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Combatting Drugs in Mexico under Calderon: The  
Inevitable War

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## Abstract

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*Since the beginning of his administration, President Felipe Calderon launched a war against drug trafficking using the Army and the Federal Police. This strategy has had serious unintended consequences in terms of the level of violence. By August 2010, the government acknowledged that there were 28,000 drug-related deaths since December 2006. This violence has provoked hard criticisms of the Calderon Administration and some analysts have suggested that the decision to attack the drug cartels was motivated by political reasons in order to obtain legitimacy after a very close and polemic Presidential election in 2006. However, since the end of the Fox Administration there are parts of the Mexican territory controlled by drug traffickers, which no State can allow. The paper argues that even if the anti-drug strategy of Calderon has been very costly in terms of violence, there was no other alternative, as the other options were not viable at the beginning of the Calderon administration. From this point of view it is an inevitable war. The weak results achieved to date are due to the fact that the Mexican government does not possess the institutional and human resources to carry out this war. This explains the emphasis of the Mexican government on institutional building. However, this is a long-term solution. In the short term, everything suggests that the high levels of drug-related violence are going to continue.*

## Resumen

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*Desde el inicio de su gobierno, el presidente Felipe Calderón lanzó una guerra contra el narcotráfico usando al Ejército y a la Policía Federal. Esta estrategia ha tenido consecuencias no deseadas graves en términos de los niveles de violencia. En agosto de 2010, el gobierno reconoció que había 28,000 muertes relacionadas con las drogas, desde diciembre de 2006. Esta violencia ha provocado fuertes críticas al gobierno de Calderón y algunos analistas han sugerido que la decisión de atacar a los cárteles de la droga estuvo motivada por razones políticas, a fin de obtener legitimidad después de una cerrada y polémica elección presidencial en 2006. Sin embargo, desde el fin del gobierno de Fox, había partes del territorio mexicano controladas por narcotraficantes, algo que ningún Estado puede permitir. El documento argumenta que aun cuando la estrategia anti-drogas de Calderón ha sido muy costosa en términos de la violencia, no tenía alternativa. Las otras opciones no eran viables al inicio del gobierno de Calderón. Desde este punto de vista, era una guerra inevitable. Los pobres resultados alcanzados a la fecha se deben al hecho de que el gobierno*

*mexicano no posee los recursos humanos para llevar a cabo esta guerra. Eso es lo que explica el énfasis del gobierno mexicano en la construcción de instituciones. No obstante, ésta es una solución de largo plazo. En el corto plazo, todo sugiere que los altos niveles de narco-violencia van a continuar.*

## *Introduction*

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During the 2006 campaign, Felipe Calderon, candidate for the National Action Party said that if he became President, drug trafficking would have in him, "its worst nightmare".<sup>1</sup> Four years later, the Calderon Administration faces at least seven major drug trafficking organizations fighting each other for the control of the routes to the United States and the domestic market, and a balance of more than 28,000 drug-related deaths. For some observes Calderon has not turned into the "worst nightmare" of drug traffickers, but quite the opposite: drug trafficking became Calderon's "worst nightmare". The war on drugs launched by the new President, only 11 days after his inauguration, has become one of the major points of criticism of his government and has raised major concerns in some governmental circles in the U.S. Moreover, some critics of the Mexican government have suggested that Calderon could have avoided this war and that the offensive against drug trafficking was motivated only by political reasons, in order to build legitimacy for his Presidency after the very close election on July 2006.<sup>2</sup> Is this assertion true? What other options did President Calderon have? Further, was the use of the military the best option to combat drug trafficking? What were the unintended consequences of this war? What kind of support or rejection this war provoked among Mexican public? And, most important, what are the long-term prospects of this war? Is it winnable or are we condemned to live in a perpetual spiral of violence?

In order to answer these questions, I am going to review, in the first part, the background of the present situation in Mexico, putting an emphasis on the role played by the policy of tolerance developed by the Mexican government during the rule of the hegemonic party. In a second part, I analyze the strategy Calderon implemented against drug trafficking, focusing on its two main characteristics: the fragmentation of the drug cartels and the strengthening of the justice and police institutions. In a third part I make a diagnosis of the scope and limitations that the Mexican government face in fighting drugs and the options available in the middle and the long term. Finally, I outline some conclusions.

### ***1. Background: the "let it be" policy and the pax narcotica***

Since the beginning of the 20th century, when some drugs were declared illegal by the international community, the Mexican government took a very

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<sup>1</sup> Notimex, "El narcotráfico tendrá en mí su peor pesadilla: Calderón", January 21, 2006, <http://www.esmas.com/noticierostelevisa/mexico/505702.html>

<sup>2</sup> Rubén Aguilar V. and Jorge G. Castañeda, *El narco: la guerra fallida*, México: Punto de Lectura, 2009.

