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The Drug War and State Failure in Mexico

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Over the past decade, Mexico and Central America have become central battlefields in the global "war on drugs," which is creating an increasingly unavoidable problem for the United States. The problem goes beyond the obvious health issues that the drug trade presents internationally; in addition to this, the violence and lawlessness resulting from the drug war threatens to turn Mexico into a failed state. This paper seeks to analyze the exact process by which Mexico has begun its descent into failed statehood and create policy suggestions to prevent this outcome. This paper first analyzes some of the literature that currently exists on Mexico's drug war, as well as the international war on drugs in general. In doing so, it draws on some of the prior observations that have been made in order to construct a theory that explains the causes of state failure in Mexico. Through the identification of these causes, the paper renders policy suggestions that may serve to reverse the process. This paper ultimately concludes that the key threat of state failure in Mexico is caused by the power of drug cartels, which have undermined the state's monopoly on the legitimate use of force. Any policy that does not address the cartel's ability to undermine the state's security apparatus will fail to effectively stop Mexico's descent into state failure.

Introduction

Few topics are more relevant to the national security of the United States today than the crisis in Mexico, which threatens to create a failed state on the southern border. In 2009, noted international relations scholar John Mearsheimer listed the ongoing drug war in Mexico as the number one issue that had been overlooked by President Obama, saying that, "There is the very real possibility that Mexico will implode on Obama's watch and become a failed state, which would surely cause serious problems north of the Rio Grande."[1] This claim has been echoed by Steven David, another eminent scholar in the field of international relations, who states in his book, *Catastrophic Consequences*, that, "there is no question that if violent instability engulfs Mexico, American vital interests would be threatened."[2]

While no single definition of a "failed state" currently exists, one of the most widely accepted indicators of state failure is what Max Weber referred to as the "monopoly on the legitimate use of physical force" within a state's territory. In other words, failed states emerge when the ultimate authority to provide security and enforce the rule of law comes from a power other than the state.[3] By this qualification, Mexico certainly is not a failed state today, but it does exhibit many characteristics of a "captured state," wherein the state itself is manipulated by other actors -- in this case drug cartels. There are also some regions throughout Mexico's territory where drug cartels have more influence over the rule of law than the state, and can therefore be considered "failed provinces" or "failed cities." In these regions, cartels freely murder mayors, police officers, and journalists that challenge their authority, sometimes within feet of police posts. Not only is the Mexican state unable to provide security for its population, but cartels have increasingly influenced government policy through intimidating, killing, or buying off state actors. As both Mearsheimer and David suggest, state failure in Mexico would have devastating effects for the United States. Some of the violence and lawlessness of the drug war in Mexico have already begun to leak across the border. In 2005, the governors of Arizona and New Mexico declared their border regions with Mexico to be a "disaster area" on the grounds that they were devastated by human smuggling, drug smuggling, kidnapping, murder, and destruction of property.[4] There have also been recent concerns over southern Arizona becoming a "no-go zone" controlled by drug traffickers.[5] These instances lend credibility to the presupposition that "failed cities" like the ones in Mexico may begin to emerge in the United States as well if Mexico's recent trends are not reversed.

In this paper, I will examine the prospects for Mexico to avoid becoming a failed state. The first section will provide a background of the current drug war, giving a historical analysis of how the situation has developed to what it is today. This section will examine the goals of past policies and how they succeeded or failed to meet such goals. In the next section I will provide a review of debates and theories currently surrounding this topic and examine the opinions, criticisms, and suggestions of experts in the field. I will then begin the next section by briefly explaining how I mean to test my own theory on the conflict in Mexico. This theory posits that cartel power relative to the state apparatus is the central variable causing Mexico's descent toward failed state status, and a policy to prevent state failure must effectively reduce this power. The next section will offer evidence to support this theory and explain the causal links between these variables. In doing so, it will offer policy suggestions on how to reduce the power of cartels and restore the Mexican state's monopoly on the use of force. I will then end with a brief conclusion.

