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# Organized Crime and National Security in México

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

its monopoly of law enforcement. Also, traditional border controls are now in crisis because cybernetic frontiers and new technologies used by criminal organizations are also very important.

The different theories on globalization talk of positive globalization (due to the increment in legal commercial exchanges, suppression of visa holders, and increment in the routes of transport) and negative globalization. The latter is related to the opening up of frontiers that end up favoring the activities of organized crime. Many criminal activities are based on previously legal enterprises and exchanges and operate under this “legal framework.” Globalization has occurred at the same time as Latin America’s democratization processes. The fear is that this transition will debilitate the State, which is why when the crisis of the authoritarian governments took place new worries went in the direction of the lack of democratic governance related with this debilitated State, especially in areas like public safety. Mainly in countries that suffered crude conflicts during the Cold War, like most Central American countries, the result was an already debilitated State when they started their transition towards democracy. This makes it easier for clandestine groups and occult powers to emerge within the newly democratized States. Many of these criminal groups emerged due to the lack of solid Police institutions, intelligence agencies and poor frontier-controls. These organizations took advantage of the new opportunities in the context of globalization, the opening of frontiers and the structural changes undergone by the States.

#### DRUG TRAFFICKING: MEXICO GEOGRAPHIC TRAGEDY: BETWEEN THE PRODUCERS AND THE CONSUMERS

Even though the cultivation of drugs for exporting them to the United States started during World War II, the clandestine business reached intensive proportions during the Cold War. This phenomenon appeared with a lot of force during the eighties, and big corridors for the traffic of drugs, weapons, and people were built. The most powerful clandestine and criminal organization of Latin America, the Medellín Cartel, peaked during the eighties with the exportation of cocaine from Colombia to the United States. It inaugurated the great criminal corridor that no one has been able to eliminate. From Colombia, and from Venezuela to a lesser degree, going through Central America through either the Caribbean or Pacific, by air, sea or land, and finally cocaine reaching the northern markets. In the beginning they were criminal organizations that exported mainly marihuana to the United States, and this drug usually came from a family mode of production. In the eighties this cultivation had acquired industrial proportions, and in the nineties it had acquired the complexity of the global markets: the flow of capital, money laundering, information technologies, strong investments and diversification, the training of engineers, producers, cultivators, investors and financiers. Since the mid-eighties, drug trafficking and the need to control large mafias that deal in international clandestine operations have presented a threat to the

national security of Colombia, Mexico, the United States, and the Central American countries. Transition to democracy facilitated organized criminal groups to finance political campaigns, launder money, and take advantage of weakened armed forces, and the frail—corrupt—police and judicial systems. Organized crime transformed into a “hidden power” with many ramifications, which allowed for the phenomenon of drug trafficking to reach the center of attention of the hemispheric security agenda; at least in the sub regions of North America, Central America, and the Caribbean. In the region, some countries were producers (Andean countries), some transporters (Mexico, Central America, and the Caribbean), and some consumers (the United States). The triad of production-transportation-consumption created a unity of “insecurity”, hence, the need for regional cooperation and a united front to fight drug trafficking.<sup>2</sup>

During the 1990s, after the end of the Cold War, new threats emerged to international security and countries perceptions about new challenges to national security. The global security agenda was headed by, amongst other phenomenon: drug trafficking, transnational immigration, environmental deterioration, and terrorism. These issues became determining components of global fora for the U.N. as well as regional organizations like the E.U. and the O.A.S. They even appeared in the agendas of many countries bi-national relations agendas. Individual nations prioritized these issues differently within the hierarchy of current and imminent threats to the state.

