection equipment and training for use by the Mexican Army, Customs, and Federal Police to identify movements of weapons across the borders and within Mexico.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#4)
Senate Committee on Foreign Relations
July 8, 2009**

Question:

The State Department's 2008 human rights report, issued in February 2009, noted the reporting of a number of human rights problems in Mexico, including unlawful killing by security forces, poor prison conditions, and criminal intimidation of journalists. Is Mexico fulfilling the human rights conditions set forth in U.S. legislation on the Merida Initiative?

Answer:

I understand that the report on human rights, which the Merida appropriation legislation for 2008 and 2009 required of the Department of State before all the Merida assistance for Mexico could be obligated, is awaiting final approval before being submitted to Congress. It should be transmitted to you shortly.

Without pre-judging that report, let me assure you that the four issues that the Congress identified "improving the transparency and accountability of police forces, establishing regular consultations among Mexican government authorities and human rights organizations on the Merida Initiative, assuring that allegations of human rights abuse by security forces are investigated and prosecuted, and enforcing the prohibition on torture" are critical issues that I will focus on if I am confirmed as ambassador to Mexico.

President Calderon has taken courageous steps in fighting back against the drug cartels, which have proven time and again that they are willing to terrorize innocent

Mexican civilians and attack Mexican law enforcement personnel. He has consistently made clear that he takes very seriously any and all allegations of human rights abuses allegedly perpetrated by Mexican security forces.

We regularly discuss our concerns with our Mexican partners at all levels of government the importance of protecting and upholding international standards of human rights.

Part of our assistance efforts in Mexico, including portions of the Merida Initiative, will provide important support for Mexican institutions, including the justice system, the police, human rights groups and other nongovernmental organizations, to address these types of concerns.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#5)
Senate Committee on Foreign Relations
July 8, 2009**

Question:

The State Department human rights report also noted the inefficiency and lack of transparency in the Mexican judicial system and the problem of corruption, especially at the state and local levels of government. What needs to be done to strengthen Mexico's judicial institutions and tackle corruption?

Answer:

The Government of Mexico is undertaking a major effort to reform its judicial system, enacting constitutional reforms to shift from a written, inquisitorial criminal justice system to a more transparent adversarial system over the next eight years. These reforms establish the presumption of innocence, support rights of due process, introduce alternative case resolution and strengthen the public defense of the accused.

We are supporting these important efforts through our programs of cooperation and assistance with Mexico, including support for the modernization of the criminal justice sector and its transition to an oral, adversarial, public system. This support is accomplished under our regular bilateral assistance activities as well as via our partnership with Mexico under the Merida Initiative.

We are, for example, supporting professional exchanges between Mexican and U.S. judges at the federal and state levels to provide an opportunity to share best practices on oral trial procedures; supporting the training of justice sector personnel and nongovernmental institutions in the use of pre-trial case resolutions; working with

human rights groups and civil society on the new criminal code of procedure; training police and prosecutors to implement internationally-accepted and Mexican legal standards of human rights; and working with Mexican law schools and bar associations to develop curricula to help lawyers adapt to the new laws and procedures.

Alternative case resolution and alternative sentencing are options outlined in the law to minimize court congestion, reduce corruption, and offer immediate attention and rapid resolutions to conflicts. The courts will develop Pre-Trial Services Departments, as an independent arm of the court that will evaluate defendants' risk factors and determine their right to bail. It also will supervise defendants and provide them support services and referrals to enhance the likelihood of their return and presence at all their hearings and trial. The Citizen Participation Councils (CPC) will monitor justice reforms to ensure that victims' cases are processed properly with fair and respectful treatment. Victim Assistance Centers will be developed to offer immediate services to victims.

Through the (U.S.) National Association of Attorneys General, the Conference of Western Attorneys General, and city governments in all 50 U.S. states are able to participate in supporting Mexican reforms in training programs and professional exchanges. These activities have also led to greater collaboration between U.S. and Mexican officials in fighting the criminal organizations that are harming communities and families in both our countries.

The Calderon Administration is serious about reducing corruption among government officials. Their goal is to "vet" all police and prosecutors at all levels. This includes polygraph exams, personal financial reviews (similar to the US annual financial statements), psychological exams and drug use tests. In addition, police and prosecutor offices are increasing the effectiveness of their OIG-type offices. Several of our US federal and state law enforcement agencies are working with their Mexican counterparts in sharing best practices and experiences.

The Government of Mexico is taking steps to address corruption by promoting accountability and transparency. Recent months have witnessed the arrest or dismissal of numerous federal, state, and local government officials, sending a signal that official impunity will not be accepted.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#6)
Senate Foreign Relations Committee
July 8, 2009**

Question:

The complex U.S.-Mexican relationship goes far beyond security challenges. What are the principal issues and interests that should be incorporated into a coherent policy towards Mexico?