pragmatic approach to the problem. Even when Mexico signed all the international agreements of the global anti-drug regime, the flow of drugs to the United States was constant, and there is evidence of collusion of both State and Federal authorities with drug traffickers.<sup>3</sup> The complicity of some officers with drug trafficking led to some analysts to assert that drug trafficking developed subordinated to the political power.<sup>4</sup> However, although there are many examples of complicity of Mexican authorities with drug traffickers, there is no evidence to suppose that the Mexican State was the promoter of this activity. What we can say is that there was a policy of tolerance *vis-à-vis* that activity. This policy was provoked by corruption of Mexican authorities but there was also a rational calculation. The policy of tolerance was the more efficient way to maintain lower levels of drug-related violence, at least in the short term. However, this policy had two major problems: on the one hand, it did not help to strengthen the rule of law and obviously facilitated corruption among Mexican authorities. The second problem was that it allowed the expansion of the illegal drug business. Thanks to this policy, drug trafficking became a very prosperous activity that generated billions of dollars every year. In the end, this policy made the drug cartels more powerful, with more money to use to corrupt officials and more armed capacity to generate violence. In other words, while the policy of tolerance made possible to maintain low levels of violence and apparently, governance, it weakened at the same time the ability of the Mexican State to maintain control over its territory and it only worsened the problem.

However, since the open acceptance of tolerance *vis-à-vis* drug trafficking would have conflicted with the rule of law in a formal democracy, the Mexican government maintained the rhetoric of confrontation with drug cartels. That paved the way for a strategy of simulation in the battle against drugs. This strategy developed in an important way because the pressure of U.S. public opinion over its own government increased after the assassination of the DEA agent Enrique Camarena in Guadalajara in 1985. This crime was perpetrated by Mexican drug traffickers, with the complicity of Mexican authorities, and provoked a very acrimonious diplomatic conflict between both countries. This event made the Reagan Administration to establish the so-called anti-drugs certification process by which the State Department had the obligation to evaluate the efforts of many transit and producer countries of illegal drugs. Even when this process generated many conflicts with Latin American countries, it was the cornerstone of the Mexican strategy of simulation. Every year the Mexican government took different measures to fulfill the requirements established by the U.S. government to give its

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<sup>3</sup> In 1931, for example, the Minister of Interior (Gobernacion), Riva Palacio, resigned to his charge because of his involvement with drug trafficking. See William O. Walker III.

<sup>4</sup> Luis Astorga, "Límites de la política Antidrogas", *Revista Internacional de Ciencias Sociales*, No. 169, Septiembre 2001. <http://www.unesco.org/issj/rics/169/fulltext/169spa.pdf>

approval to Mexico's anti-drugs program. These requirements can be summarized in seven indicators: a) seizures and eradication; b) number of arrests; c) arrest of big drug bosses; d) casualties in the fight against drugs; e) budget spent in anti-drugs efforts; f) legal and institutional reforms and g) international commitments and agreements signed (specially with the U.S. in the case of Latin American countries). As it is easy to see, all these indicators measure *will* to fight drugs, not *effectiveness*. Consequently, the indicators are easy to falsify. Any country has room to maneuver to avoid fully applying these measurements since the line between the lack of political will and the lack of capacity is not very well marked. The effect of using these indicators is that the United States has also room to maneuver in certifying some countries even when the effectiveness is poor or even when the commitment to fight drug trafficking is less than full. In the case of Mexico, it is quite evident that the U.S. government had strong reasons to grant the certification to Mexico every year, given the high degree of interdependence between both countries. In other words, de-certifying Mexico would have been very costly for the U.S., in terms of the political and economic stability of its Southern neighbor which, in the end, would have also impacted American stability as well. From this point of view, it is quite evident that the U.S. government was also part of this strategy of simulation. Under the pretext of preserving Mexican stability, the U.S. also contributed to the growing of drug trafficking in Mexico and the strengthening of the drug cartels that has Mexico on the brink of chaos now.

The Mexican policy of tolerance based on the strategy of simulation seemed to work during the 1980s and 1990s. There were low levels of violence and it seemed that the Mexican government was in fact "controlling" drug trafficking. However, by the mid-1990s the Mexican drug cartels became much more powerful due to the dismantling of the Colombian cartels of Cali and Medellin. Consequently, four big drug cartels emerged in Mexico: the Sonora-Sinaloa, Tijuana, Juarez, and Gulf cartels. The policy of tolerance followed informally by the Mexican government allowed for the establishment of pacts among drug traffickers that were able to divide their territories in what was called the Mexican Federation. This pact included these four major drug trafficking organizations.<sup>5</sup> Even when there were some periods of time in which violence increased, everything suggests that in the end, drug cartels were able to reach some agreements to maintain violence at a functional level. Some versions attribute the role of mediator among the dug cartels in the second half of the 1990s to Amado Carrillo, the boss of the Juarez Cartel.<sup>6</sup> But it seems that even after the death of Carrillo in 1997, drug traffickers were able to maintain this

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<sup>5</sup> "Statement by Thomas A. Constantine, Administrator Drug Enforcement Administration, United States Department of Justice, before the House Subcommittee on the Western Hemisphere House, International Relations Committee, regarding Drug Control in the Western Hemisphere", Washington, DC. June 6, 1996. <http://www.justice.gov/dea/pubs/cngttest/ct960606.htm>

<sup>6</sup> Mike Gray, *Drug Crazy. How we got into this mess and how we can get out*, New York: Routledge, 2000, p. 142.