#### NEW CHALLENGE: TERRORISM

The attacks against the United States on September 11<sup>th</sup>, 2001, changed the level of priority of threats. Suddenly, the US was at war against terrorism, justified by a constitutional mandate and supporting countries (like Irak and Afghanistan). The U.S. was simultaneously attempting to gain international support for its new defense policy. For the first time since the civil war, which occurred in the 19<sup>th</sup> century, the United States feared the threat. As a result, the country creates a new security dialect based on two main principles: the Homeland Security Doctrine, which transformed the entire structure of internal security institutions in the United States, with the creation of the Department of Homeland Security in 2002, and the Preemptive Action Doctrine, which consists of attacking first, based on evidence—from intelligence services—that show there are groups (Al Qaeda, Hamas, Islamic Yihad, Hezbola) willing to attack the United States with any means available. At the same time, these groups are allied with dissident rogue states (like Iraq or Iran), that should also be considered enemies. In 2006, the total illegal population is 11 million.<sup>3</sup>

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<sup>2</sup> See: Coletta A. Youngers and Eileen Risin (editors) *Drugs and Democracy in Latin America. The Impact of U.S. Policy*, Lynne Rienner Publishers, Boulder & London, 2005.

<sup>3</sup> Clearly outlined in the United States National Security Strategy published in 2002. See: National Security Strategy, White House, March 2002.

According to security diagnostics, border regions were open, porous, and out of control. Although, there had been previous cooperation to control aerial, maritime and terrestrial borders, in the United States there was an over-exaggerated impression that Canada and Mexico had immigration policies that were either too open to immigrants and refugees, and therefore it was hard to know the origins and the intentions of the immigrants (as was the case of Canada); for that the border was crossed by desperate people that had no opportunities of work in their countries of origin, so went across Mexico, a country which has almost no control of its southern borders with Guatemala and Belize.<sup>4</sup> Concurrently, there was a prevailing perception that U.S. authorities (Border Patrol) were incapable of controlling the three thousand kilometer border between United States and Mexico.<sup>5</sup> From that population, Mexicans are the most numerous; almost 64% from the total latino population.<sup>6</sup>

A report about immigration defined the problem in the following words:

“The events of September 11<sup>th</sup> tragically demonstrated how the immigration laws of the United States can be violated or manipulated to cause horrible damage, so much so that it highlighted the importance of immigration policy as an important tool to stop or to monitor terrorist and criminals.”<sup>7</sup> The report used logic that placed new emphasis in the link between illegal immigration-terrorism and open, porous borders. In the United States, that logic occurred at the government level, and amongst analysts, academics, and the press. The discussion was characterized by the domino effect of emotions. Although it could be argued that there is evidence to back perceptions about the openly permissive immigration policies of Canada and the uncontrolled and chaotic Mexican border, there has also been severe distortion and exaggeration in the interpretations which have been presented to the American public.

Over the last few decades, security at the border between the United States and Mexico has created debate and tension for bilateral relations. The border zone, of course, is a porous region, but, its porosity must be defined in the context of the dimension of the border and the flows of population that cross it. Every year, more than three hundred and fifty million people legally cross the border; that is almost one million border crossings per day. Additionally, almost ten thousand commercial cargo trucks cross the border daily. It is hard to calculate precisely the influx of illegal immigrants because they are undocumented. United States authorities detain more than one million undocumented immigrants annually.<sup>8</sup> For accuracy, it must be taken

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<sup>4</sup> Doris Meissner et al *Immigration and America's Future: A New Chapter*, Migration Policy Institute, Washington D.C., 2006, p. 20.

<sup>5</sup> See: Peter Andreas' Chapter “Introduction. A Tale of Two Borders”, in *The Rebordering of North America*, Routledge, New York and London, 2003, p. 11.

<sup>6</sup> Xochitl Bada, Jonathan Fox and Andrew Selee (editors) *Al Fin Visibles. La presencia cívica de los migrantes mexicanos en los Estados Unidos*, Woodrow Wilson International Center for Scholars, Washington D.C., 2006, p. 3.

<sup>7</sup> Doris Meissner et al *Immigration and America's Future: A New Chapter*, op. cit. p. 15.