Background

The drug war in Mexico is not an isolated incident; rather, it is simply

the next phase of an international conflict several decades in the making. The United States has dominated drug policy in Latin America, and though it has come a long way since its origins in the late 1980s, so has the drug trade itself. This section will trace the history of the drug war through Latin America: first by analyzing drug policy in Colombia, then by examining recent policies in Mexico.

Colombia

While the United States has been concerned with drug production in Latin America since the Nixon Administration, it was not until the late '80s that the war on drugs began to truly escalate. On April 8, 1986, President Reagan issued National Security Directive No. 221, which stated that drug trafficking directly threatened U.S. National Security.[6] The Reagan administration, as well as the administration of George H.W. Bush that followed, placed an emphasis on eliminating the supply of drugs from the foreign countries they were produced in before they made their way to the United States. Such supply-side policies characterized the Andean Initiative that President Bush launched in 1989, which provided assistance to Andean countries that were embattled with drug traffickers. Colombia was a central focus of this aid, receiving over $600 million in aid over five years.[7]

By all accounts, the Andean Initiative failed to accomplish its goal of reducing the supply of drugs in the United States. Just like the supply-side efforts of the Reagan administration, the Andean Initiative was able to eradicate a large amount of drug crops, but was unable to permanently stem production. Crop eradication, which has made up the vast majority of U.S. counternarcotic aid to Colombia, also had several adverse effects.[8] Instead of reducing the supply of drugs, the eradication of crops simply destroyed the livelihoods of the small-scale farmers that cultivated them, fermenting in them a sense of contempt and distrust of both Americans and their own government. As noted regional security expert Russell Crandall writes, "the tremendous pressure these countries felt to conform to Washington's wishes and the resulting destruction of people's livelihoods due to crop eradication were only endangering these nations' already fragile democracies."[9]

The main lesson learned from these measures was that the supply of drugs on the international level could not be stopped. The global market for drugs, it seemed, functioned in the same way as any other global commodity market: when one source becomes compromised, another one emerges. This phenomenon, known as the "balloon effect," explains why supply-side tactics have shifted the drug market geographically instead of diminishing it.[10]

During this period, U.S. aid to Colombia began to focus more and more on military and police force in an effort to combat the rising influence of Colombian drug cartels. It was at this point that the Colombian police and military, in conjunction with U.S. advisors, began their "kingpin" strategy in fighting the cartels. This strategy was centered on arresting or killing the lead-

ers of the Cali and Medellín cartels that controlled Colombia's drug trade.[11] The drugs themselves were no longer the focal point of policy; rather, it was the criminal organizations that promoted instability and threatened the Colombian state.

This period also saw a rising concern over the issue of police reform. Drug trafficking organizations had penetrated the government on many levels, especially in law enforcement. Efforts to improve law enforcement began in the 1990s, but dramatic results were not seen until after the implementation of Plan Colombia, a U.S.-financed antinarcotics package, in 2000. Part of this package was a "disengagement decree" passed by the Colombian government, which gave authorities the power to dismiss any police officer or soldier for alleged corruption without the need of legal proceedings. This resulted in hundreds of discharges from both the police and military due to suspected criminal links. While this rather draconian decree was ruled unconstitutional in 2008, it significantly reduced corruption by providing real accountability to the police and armed forces. The decree was also supplemented by substantial salary increases, which made law enforcement careers appealing. The more accountable and legitimate police force caused a sharp decrease in crime and violence. The annual reported number of kidnappings shrunk from 3,000 in 2000 to 600 in 2008 and the number of extortion cases dropped from 2,000 in 2004 to 830 in 2007.[12] The murder rate in Colombia, while still very high, has dropped from 67 homicides per 100,000 people in 2002 to 33 in 2009.[13]