*pax narcotica* through different agreements. For example, there were rumors of pacts between the drug cartels in 2001 in Apodaca, Nuevo Leon, a suburb of Monterrey and, more recently, it seems that there was indeed a pact by mid-2007, that did last long because of the mistrust at other cartels developed by the Sinaloa cartel.<sup>7</sup>

Despite the low levels of drug-related violence, the power of drug traffickers grew in an important way during the 1990s. This situation led the Mexican government to make several legal and institutional reforms in order to maintain the image that the government was combating drug trafficking and to obtain the annual anti-drug certification granted by the State Department. Even when there have been security reforms in Mexico before the 1990's, they were more frequent and extensive during that decade, when the U.S. concern about security in Mexico increased due to the negotiation of the North American Free Trade Agreement (NAFTA). In June 1993 President Salinas created the *Instituto Nacional para el Combate a las Drogas* (National Institute for the Combat of Drugs), which wanted to establish a more effective coordination in the fight against drug trafficking, and by the end of that year, the Criminal Code was reformed. The purpose of this reform was to increase the length of sentences for drug traffickers and the number of days they could be maintained in custody, to facilitate the confiscation and sale of goods property of criminals, as well as the government's access to information.<sup>8</sup>

President Ernesto Zedillo also made important institutional reforms. In 1995, he established the National System of Public Security that was aimed to coordinate the combat of crime at the three levels of government: local, state and federal. In 1996 the Congress approved a new Law against organized Crime. This law increased the penalties against organized crime, and punished the criminal association, like the RICO law in the United States. The law allowed telephonic interception, protected witnesses, covert agents and seizures of goods. In 1997, a Special Unit against Money Laundering was established within the Attorney-General's Office. In December 1998 the Zedillo Administration also created the Federal Preventive Police composed of some other Federal Police forces, including the Highway Police, the Fiscal Police and the Migration Police.<sup>9</sup>

President Vicente Fox also continued with this wave of reforms. He created the Secretary of Public Security and ascribed the Federal Preventive Police to the new office, which was originally part of the Secretary of Governance (Gobernacion). At the end of 2001, Fox created the Federal Agency of Investigation (AFI) –designed to be a Mexican version of the FBI– that would

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<sup>7</sup> This was a statement made by the drug trafficker Edgar Valdes Villarreal, aka "La Barbie" after his arrest in September 2010. David Saúl Vela, "La Barbie: celos del Chapo rompieron pacto antiviolencia", *La Razón*, September 2, 2010, <http://www.razon.com.mx/spip.php?article45075>

<sup>8</sup> For the reforms under Salinas, Zedillo and Fox, see Jorge Chabat, "Mexico: the security challenge" in Jordi Diez (ed), *Canada and Mexico's Security in a Changing North America*. School of Policy Studies, Queen's University, Kingston, Montreal: Queen's-McGill University Press, 2006.

<sup>9</sup> *Ibid.*

use modern and scientific techniques of criminal investigation. Additionally, in January 2005 the Congress approved the "National Security Law", that established the requirement for judicial authorization for telephonic intervention made by CISEN, similar to the requirement established for the Attorney General's office in the Law against Organized Crime.<sup>10</sup> However, not all the proposals of the Fox Administration were approved. Actually, in March 2004 President Fox proposed to the Congress a very ambitious reform on Public Security and Criminal Justice, which was aimed to carry on a deep reform of the system of justice promotion and administration. This reform was never approved by the Mexican Congress due to the polarization that existed in the political environment at that time.

Along with the institutional reforms, the Salinas, Zedillo and Fox administrations arrested some important drug bosses. Salinas arrested Miguel Angel Felix Gallardo, in 1989, and Joaquin "Chapo" Guzman in 1993, both leaders of the Sinaloa Cartel. Zedillo captured another Sinaloa cartel member, Hector "guero" Palma, in 1995 and, one year later, he captured the Gulf cartel leader, Juan Garcia Abrego. Zedillo also arrested Ismael Higuera Guerrero, known as El Mayel and Jesus Labra ("El Chuy"), both members of the Tijuana cartel. President Fox also made important arrests: Adan Amezcua, of the small Colima cartel, dedicated to the production of methamphetamine, and the former governor of Quintana Roo, Mario Villanueva Madrid, for complicity with drug trafficking. Both were captured in 2001. The following year, the leader of the Tijuana cartel, Benjamin Arellano Felix was arrested and in 2003, the government captured Osiel Cardenas, leader of the Gulf Cartel.<sup>11</sup>