<sup>8</sup> According to official data provided by the Department of Homeland Security, in 2000 a record number of apprehensions of deportable people reached a historic maximum, when authorities detained

into account that an immigrant can be detained more than once in the same year. Legal influx of immigrants in the United States is about one million people per year.<sup>9</sup> Several studies demonstrate that the annual net migration flux from Mexico to the United States is between 400,000 and 500,000 people, 40% of which is represented by legal immigration.<sup>10</sup>

There is no evidence that proves that a single terrorist entered the United States through the Mexican border. Since 2001, the debate has centered on the porous nature of the border, which supposedly makes it vulnerable to the possibility that a terrorist may eventually use it to enter the country. However, five years have passed since the beginning of the debate, and there has been no concrete evidence to demonstrate any attempt to use the Mexican frontier to either infiltrate a terrorist cell or to commit an act of terrorism. All incidents which seemed to show it was occurring have all proven to be false alarms. Shortly after September 11<sup>th</sup>, the United States decided to implement joint border controls creating the Smart Border Agreements with Canada and Mexico; signed with Canada in December 2001 and Mexico (la “Alianza para la Frontera”, or the “Frontier Alliance”) in March of 2002.<sup>11</sup> These accords, or plans of action, were based on four main objectives: secure movement of people, secure flow of goods, infrastructure to ensure security, and the exchange of information and intelligence. These were not new themes in bilateral relations between the United States and its neighbors; as a matter of fact, the treaties were based on similar accords which had existed and been in effect since before 2001.<sup>12</sup>

With respect to illegal traffic across the border, there are still a few concerns left unaddressed. There’s the worry of large population flows from all over the world towards insecure regions in Central America. For example, people from all over the world that arrive using the systems of communication of the British Community of Caribbean Nations and Asian immigrants who cross the sea and the Panama Canal.<sup>13</sup>

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1,814,729 undocumented immigrants. Since then the number has decreased to 1,046,422 in 2003 and again increased to 1,241,089 in 2004. From: US Department of Citizenship and Immigration Services, <http://www.uscis.gov/graphics/shared/statistics/yearbook/YrBk04En.htm>.

<sup>9</sup> The number of people from all nationalities admitted into the United States per year has fluctuated dramatically between the years 2000 and 2005; from 703,542 (2003) to 1,122,373 (2005). From the total number between 14%-18% are from Mexican origins, 5%-8% from Central America. Information from Department of Citizenship and Immigration Services: <http://www.uscis.gov/graphics/shared/statistics/yearbook/index/htm>.

<sup>10</sup> Jeffrey S Passel, Pew Hispanic Center. *Mexican Immigrants in the United States: Numbers and Characteristics*. Conference at the Center for International Strategic Studies, Washington D.C., October 10, 2006. <http://pewhispanic.org>

<sup>11</sup> See: Peter Andreas’ Chapter “Introduction. A Tale of Two Borders”, in *The Rebordering of North America*, Routledge, New York and London, 2003 and Deborah Waller Meyers. “Does “Smarter” Lead to Safer? An assessment of border accords with Canada and Mexico.” Insight. Migration Policy Institute, No 2, (June 2003), Washington D.C.

<sup>12</sup> *Ibidem*.

<sup>13</sup> There are several studies dedicated to “extra-regional” immigrations that cross Central America and Mexico towards the United States and Canada, done by the governments of the region, the Organi-

The frontiers between countries in Central America, Guatemala and Mexico are easily crossed. There are only 8 official border crossings, however, it is estimated that because of its geographic characteristics (vast jungle), there are more than 100 informal or out of control regions of the country. The ease in border crossing is facilitated by corruption, whether Central American or Mexican officials, associated with the trafficking of people across borders (the so called “polleros”, or “chicken runners”).<sup>14</sup>

#### PERVERSE SYNONYM: TERRORISM AND IMMIGRATION

Over the last few years, regional migration from Central America and Mexico towards the United States has been perceived as a threat to national security, not because of the people coming from those countries, but because of the apparent ease with which they can enter the U.S. This fear is evidence of the fact that borders have become more open, and manifesting the porosity which may potentially allow for the rare entrance of a person that could have intentions to harm the United States (terrorist).<sup>15</sup> According to the regional context, then, there are two distinct visions: the one of the immigrant receiving countries (U.S. and Canada) and that of the immigrant emitting countries (Mexico and countries of Central America).