The narco-violence in Colombia has dissipated significantly, but a broader view calls in to question the effectiveness of U.S. drug policy. The destruction of the supply lines and power structure of Colombian cartels directly contributed to the rise of Mexican cartels. As former DEA Administrator and Commissioner of U.S. Customs and Border Protection Robert Bonner notes, the increasing reliance of the drug trade on flows through Central America and Mexico, "led the Mexican trafficking organizations to create their own distribution networks in the United States and within Mexico, eventually eclipsing the Colombians' influence."[14] In this sense, it seems as though the "ballooning" action of drug flows is accompanied by a similar movement of cartel power. Now, even after the destruction of Colombian cartels, the drug trade is just as profitable and violent as ever. As Colombian activist Álvaro Jiménez Millán once said, "what Plan Colombia did was transfer the violence to Mexico and move the cocaine to Africa [and] Europe. Is that success?"[15]

Mexico Confronts the Cartels

While Mexico has been a relatively stable democracy for decades, its political scene was completely dominated by the Institutional Revolutionary Party (PRI) until the election of Vicente Fox in 2000. Before then, the PRI-led government, having been in power for 70 years, had established strong ties with many drug cartels, allowing them unhindered territorial control as long as they kept violence to a tolerable level. As Steven David notes, "with one party

in charge of political power, jobs, and funding, it provided "one stop shopping" for the drug lords to increase their influence and ensure noninterference."[16]

Over his six year term, Vicente Fox made confronting cartel influence within the government, and law enforcement in particular, his top priority, but in a political environment with such widespread corruption he found that the only way to do so was to centralize the police under his own jurisdiction. He created two supposedly incorruptible federal police agencies; the Federal Agency of Investigation (AFI) and the Subattorney General's Office for Special Investigation of Organized Deliquency (SEIDO).[17] Unfortunately, both of these agencies became deeply infiltrated by drug cartels; 457 AFI officers were indicted on corruption charges by 2005, and in 2008 the head of SIEDO was imprisoned for working with cartels.[18]

Municipal police forces, in some cases, were even worse. Fox replaced the entire police force of Nuevo Laredo with the Mexican military in 2005, and the military was later sent to the Michoacán and Chihuaha provinces to restore order once the local police forces had proven to be too corrupt.[19]

In 2006, Fox's predecessor, Felipe Calderón, openly declared war on the drug cartels, officially beginning the "war on drugs" as it currently exists in Mexico. Calderón continues to rely on the Mexican military to conduct his intensified counternarcotic operations. Although military presence persists, the Calderón administration has recognized the need for the police to be at the helm of law enforcement operations and has seen considerably more success in the area of police reform than the Fox administration. Calderón's secretary of public security, Génaro García Luna, has implemented rigorous new screening practices for police hires and current members on the force. He has already carried out many arrests of federal, state, and municipal officers, having purged 284 federal police in June of 2007 alone. Mexican police are now required to bare their credit card and bank accounts, submit to polygraph tests, and reveal their family members -- all to screen for possible cartel connections. Although reforms that increase oversight have historically been met with protest (beat police in Mexico City walked out on their jobs in response to reforms in 1997),[20] these oversight mechanisms have actually been accompanied by an increase in recruitment, with a 30% increase seen in the federal police force in 2009 alone.[21] In order to stop the corruption associated with existing police agencies, Calderón has also suggested replacing Mexico's two federal police forces with a single, highly professional organization modeled after European law enforcement agencies, and Luna is now pushing for the elimination of Mexico's municipal police agencies in an effort to incorporate them into the state police.[22]

Help from the U.S.