However, despite all these efforts, neither the volume of illegal drugs nor the power of drug trafficking organizations decreased. In fact, some of the achievements were reversed. In 1997 the Zedillo administration closed up the National Institute for the Combat of Drugs that had been created four years prior, because his Commissioner, General Jesus Gutierrez-Rebollo, was involved with drug trafficker Amado Carrillo. Also in 2001, the drug trafficker Joaquin "Chapo" Guzman, escaped from a "maximum security" prison in the State of Jalisco. Moreover, even when the levels of violence were low during the times of the *pax narcotica*, the arrests of the big bosses provoked the loss of equilibrium between the drug cartels, and by the end of the Fox Administration, a war was emerging between the Sinaloa cartel and the Gulf cartel. The increase of drug-related deaths was so evident that the U.S. Ambassador to Mexico, Tony Garza, sent several letters of protest to the Mexican government because of the violence in the City of Nuevo Laredo. On January 26, 2005, the U.S. Ambassador in Mexico, Tony Garza, sent a protest letter to the Mexican Secretary of Foreign Relations, Luis Ernesto Derbez, in which he complained about violence: "the increasing fight between the

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<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

elements of the drug cartels has brought as a consequence drastic increases in killings and kidnappings".<sup>12</sup> According to Garza, the high level of violence has provoked "bigger risks for the thousands of U.S. citizens that visit or cross through the border region every day. A bigger number of American citizens killed and kidnapped confirm this".<sup>13</sup> Probably that was the reason why President Fox was so reluctant to use public force: he did not want to feed drug-related violence by using the police or the Army. However, despite this reluctance, the Fox Administration decided to launch an anti-drugs operation called "Safe Mexico" on June 12, 2005.<sup>14</sup> Originally, this operation implied the control of eight cities in the states of Tamaulipas, Sinaloa and Baja California by the Mexican Army and the Federal Preventive Police. But the arrests of the drug bosses, was probably not the only trigger of the drug-related violence. The arrival to the Presidency of a different party from the PRI, which ruled Mexico for 71 years, also contributed to break the historical links established between authorities and drug trafficking, what generated imbalances between the drug cartels.

## *2. The Calderon Administration: the "fragment and control" strategy*

As we have seen, when President Calderon took power the instability created by drug trafficking was evident and there was public pressure demanding a harder stance against that phenomenon. Certainly we can speculate about other motivations the Mexican government could have had for launching of a total war against drug trafficking. Some have suggested that the close victory of Calderon over his main competitor for the presidency was the origin of this decision. However, the truth is that drug traffickers were in fact controlling some parts of the Mexican territory and challenging the government's authority prior to Calderon's election. The levels of drug-related violence increased in a significant way during the Fox administration: from 1,080 deaths in 2001, to 2100 in 2006. At the same time, the violence was concentrated in some states: half of them happened in Michoacan alone, and one third in Sinaloa and Guerrero.<sup>15</sup> Additionally, Calderon has insisted on the importance of the rule of law since his Presidential campaign. The fact that he is a lawyer has probably contributed to the importance given in all his statements to law. From this point of view, it was logical in many senses that the Mexican President has decided, since the beginning of his administration, to launch several police-military operations in many states affected by drug trafficking. Only 11 days after his inauguration, Calderon implemented an operation in the State of Michoacan, where he was

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<sup>12</sup> "Carta del Embajador Antonio O. Garza", *El Universal*, January 27, 2005, p. I-A.

<sup>13</sup> *Ibid.*

<sup>14</sup> Noticieros Televisa, "Ordena Fox Operativo 'México Seguro'", June 12, 2005, <http://www.esmas.com/noticierostelevisa/mexico/452513.html>

<sup>15</sup> "Revelan que hubo casi 9 mil narcoejecuciones con Fox", *El Universal*, January 2, 2007.

born.<sup>16</sup> This operation was implemented in response to a request made by the governor of that State, Lazaro Cardenas Battel. During the following months, similar operations were deployed in other States of the country, like Baja California, Chihuahua, Durango and Sinaloa. These kinds of police actions have continued during the Calderon Administration and have been extended to many other states in the country. Actually, the Mexican government made of the police-military maneuvers one of the three pillars of his strategy against drug trafficking. The other two pillars were a series of legal and institutional reforms approved and implemented since 2006 and international collaboration. At the beginning of his Administration, President Calderon decided to implement a deep reform of the Federal Preventive Police, which was in fact the axis of his policy of confrontation with drug traffickers. This reform included the professionalization of the police personnel as well as the development of a comprehensive system of information, called *Plataforma Mexico*. This system “consists in the interconnection of networks of offices and institutions linked directly to the sphere of public security, that propitiate and facilitate the exchange of information of their different databases in order to optimize the effectiveness of the strategies and operations to confront criminality”.<sup>17</sup>

President Calderon also sent in 2007 and 2008 several proposals for legal reforms to the Congress. One such proposal from March of 2007 included: a) authorization of house arrest for 30 days and for 60 days in the case of organized crime; b) authorization for the police to enter into a private address without previous judicial order; c) authorization for intercepting private communications in case of organized crime activities with a judicial order issued afterwards; d) authorization for transferring inmates to a prison closest to their address, except in cases of organized crime in which inmates should be held in maximum security prisons; e) authorization to maintain secrecy about the name of plaintiff in cases of organized crime; f) the possibility that the victim of a crime can ask directly for the repair of the damages; g) the possibility that minors are excused from confronting the accused in a trial; h) authorization for the confiscation of goods that are product of a crime or used to commit a crime; i) authorization of investigation faculties to police forces; j) the establishment of a single criminal code for the entire country; k) the creation of a single national system of police development that will regulate and standardize the recruitment, selection, permanence, professionalization, promotion, removal, separation, sanction and recognition of policemen of the Federal, State and municipal governments; l) free removal of prosecutors and municipal, state and federal policemen. At the