Answer:

President Obama, during his trip to Mexico in April 2009, set the strategic framework for U.S. relations with Mexico: "a new era of cooperation and partnership" built on "mutual responsibility and mutual respect and mutual interest."

Secretary Clinton called for a comprehensive agenda "to make progress on the economy, on energy and climate change, on security, immigration, education, health, and other areas that are of great importance to our two countries and our two peoples." This reflects the breadth of a unique relationship where global, regional, and national interests are intertwined.

The United States' relationship with Mexico has enormous breadth and depth, and is never uni-dimensional. Our strategy is to engage Mexico on the full range of issues of common concern, including cooperative efforts against Mexican drug cartels, a dialogue on foreign policy, the trade relationship, emergency management cooperation, border infrastructure, energy cooperation, climate change, civil society, and migration.

The trade relationship, and more immediately the economic recovery of both countries, is right now the most critical shared interest. Over \$1 billion in trade crosses the U.S.-Mexico border each day. Mexico is the first or second trading partner for 22 U.S. states. Some estimate that Mexico's GDP may fall more than seven percent in 2009, affecting both U.S. exports and migration. We need to make sure that NAFTA works as intended and its benefits are seen and felt more equitably on both sides of the border. We also need to ensure that our border crossings are as welcoming and efficient as they are secure.

Clean energy and climate change provide great economic opportunity and can be part of our economic recovery. During the President's visit to Mexico, he and President Calderon launched a bilateral initiative that focuses on a "smart" electrical grid, clean energy research and development, carbon capture and storage, and new forms of energy generation. In the short and medium term, we also must continue our dialogue on oil with Mexico, which has long provided to the United States a steady and secure source of oil close to home.

Our strategy for Mexico also involves a range of citizen safety issues, as befits a relationship that at its most basic level involves millions of Americans and Mexicans visiting, studying, shopping, working, and living side by side. These issues include food and product safety, disaster and pandemic preparedness, and emergency response, as well as more traditional law enforcement and security concerns. The United States

and Mexico each have an interest in promoting safe, legal, and orderly migration, in addition to protecting the rights of their citizens who visit or reside in the other country.

Finally, the United States has an interest in collaborating with Mexico, a member of the G-20 and UN Security Council, on foreign and economic policy in the hemisphere and around the world.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#7)
Senate Foreign Relations Committee
July 8, 2009**

Question:

On February 28, 2005 President Bush determined that the United States would comply with the judgment of the International Court of Justice in the *Case Concerning Avena and Other Mexican Nationals* (Mexico v. United States). To achieve such compliance President Bush issued a memorandum directing state courts to review and reconsider the convictions and sentences of the Mexican nationals at issue in the case, who were not advised in a timely fashion of their rights under the Vienna Convention on Consular Relations to have Mexican consular officials notified of their arrests in the United States on state criminal charges. In March, 2008 the U.S. Supreme Court held in *Medellin v. Texas* that President Bush lacked the authority to compel the states to take such actions.

What further actions, if any, do you believe the federal and/or state governments should take to give effect to the ICJ's *Avena* judgment? As Ambassador, what steps would you recommend that the United States take with respect to this issue?

Answer:

If confirmed as Ambassador to Mexico, my first concern would be the protection of U.S. citizens abroad. I know that the State Department is committed to training U.S. federal, state, and local officials on our consular notification and access obligations under the Vienna Convention on Consular Relations. I understand that the Department's efforts have been well received by these officials and that the United States is now doing a much better job of complying with these obligations than in the past. If confirmed, I intend to review thoroughly how Mission Mexico can contribute to the State Department's efforts to promote compliance with the ICJ's *Avena* judgment.

**Questions for the Record Submitted to
Ambassador - Designate Carlos Pascual by
Senator Richard Lugar (#8)
Senate Foreign Relations Committee
July 8, 2009**

Question:

How would you plan to address Mexican concerns in the event that death sentences are carried out for any individuals at issue in the *Avena* case whose convictions and sentences had not been reviewed and reconsidered?

Answer:

The death penalty is a topic on which many people have strong feelings. The U.S. judicial system has procedures in place to protect the rights of the accused, including the right to counsel, the right not to incriminate one's self and right to a fair trial.

The State Department has consistently worked to ensure that the United States meets its obligations under the Vienna Convention on Consular Relations and has worked to mitigate the possibility that death sentences would be carried out absent review and reconsideration for individuals covered by the *Avena* decision. If confirmed, I would do my utmost to pursue the implementation of this policy.