Due to the historically widespread corruption in Mexican law enforcement, the United States has been hesitant to cooperate with its southern

neighbor. Information sharing has been discouraged, as many U.S. law enforcement agencies fear this intelligence would simply be forwarded to cartels. Even supposedly trustworthy allies in Mexico have been corrupted, such as former drug czar General Jesús Gutiérrez Rebollo, who was arrested in 1997 for collaborating with the Juárez cartel months after the U.S. drug czar praised him as a "guy of absolute, unquestioned integrity."[23] In the same year, the DEA publicly commented that, "there is not one single law enforcement institution in Mexico with which the DEA has an entirely trusting relationship."[24]

However, recent years have seen a shift away from this frictional relationship. In 2005, the Security and Prosperity Partnership of North America (SPP) was signed between Presidents George W. Bush and Vicente Fox and Canadian Prime Minister Paul Martin.[25] This partnership established working groups to address external threats to North America, create streamlined and secured shared borders, and strengthen prevention and response techniques within North America.[26] Then, in 2008, President Bush and Felipe Calderón signed a three year, $1.4 billion security agreement called the Mérida Initiative, which provided funding and equipment for Mexican counternarcotic operations. This initiative greatly increased the level of cooperation and information sharing between the two states and established the goals of breaking the power and impunity of criminal organizations, strengthening regional security systems, reforming the justice system, and diminishing the demand for drugs in Mexico and Central America.[27]

There is much debate as to whether or not the SPP and the Mérida Initiative were effective in their goals or even if their goals were appropriate. As the next section will explore in more detail, there is much controversy as to whether these programs were truly concerned with increasing cooperation and preventing state failure in Mexico or if they were simply mechanisms through which the United States could expand the jurisdiction of its own security policies.

Literature Review

The drug war in Mexico is an extremely complicated problem and almost all policies or suggestions have been rife with controversy. This section seeks to examine the current debate over what effective policies in Mexico's drug war look like. This debate is essentially split between those who believe that drug policy and regional security has evolved to address the important causes of the conflict in Mexico and those who believe that a major shift in policy is still required. Among those who advocate a shift, further divisions exist as to what exactly this shift should entail.

Bilateralism (or Lack Thereof)

The aforementioned Robert Bonner takes the stance that policy in the

Mexican drug war should be formed around the example of the policies employed in Colombia. A staunch supporter of the U.S.-backed policy in Colombia, Bonner points to the kingpin strategy as an example of a good crime-fighting policy. Bonner states that, "success in Colombia hinged on identifying, locating, and capturing the kingpins and key lieutenants of the organizations that made up the Cali and Medellín cartels." He refutes the argument that such policies only create a power vacuum, arguing instead that, "not anyone can effectively run a large, multinational drug trafficking organization."[28] His points seem to be well-founded, as both the Medellín and Cali cartels that dominated the drug trade in Colombia were both effectively routed by 1996, after the death of their leaders.

However, Bonner does qualify the effectiveness of purely offensive tactics such as the kingpin strategy. He asserts that it must be the police, not the armed forces, which ultimately win the battle against cartels. He notes that the military is ill-suited to the task of crime fighting, which requires, "investigations to support prosecutions, the recruitment of informants, and the use of electronic surveillance to gather evidence."[29] Bonner's only critique of U.S. anti-narcotics policies in Colombia and Mexico is that funding packages sent the wrong messages to these governments in the early stages of conflict by focusing on military aid. In the Mérida Initiative, just as in the Andean Initiative, the majority of early aid went to military spending.[30]

More adamant supporters of U.S. counter-narcotics policies, such as Steven Hendrix, defend this military funding due to the unfortunate reality that civilian law enforcement and police are simply not ready to confront the well-armed and well-organized drug cartels in Mexico. Hendrix frames funding the military as an action that will buy the Mexican government the time it needs to properly reform the police.[31] Though Bonner is critical of militarization, he is in the same line of thinking as Hendrix, characterizing the Mérida Initiative's military emphasis as a necessary "stopgap measure."[32]

Hendrix also underscores the more progressive features of the Mérida initiative. Perhaps the most important aspect of the Initiative is its emphasis on information sharing between U.S. and Mexican law enforcement institutions. This marks a significant departure from the bilateral policies of the past, which were characterized by a lack of trust and repeated jurisdiction infringements.[33] The initiative also emphasizes the modernization of Mexico's judicial system, with much of the funding going towards training police forces on human rights and supplying lie detector tests for vetting police recruits. In order to ensure a corruption-free process, personnel in charge of this vetting will in turn be vetted by U.S. law enforcement.[34]