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<sup>16</sup> Terra Noticias, “Calderón lanza fuerte ofensiva contra narcotráfico en México”, December 12, 2006, <http://noticias.terra.com/articulo/html/act677783.htm>

<sup>17</sup> México, Presidencia de la República “Plataforma México”, April 17, 2008, <http://www.presidencia.gob.mx/programas/?contenido=35018>

same time, Calderon sent another proposal establishing life-prison for kidnappers.<sup>18</sup>

These proposals were approved in March 2008 with the exception of police entrance into private addresses without judicial order, the removal of prosecutors and policemen and the establishment of a single criminal code for the country.<sup>19</sup> The establishment of a single national system of police development was approved until the end of 2008 in the General Law of the National System of Public Security,<sup>20</sup> and the confiscation of goods that are product of or used in a criminal activity was approved in the Federal Law of Forfeiture issued on May 29, 2009.<sup>21</sup> Additionally, among the reforms approved in March 2008 was included a profound reform of the judicial system, establishing oral trials instead of trials conducted secretly through written briefs. Calderon had proposed this during his campaign, even when he did not include it in the package sent to Congress. This reform should be implemented in an eight-year period. In 2010 President Calderon also sent a proposal for a bill to fight money laundering to the Congress.<sup>22</sup>

In order to complement the “fragment and control” strategy, the Calderon Administration has intensified international collaboration, especially with the United States. Few months after his inauguration Calderon extradited several drug traffickers to the United States, included Osiel Cardenas, the boss of the Gulf cartel. This measure helps to reduce in a significant way the pressure from the public on the efficiency of the Mexican prison system, which has been unable to keep big bosses like Joaquin “Chapo” Guzman behind bars or allowed drug traffickers, like Osiel Cardenas, to continue operating from jail. Additionally, in 2007 President Calderon proposed to the Bush Administration the establishment of the so-called Merida Initiative, that contemplated a package of 1.4 billion dollars during a three-year period in order to improve the fight against drug trafficking.

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<sup>18</sup> “Oficio con el que se remite la siguiente iniciativa; proyecto de decreto que reforma los artículos 25 y 366 del Código Penal federal”, Subsecretaría de Enlace Legislativo. Oficio No. SEL/300/1124/07. México, D.F. 9 de marzo de 2007. [http://sil.gobernacion.gob.mx/Archivos/Documentos/2007/03/asun\\_2319950\\_20070313\\_1173820241.pdf](http://sil.gobernacion.gob.mx/Archivos/Documentos/2007/03/asun_2319950_20070313_1173820241.pdf)

<sup>19</sup> Luis Arriaga Valenzuela, “Sistema de procuración de justicia y derechos humanos en México”, *El Cotidiano*, vol. 23, No. 150, julio-agosto 2008, pp. 83-88.

<sup>20</sup> México, “Ley General del sistema Nacional de Seguridad Pública”, <http://www.cddhcu.gob.mx/LeyesBiblio/pdf/LGSNSP.pdf>

<sup>21</sup> “Decreto por el que se expide la Ley Federal de Extinción de Dominio, Reglamentaria del artículo 22 de la Constitución Política de los Estados Unidos Mexicanos; y se reforma y adiciona la Ley de Amparo, Reglamentaria de los artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos”, *Diario Oficial*, May 29, 2009, <http://www.cddhcu.gob.mx/LeyesBiblio/pdf/LFED.pdf>

<sup>22</sup> Notimex, “Envía Calderón al Congreso iniciativas contra el lavado de dinero”, *Excelsior*, August 31, 2010, [http://www.excelsior.com.mx/index.php?m=nota&id\\_notas=656034](http://www.excelsior.com.mx/index.php?m=nota&id_notas=656034)

### ***3. The purpose of the strategy: taking back organized crime to the predatory stage***

According to the Mexican Secretary of Defense, Guillermo Galvan Galvan, the purpose of the police-military operations launched by Calderon at the beginning of his term was “to provide the level of security that can make viable citizen’s life”.<sup>23</sup> In other words, the final goal of the Calderon’s strategy against drug trafficking was not to prevent the access to drugs of Mexican children as the official propaganda has been saying, but to control the destabilizing effect of drug trafficking. That is, the purpose is not to eliminate drugs from the face of Mexico, but to manage the violence and corruption that this illegal business generates. The first Attorney-General of the Calderon Administration, Eduardo Medina Mora, has expressed it in this way: the purpose of this war was not “to end drug trafficking but transform it into a public security problem”<sup>24</sup> rather than a national security threat.