The March 2002 “Smart Border Agreements” between Mexico and the U.S. were incorporated into a Plan of Action for the Frontier which was similar to the one the U.S. and Canada signed. And yet, Mexico faces limitations to effectively apply the accords. Amongst them were: lack of resources, technological differences when using equipment, and the training of border patrol officials. Furthermore, the unilateral measures which the United States has implemented, the building of the wall and the general demeaning language used during the immigration debate to describe the U.S.’s southern neighbor, has encountered rejection by Mexico and it has put in question the bilateralism of border control measures. In both countries, these tensions have provoked increase in public opinion which pressures leaders towards policies of confrontations, instead of cooperation.

#### CRIME, THE POLITICAL SYSTEM AND THE BORDERS

The smuggling of goods has existed since the creation of the Mexico- United States border around the middle of the nineteenth century. From Mexico marihuana,

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zation for International Migration, and CEPAL, amongst others. They can be found at the Conference of Regional Migration: <http://www.crmsv.org>

<sup>14</sup> For detailed descriptions of the problem linked to migration in the southern border of Mexico, see forums of the National Institute of Migration: *Hacia una Política Migratoria Integral en la Frontera sur de México*, at <http://www.inm.gov.mx/paginas/foros/primerforo/insumos.hmm> (2005).

<sup>15</sup> Jan C. Ting “Immigration and National Security”, *Orbis*, (Winter 2006).

heroin and later cocaine was exported. Afterwards, this business passed over to the state and federal levels. Binational cooperation for security in the northern border exists, but it is still in its embryonic state and plagued by mutual distrust between the two governments. Also, in the case of Mexico, this mutual distrust exists within its structures. The confrontation between state forces, federal forces and local forces is very strong in the cities located at the frontier. The Federal forces constantly accuse state and local forces of being involved with criminal networks, especially to favor the drug smuggling cartels. On the other hand, the southern border of Mexico has been influenced by the different security and insecurity agendas of Central America since the late seventies of the twentieth century. First, the Central American revolutions provoked unprecedented armed conflicts, and human and weapon trafficking. The two most serious threats were, first, the impact of counter-insurgency policies and the humanitarian catastrophes these provoked such as the Guatemala refugees, and the Salvadoran and Nicaraguan peasants that had to flee from their homes because their territories turned into battle fields. This caused a huge exodus of people destined for the United States, and Mexico was left in a delicate situation.

By the end of the nineties, the result of these conflicts was a great number of torn populations without working options. This caused the flow of migrants to grow, rather than to diminish. Also unprecedented situations of social crisis lead to the configuration of a new transnational criminal wave, the transnational Californian-Central American gangs. Deportees from Californian prisons came back to their Central American origins with a new knowledge of more bloodthirsty methods of criminality. They were baptized “maras.” Many of them tried to go back to the United States through Mexico, and others, running away from the “hard hand” strategy looked for refuge. These paved the way for the implementation of “hard hand” strategies that even criminalize the marginalized youth of Guatemala, El Salvador, and Honduras, at times even violating the Human Rights of these populations.

In sum, the endemic weakness of the different Central American States lead to the boom in organized crime and its penetration in government structures, mainly of drug trafficking and the delinquency that transcends the countries’ borders. This phenomenon, alongside migration, different kinds of smuggling and the transnational flow of prostitutes and human trafficking links Mexico with Central America in the context of negative globalization.