Unfortunately, as Bonner observes, "it will be several years before the Mexican Federal Police are strong enough to take over this war from the army. And even then, the military will likely have to assist the police in confronting heavily armed paramilitary units of the cartels."[35] For most critics of security policy in Mexico this is not acceptable, nor is the relative amount of funding allocated to the military. While the Mérida Initiative does provide funding for

institutional reform and set up mechanisms for transnational cooperation, it is not enough. Forty percent of Mérida's funding was allocated for military purposes,[36] as opposed to less than one quarter to judicial reform and institution building.[37]

These critics, who include the majority of experts on this topic, view the war on drugs thus far to be a failure. According to this school of thought, Mérida, like the SPP, is simply another manifestation of the dominance of U.S. priorities in the regional security polity.

In her critique of security integration in North America, Monica Serrano explains how U.S. security theories have dominated security policies in North America through initiatives such as Mérida and the SPP. One of these theories, which she refers to as "security maximization," is based on the belief that there is essentially no limit to resources that should be allocated to the heightening of security.[38] Security-maximizing logic ignores the trade-offs and unintended consequences that come from increased security measures and, therefore, is potentially counterproductive. For example, the increased military spending in Mexico, while intended to combat criminality, also funded an institution with a long history of corruption and human rights abuses. As the military becomes more corrupt, the possibility that this funding is going directly to cartels also emerges.

In their study on law enforcement in Latin America, sociologists Lucia Dammert and Mary Malone examine another U.S. security theory: "zero tolerance" law enforcement. As opposed to "community based" law enforcement, which focuses on preventative action and community participation, the "zero tolerance" approach is much more aggressive, with an emphasis on deterring crime through serious punishments and high arrest rates. Community based strategies have the long term goals of decreasing victimization and increasing the trustworthiness of police forces, while zero tolerance strategies seem to assume that the confiscation of illegal materials and the arrests of criminals are enough to subdue crime.[39] In Latin America, the "zero tolerance" approach also often deteriorates into a repressive and overly aggressive style. As Dammert and Malone explain, this is because most Latin American countries such as Mexico lack the same police reforms, infrastructure, and funding that have made zero tolerance policies marginally effective in the United States.[40]

Manuel Pérez Rocha joins Monica Serrano in her criticism of regional security policies. The SPP, Rocha asserts, is simply a "wider framework by which the United States has guaranteed its two neighbors to the north and south subordinate and adopt measures… to guarantee its security priorities and extend its security perimeter."[41] In this framework, the security priorities of the United States are not entirely in line with those of Mexico, and this disparity leads to the adoption of policies that are counterproductive for the security of the Mexican state and its people. The Mérida Initiative's emphasis on military funding and hardware, according to Rocha, was born not out of the belief that the military was the best institution for the job at the time, but rather out of

the understanding that military presence in border towns like Ciudad Juárez and Nuevo Laredo were necessary for the security of the southern U.S. border.

Mexican Domestic Policy

Rocha, like almost all critics of the drug war, spurns the use of the military as inefficient, even counterproductive, by saying, "more military involvement in the drug war has increased corruption within the institution, generated human rights violations, and failed to make a dent in the narcotics trade."[42] Indeed, between 2000 and 2008 there were 2,966 registered complaints against the military to the Mexican National Human Rights Commission (CNDH) and 6,874 recorded violations to civil guarantees.[43] One hundred thousand soldiers also deserted the army between 2000 and 2006, providing experienced new recruits for the cartels.[44]

Former Costa Rican Vice President Kevin Casas-Zamora suggests that the sole focus of drug and security policy in Mexico should be on reforming the police and judicial institutions so as to confront cartel power within the government. "Mexico's problem is not territorial control, but the penetration of public institutions… by organized crime," he explains.[45] Casas-Zamora insists the only important figure in Mexico's drug war is that 98.5 percent of crimes go unpunished.[46] A successful policy, he asserts, will be one that improves the conviction rate. Using the military to deter short term violence will not improve this as long as the police force is too inefficient or corrupt to conduct proper investigations. In short, Casas-Zamora completely rejects the usefulness of the military at all and sees little use for the kingpin strategy.