It seems that what the Mexican government wants is to reverse the evolution of drug trafficking in Mexico. According to Peter Lupsha, organized crime has three stages: *predatory*, in which organized crime is composed of street gangs, does not challenge the state, and consequently, can be controlled by the police forces; *parasitic*, in which organized crime penetrates the state and is able to control parts of it for its own benefit, basically to be able to operate freely, and *symbiotic*, in which organized crime fusions itself with the state, to the extent that they become the same thing.<sup>25</sup> What we have seen in Mexico during the 1980s, when drug trafficking became a national security threat, is the evolution of this illegal activity from the predatory to the parasitic stage. What the Mexican government wants is to get drug trafficking back to the predatory stage, a situation similar to that of drug trafficking in the United States. Obviously, in order to achieve that, drug organizations have to be fragmented and weakened first and then controlled with an efficient police and judicial system. Clearly, this is a long-term strategy that needs many years to be accomplished. For example, the judicial reform alone has been programmed to be implemented after eight years, starting in 2008. The Federal Police was created in 1998, and twelve years later, it is still insufficient to control organized crime. Additionally, if we take a look at the municipal and State police forces, it is impossible to expect a radical change that can transform them into professional and efficient bodies in a short period of time. According to General Victor

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<sup>23</sup> México, Gobierno Federal, Diversas intervenciones durante la visita y saludo a las fuerzas federales en Apatzingán, Michoacán”, January 3, 2007, <http://calderon.presidencia.gob.mx/index.php?DNA=109&Contenido=28527>

<sup>24</sup> “El objetivo no es buscar terminar con el narcotráfico: Medina-Mora (video)”, *Milenio*, September 24, 2008. <http://www.milenio.com/node/84584>

<sup>25</sup> Peter A. Lupsha, “Transnational Organized Crime versus the Nation-State”, *Transnational. Organized Crime*, vol. 2, núm. 1, Spring, 1996, pp. 21-48.

Renuart, Commander of the U.S. Northern Command, the war against drugs in Mexico may take 8 to 10 years more.<sup>26</sup> This is a clear example of a problem for which the solution takes longer than the time of an Administration and it is probably this disjuncture that has generated a lot of criticisms to the war on drugs as waged by President Calderon. Obviously, the expectations of the Mexican and international public opinions was that the victory in this war could have been achieved in a shorter time.

#### 4. *Diagnosis of the problem and alternatives*

It seems clear that the Calderon Administration has opted for a strategy that has been very costly, until now, in terms of violence. According to a report of the Public Security Commission of the Mexican Chamber of Representatives, in 2007 alone, the number of drug-related deaths was around 2,700,<sup>27</sup> 600 more than in 2006 and twice the number of deaths of 2005.<sup>28</sup> In 2008, violence increased and the number of deaths was 5000,<sup>29</sup> twice the number of 2007. The number of deaths for 2009 is 7,000 and by August 2010 the total number of drug-related deaths during the Calderon Administration was around 28,000.<sup>30</sup> These figures illustrate clearly the cost of the strategy of confrontation followed by the Mexican government. However, was there another option? As it has been mentioned above, the *pax narcotica* that Mexico experienced during the times of the authoritarian system was clearly a consequence of the policy of tolerance followed by the PRI governments. However, this policy was not viable anymore for the Calderon Administration. But why has the policy of confrontation had this high cost in terms of violence and why it has taken so long—and probably it will take longer—to produce results? The answer is very simple. The laws that establish drug trafficking as a crime that should be prosecuted cannot be enforced by the Mexican state. In other words, the Mexican government does not possess the instruments to enforce those laws: it has a very weak judicial and police system, there is no legal culture in Mexico, and the power of drug traffickers is enormous. Given this situation, the Mexican government has three basic options: a) to tolerate drug trafficking, like in the past, with a high cost in terms of corruption and the expansion of the problem; b) to combat the phenomenon with the instruments the government now has, with a high cost in

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<sup>26</sup> J. Jaime Hernández, “EU ve 10 años más de guerra antinarco” *El Universal*, March 19, 2010, <http://www.eluniversal.com.mx/nacion/176399.html>

<sup>27</sup> “Rebasa México 5 mil ejecuciones por narcotráfico” Agencia Efe, December 3, 2008, <http://www.terra.com.mx/articulo.aspx?articuloid=760015>

<sup>28</sup> Andrea Merlos, “Nueve mil ejecutados en sexenio foxista reportan”, *El Universal*, January 2, 2007.

<sup>29</sup> *Ibid.*

<sup>30</sup> Data given by Guillermo Valdés Castellanos, Director of the Center for Research and Intelligence in National Security of the Federal Government (CISEN), México, Presidencia de la República, “Diversas Intervenciones en Diálogos por la Seguridad con expertos en temas de seguridad. Parte 1”, August 11, 2010, <http://presidencia.gob.mx/?DNA=85&Contenido=59301>

terms of violence, or c) to **modify** the inability of the Mexican state to enforce laws, either by changing the state or by changing the law. This last option would imply either the modification of existing laws in order to make them compatible with the Mexican state capacities, which basically would suppose either some form of legalization of drugs or the strengthening of state institutions, which is what Calderon is trying to do.