#### DRUGS, WEAPONS AND HUMAN TRAFFICKING

Currently, Central America is the zone of transit of 88% of the cocaine destined for the United States. Of this drug, the majority comes through the Mexican borders destined to the United States. The routes of drug smugglers go through the entire country destined not only for the United States, but also for the national drug con-

sumption. After the metropolitan zone of Mexico City and Jalisco, the states that show greater complaints related with drug smuggling are located at the borders.<sup>16</sup>

The globalization of drug trafficking through the borders transcends them: through the markets of the United States, the Mexican cartels operate in Africa and Europe. The biggest worry for the DEA and the different European Police corps is that the Mexican and Colombian organizations have established links with criminal organizations in Africa in countries such as Ghana, Nigeria, Guinea, Guinea-Bissau, Senegal and Togo. In Mexico the tendency of importing drugs has transformed and it no longer solely concentrates on the traffic of cocaine from Colombia. The importations of pseudo ephedrine and methamphetamines mainly from China have gone up. In addition, one other vulnerability from the custom's system is the corruption of the maritime custom offices. This has led to the implementation of the "Strategic Bilateral Mexico-United States Plan."

The main flow of weapons is from the United States to Mexico, and in second place, from Central American countries. Officially, there are no national producers that have free access to the public, except in some cases of hunting rifles, and its production is destined for the Mexican army and for exportation. So if Mexico does not produce weapons for the internal market, these millions of weapons have passed through the borders, and this could not have taken place without cooperation from corrupt public officials in all levels of government, particularly in the various Customs. The majority of the weapons in Mexico are not registered because they mainly come from illegal trafficking, from illicit local producers and especially from the trans-frontier traffic. The main sources from the United States come from secondary markets, meaning the selling of weapons in free access selling fairs; from the "ant" type of traffic through which weapons go through the borders inside people's cars with the objective of selling them or donating them, and finally, in the primary market, where the buyer of the gun has to be registered. The primary market is made up of legal stores and armories. Just in Mexico's frontier there are 17, 000 points where they sell weapons. The latter are not obligated to inform the authorities as to who bought the weapon, unless the weapon is later involved in a felony.

Out of the four southern states in the United States that have a shared border with Mexico, only California has restrictive legislation regarding gun control. New Mexico, Arizona and Texas have totally permissive legislations for acquiring weapons. In the southern frontier, even though the trafficking of weapons is prohibited, weapons pass freely in the controlled points of the border and in areas that are not controlled. Weapons that come from Guatemala and Belize come from greater trajectories like Eastern Europe, Israel and other republics that resulted from the breaking of the Soviet Union, and even from other Latin American countries. Weapons follow the same routes of drug trafficking, but they do so in an inverted manner: while drugs flow to the

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<sup>16</sup> "The Merida Initiative: Guns, Drugs and Friends", *A Report to members of the Committee on Foreign Relations*, United States Senate, Washington D.C., December 21, 2007.



North, weapons flow to the south. One of the main consumers of weapons is organized crime. Either by tolerance, omission, in conspiracy or due to the lack of vigilance in the different borders, the passive or active support of public officials has been a key factor in the success of the human trafficking. The selling of electoral credentials is very common in Mexico in order to cross the various check points established at the different borders. In interviews with Central American immigrants in 2005, in Tapachula, the interviewees said that Mexican authorities detain the immigrant only when he or she runs out of money. Almost all of them, from the river that divides Tecun Uman from Hidalgo City until they reached Tapachula crossed about five different controls from either federal or local authorities: National Institute of Migration, the Army, the Navy, the Preventive Federative Police, the State and local police corps. This can be called “inter institutional coordination” between the security agencies of the Mexican government. In a similar manner, about 300 thousand Mexicans entering the United States every year, more than 80% does so thanks to the “polleros” or “coyotes” system, and the rest try to do it on their own. Out of the total of criminal businesses that take place at the different borders, this is the oldest, the most lucrative, and the better organized in both the southern and northern borders of Mexico.

#### CONCLUSIONS: THE CORRUPTED STATE STRUCTURES

During the authoritarian Mexican regime the political system tolerated the activities of organized crime, and even in some cases these actions were functional to the system as a whole. The agreements that allowed this sort of businesses necessarily implied the existence of corruption. However, two central factors changed this situation: on one hand, the globalization of organized crime, which implies more complex and ample networks in order to operate, and on the other, the transition to a democratic regime that implies governance against the threats to the State and society. Organized crime has become the main threat to the State and the frontiers are vulnerable points. The infrastructure of organized crime surpasses the one of the government’s agencies that should be in charge of order. However, this could be controlled by prevention and control of corruption.