Security policy expert George Grayson has a more nuanced view of the subject. While he notes that "continued reliance on the military to pursue the drug lords is a recipe to broaden corruption within the armed forces," he also acknowledges that, "the creation of a professional, honest, national police force is a pipedream."[47] In the absence of any truly desirable crime fighting force, Grayson simply stresses the importance of developing intelligence networks, regardless of the institution responsible for doing so. Grayson has applauded the increased cooperation and information sharing between U.S. and Mexican intelligence units since the Mérida Initiative. This cooperation was instrumental in December 2009, when DEA intelligence helped Mexican forces locate and kill Arturo Beltrán Leyva, head of the Beltrán Leyva cartel, as well as capture Teodoro García Simental, head of a minor operation south of Tijuana.[48]

While he acknowledges its clear limits, Grayson believes Calderon's war on drugs to be a tolerable, even necessary policy. The kingpin strategy is certainly not the key to victory, but the successful execution of complex law enforcement operations, such as the killing of Beltrán Leyva, are symptomatic of a well-functioning law enforcement institution. According to Grayson's analysis, it may be too early in the game to abandon the crackdown on cartels.

Former Mexican foreign minister Jorge Castañeda, one of the harshest and most vocal critics of Mexico's drug war, argues that the increase in violence and cartel power in recent years is the result of, not the cause for, Calderon's war on Mexican drug cartels. This point is not without merit; there were over 5,800 drug-related killings in Mexico in 2009 compared to 2,100 in 2006 when Calderon's crackdown began.[49] Spikes of violence also coincide with military action against cartels; for example, the months following the death of Arturo Beltrán Leyva were the deadliest months in Mexico's anti-cartel operations, and saw the execution of the family of a Mexican Marine who aided in Leyva's death.[50]

Instead of confronting the cartels, Castañeda calls for a "tacit deal" with some drug cartels, which would permit them to continue to operate their illegal businesses in exchange for curbing violent acts.[51] This seems to entail a return to the previous system under the PRI, when the state acted as an arbiter for drug cartels. Robert Bonner is openly critical of this suggestion, as is Steven David, who observes that, "no society can maintain itself indefinitely while tolerating pervasive criminal activity in its midst."[52] David insists that tolerance of illegal activity creates a sense of social helplessness that undermines the rule of law as well as the government that supposedly enforces it.

Although Castañeda insists that the increased violence signifies a failure of bilateral policy, the goals of these policies have not actually been to decrease violence. Neither the SPP nor the Mérida Initiative had stated goals of decreasing violence. Mérida supporters such as Steven Hendrix even acknowledged that "the Mérida Initiative may actually increase levels of violence in Mexico as organized crime fights back."[53] Hendrix suggests that the U.S. concern in the region is more concerned with preventing the development of narco-states and kleptocratic regimes than it is with preventing violence in the short term. Success, therefore, is measured more through corruption levels than through murder rates.

U.S. Domestic Policy

It is widely recognized that the profitability of the drug trade is fueled by the massive demand from the United States. Every year, the United States illegally imports more than 200 tons of cocaine, 1500 tons of marijuana, 15 tons of heroin, and 20 tons of methamphetamines.[54] More than 90 percent of the cocaine and most of the marijuana and methamphetamines come through Mexico.[55] These drugs feed a $200 billion a year industry that caters to 13 million Americans every month.[56] The success of efforts to decrease this demand has been minimal; between 2002 and 2008, the number of illicit drug users in the US decreased by less than half of one percent.[57]