**TABLE 1. POLICY OPTIONS**

POLICY OPTIONS	COSTS	VIABILITY
Tolerance	CORRUPTION Violence Consumption	Possible in the past. Not compatible with democracy
Frontal combat	Corruption VIOLENCE Consumption	Possible now with opposition from some part of the public and the political elite
Changing the state (strengthening institutions)	Corruption Violence Consumption	Possible in theory. However, it will take a long time to achieve. It faces three obstacles: impatience from public, corruption and human rights abuses
Changing the law (ending prohibition)	----- ----- CONSUMPTION	Possible in theory. Impossible in the short term

As we can see in table 1, of the possible options, the only one that had viability at the beginning of the Calderon Administration was the policy of confrontation, combined with the strengthening of institutions. The policy of tolerance was clearly not viable because it conflicts with the logic of a democratic state. Besides, it does not solve the problem, but aggravates it. To change the law at this point is not politically viable mainly because of the opposition of the U.S. government to discuss any kind of legalization of drugs. However, if the Calderon's strategy fails, the international community may start thinking about options "outside the box", like legalization.<sup>31</sup>

Despite the voices, in the political and intellectual spheres, that have been questioning the Calderon's anti-drug strategy, it seems that most of the public opinion is conscious about the limited option that exists. Several polls during the last three years have shown an important measure of support among the Mexican public for the policy of total combat against drug trafficking among the Mexican public. A PEW Hispanic Center poll, from September 2009, shows a very impressive 83% of the population in favor of this strategy and the use of the

<sup>31</sup> During a meeting organized by President Calderon with several sectors of the society in August 2010, Calderon himself accepted to discuss the possibility of legalizing drugs even when he clearly said that he did not agree with that option. "Debe analizarse a profundidad la regulación de estupefacientes: FCH", Sala de Prensa del Gobierno Federal, August 3, 2010. <http://www.presidencia.gob.mx/prensa/?contenido=59122>

Army.<sup>32</sup> However, this support can vanish for several reasons. One is the *persistence of drug-related violence*, especially if the number of innocent victims increases. Events like the execution of 17 teenagers in Ciudad Juarez on January 31, 2010 as well as the assassination of other civilians in that city and the killing of two students in Monterrey during March can seriously affect this support. Something similar can happen with the support of the U.S. public opinion to the war on drugs in Mexico, and consequently, the support of the White House to the Calderon Administration. The assassination of three persons who worked for the American consulate in Ciudad Juarez on March 2010 can signal a shift in the opinion of the American public about the war on drugs in Mexico.<sup>33</sup> As a result of the violence South of the border, some sectors in the American mass media and even in the U.S. government have been talking about Mexico as a “failing state”, comparing it to Afghanistan since 2008.<sup>34</sup> If that perception grows in the future, there will be pressures on the U.S. Congress in order to stop collaboration with Mexico, even when the possible collapse of governance in Mexico should act more as an incentive to maintain and increase that collaboration than to stop it.

Another factor that can affect Calderon’s anti-drug strategy is the *persistence of corruption* at the three levels of government in Mexico. Even though the Mexican government has increased the anti-corruption controls on federal authorities, there have been still cases of involvement of top officers with drug trafficking. In October 2008, when the Attorney-General’s office disclosed that a number of high-level officers in the Vice-Attorney General office Specialized in Organized Crime were bribed by the Beltran-Leyva brothers’ drug trafficking organization.<sup>35</sup> This investigation reached soon Noe Ramirez Mandujano, who was the Mexican “drug-tsar” during the first year and a half of the Calderon Administration. The Vice-Attorney General for Organized Crime was then arrested in November 2008 accused of receiving bribes from the Beltran-Leyva brothers.<sup>36</sup> The corruption scandal also reached officers in the Secretary of Public Security, including the Acting Commissioner of the Federal Preventive Police, Victor Gerardo Garay Cadena. However, these scandals did not stop President Bush and President-elect Obama to express their support Calderon’s anti-drug fight.<sup>37</sup>

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<sup>32</sup> The PEW Global Attitudes Project, “Troubled by Crime, the Economy, Drugs and Corruption”, September 23, 2009, <http://pewglobal.org/reports/pdf/266.pdf>

<sup>33</sup> Mario Héctor Silva, “Washington condena asesinato en Cd. Juarez”, March 15, 2010, <http://www.eluniversal.com.mx/nacion/176312.html>

<sup>34</sup> See, for example, U.S. Joint Forces Command, “The Joint Operating Environment 2008”, November 2008, [www.jfcom.mil/newslink/storyarchive/2008/JOE2008.pdf](http://www.jfcom.mil/newslink/storyarchive/2008/JOE2008.pdf) and Jesse Bogan and Kerry A. Dolan, “The next disaster”, *Forbes*, December 22, 2008.

<sup>35</sup> Carlos Benavides and Francisco Gómez, “Compró el narco a jefes de la SIEDO”, *El Universal*, October 27, 2008.