Controls at the borders require an equilibrium in which the flow of commercial exchanges and of people will not be blocked, but where the flow of illegal goods like weapons and drugs can be identified quickly and efficiently. In order to put a stop to criminal activities in its borders, democratic governance in Mexico requires a true revolution, not only technology wise, but also in the administrative, cultural, social and political areas, starting with the bureaucracy of the Mexican state. This is why the three main activities of organized crime in the Mexican borders have become an issue of national security, but it is also an issue of transnational security. Globalization transforms these phenomena into intermestic issues where separating the external and internal dimensions of these activities becomes impossible. In other words, these are issues that

simultaneously concern three different areas of government: foreign policy, national security policy and the policy of the internal control of crime and the imposition of the State of Law. In a similar way, due to the fact that democratic societies are in the process of being built in Mexico and Central America, the solutions to the phenomena of crime and delinquency have to involve the entire population and the civil society (its organized segments) because this not only affects the State, it also affects society as a whole.

The government of Mexico have very weak police, judicial and intelligence structures. Therefore they have resorted to an accelerated militarization process which has lead to an increase in violence. This is visible in the military occupation of cities such as Tijuana, Juarez, Reynosa, Nuevo Laredo as well as the states of Michoacan to destroy a cartel known as La Familia. President Felipe Calderon defined operations against drugs as a war, which has gone to point out that organized crime has penetrated the State's structure and has corrupted government officials, especially at the local level. In Mexico, the question is: Who is winning the war? Since the assassins and crime violence continues to increase. As an example, during 2008 the violence between the six narco groups amounted to 6,000 deaths.

As a final reflection it is important to point out that the failed State theories can be partially applied to Mexico, this includes parts of the states of Sinaloa, Michoacán and Guerrero in Mexico or El Petén in Guatemala (in the southern border with Tabasco and Campeche). However, the federal government has not collapsed but need to face deep structural reforms in order to curtail organized crime's ability to exploit their weakness.

#### ABSTRAKT

Artykuł porusza zagadnienie przestępczości zorganizowanej i bezpieczeństwa państwowego w Meksyku. Autor artykułu analizuje dwa główne czynniki najmocniej wpływające na przestępczość zorganizowaną w Meksyku: 1) proces globalizacji przestępczości zorganizowanej; 2) demokratyzację systemu politycznego Meksyku, po której walka z przestępczością zorganizowaną stała się jednym z państwowych priorytetów.

Artykuł zawiera analizy zróżnicowanych aspektów problemu przestępczości zorganizowanej w Meksyku, m.in.: problem przemytu narkotyków i jego powiązania z geograficznym położeniem Meksyku; bilateralnych stosunków między USA i Meksykiem w kontekście problemu bezpieczeństwa obu państw (szczególnie po 11 września 2001 r.); powiązanych ze sobą procesów – słabości państw Ameryki Środkowej, która prowadzi do rozwoju przestępczości zorganizowanej w regionie, migracji, przemytu i handlu ludźmi – które łączą Meksyk z Ameryką Środkową w negatywnym wymiarze globalizacji.

W konkluzjach tekstu autor dowodzi, że problem przestępczości zorganizowanej na granicach Meksyku stał się kwestią bezpieczeństwa narodowego, ale jednocześnie stanowi problem bezpieczeństwa ponadpaństwowego. Globalizacja czyni je zjawiskiem z zakresu polityki wewnętrznej i jednocześnie zagranicznej (*intermestic*), przy analizach którego niemożliwy staje się podział na krajowy i międzynarodowy wymiar procesu.

Słowa kluczowe: przestępczość zorganizowana, bezpieczeństwo państwa, Meksyk, globalizacja

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