<sup>36</sup> Gustavo Castillo García, “Detienen a Noé Ramírez por supuestos nexos con el cártel de los Beltrán Leyva”, *La Jornada*, November 21, 2008.

<sup>37</sup> Sergio Javier Jiménez, “Obama respalda lucha antinarco de Calderón”, *El Universal*, January 13, 2009 and Sergio Javier Jiménez, “Ratifica Bush apoyo en lucha anticrimen”, *El Universal*, January 14, 2009.

A third factor that could cause the anti-drug policy to fail is the persistence of *human rights abuses* committed by the Mexican Army or police forces. This has been a point of conflict with the U.S. Senate during the negotiation of the Merida Initiative and some NGOs have been putting pressure on this issue, demanding the partial suspension of the aid to Mexico if these violations are confirmed. Human Rights Watch has documented some cases of abuses committed by the Mexican Army<sup>38</sup> but the Mexican government has denied their existence. If more cases appear in the future, the collaboration between Mexico and the U.S. in security matters could be jeopardized and the U.S. and Mexican public could change the positive opinion they have about Calderon's war on drugs. Probably as a response to these pressures, in October 2010, President Calderon sent a proposal to the Congress limiting the Military jurisdiction for three crimes: rape, torture and forced disappearance.<sup>39</sup>

As it is easy to see, Calderon did not have any other option that to launch the war against drug trafficking. However, he has developed this war handicapped. The Mexican government has still many deficiencies to perform this task and it will take time to solve them. The question is if given the costs that the country is paying because of the war on drugs, this policy can be sustained in the long run. Clearly, the war against drugs was inevitable but is it sustainable?

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<sup>38</sup> Human Rights Watch, "Uniform Impunity. Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations", April 28, 2009, <http://www.hrw.org/en/reports/2009/04/28/uniform-impunity>

<sup>39</sup> Jorge Ramos, "Militares irán a juicios civiles", *El universal*, October 19, 2010, <http://www.eluniversal.com.mx/primera/35714.html>

## *Conclusions*

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The decision of declaring total war on drug trafficking was made by President Calderon for several reasons. Probably there was a political calculation in it, given the demand of the Mexican public for a tougher approach to this issue. But the truth is that there was a real problem in terms of the presence of drug trafficking in the country and the instability it was generating. President Calderon implemented the only possible response to the challenge he was facing, but this option has been very costly and its success is still uncertain. There are examples of countries that have been able to control organized crime and maintain it at the predatory stage because of its institutional strengths, like the United States. However, it is not clear that this can be achieved in Mexico, given the power that drug trafficking possesses now in the country and the capacity of drug traffickers to increase the political costs to the Mexican government, given the violence they can generate in the country. If Calderon's policy needs at least 8 to 10 years to be effective, as has been suggested by the commander of the U.S. North Command, the chances of a failure loom large. The death of civilians—Mexicans and Americans— can change the support of the Mexican and U.S. public opinion towards the strategy. As a consequence of the political and social environment that the war on drug generates, there are more voices in Mexico that openly suggests the need to legalize some drugs, especially marijuana. This situation clearly poses a dilemma for the U.S. government. The rhetoric sustained by Washington during the past decades does not consider tolerance or legalization as viable options in the war on drugs, but the costs that the combat of drug trafficking are generating in Mexico are affecting the U.S. directly and the risk that violence in Mexico crosses the border is high. If that happens, that is if the U.S. becomes "mexicanized" in the combat of drugs, many things can happen. Meanwhile, it seems that what we are going to see in the near future is more of the same, until there is a major crisis and the Mexican and U.S. governments start to think about alternatives in dealing with the drug problem.

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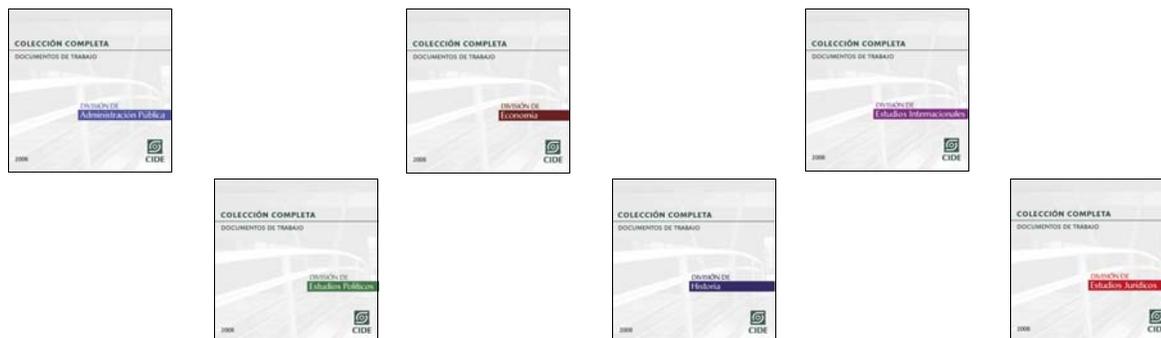
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