Jorge Castañeda and George Grayson both agree that the only effective way to address this huge rate of consumption may be to legalize drugs on both sides of the border. To be sure, this would not actually decrease the demand for drugs; rather, it would transform the dynamics of the drug market so

that drug dealers do not reap such immense profits from it. Legalization is an example of what prominent drug expert Ethan Nadelmann refers to as a "harm reduction" policy, rather than a "demand reduction" policy. Reducing demand, as Nadelmann observes, is next to impossible; "There's virtually never been a drug-free society, and more drugs are discovered and devised every year."[58] A harm reduction policy, by contrast, would focus on curbing the negative social effects of drugs, rather than the supply or demand of drugs themselves. There is no doubt that drugs have negative effects on one's health, but at least in Mexico the costs of prohibition far outweigh the health costs of drugs.

Research Design

Drug and security policies in Mexico have thus far failed to eliminate the threat of state failure or state capture. State institutions continue to be penetrated by criminal elements and in some regions the cartels have more authority over the legitimate application of force and rule of law than the state does. This is because many past policies have either ignored or failed to significantly impact the underlying problem of cartel power. The U.S.-dominated security paradigm for the region has historically focused on blocking the flows of drugs and violence into the United States, yet as Monica Serrano notes, "while all of these problems meet at the border, none of them have their roots there."[59] To wait until the problems associated with the drug trade reach the border is to ignore the true threat: the possibility of state failure or state capture in Mexico.

In the next section, I will provide my own analysis of the conflict in Mexico and examine why exactly Mexico is descending toward failed state status. In diagnosing the cause of state failure in Mexico, I also hope to build policy suggestions that may effectively cure it. In the following pages, I will argue that the central catalyst of state failure in Mexico is the loss of the state's monopoly on the application of force within its territory.

However, to say that Mexico is descending toward failed state status because the state has lost its monopoly on the legitimate use of force would be to ignore the full spectrum of causality. Max Weber has already made this analysis, albeit not through a specific case study, and so to point out this connection would be a touch repetitive. Therefore, I will further argue that the loss of the Mexican state's monopoly on the application of force is caused by the power of drug cartels relative to the state, which in turn is maintained through the ability of the cartels to outbid the state in both quasi-military and economic terms.

The full spectrum of causality, then, is as follows: cartels are able to influence virtually any state or non-state actor (since this is a relatively micro case study, individuals will be considered actors) through either intimidation or bribery, giving them the ability to operate with impunity and even eclipse the state in some areas of Mexico. This, in turn, undermines the state's monopoly on the legitimate use of physical force, which puts Mexico in danger of becoming a failed state. Therefore, I argue that in order to avoid state failure, the

Mexican government must assert its monopoly on the legitimate use of force by curbing the power of cartels. This will be no easy task, so as I provide an analysis of the methods through which cartels obtain and maintain their power, I will also outline specific policy suggestions for how these methods can be stopped.

Avoiding State Failure

In this section, I will make my case for a policy that effectively reduces cartel power in Mexico. I will begin by reviewing evidence for why Mexico is in danger of becoming a failed state and explaining why cartel power is the central determinant of this danger. Then, I will provide suggestions for policies that would successfully reduce cartel power to a level where they are unable to threaten the state's monopoly on the use of force, which would therefore prevent Mexico from becoming a failed state.

Cartel Power and State Failure

There is some disagreement as to whether or not Mexico is truly in danger of becoming a failed state. Jorge Castañeda, for example, insists that Mexico faces no such danger, as the state is no more infiltrated by crime today than it has been over the last thirty years.[60] Others simply point to the fact that although Mexico seems dangerous, the national homicide rate is less than half that of Brazil and less than one quarter that of Venezuela.[61]

Both of these claims miss the bigger picture. Corruption of state actors is only one of several methods through which cartels gain power, and while higher homicide rates are characteristic of failed states, they are not perfect indicators of state failure. The most accurate way to measure Mexico's descent toward state failure is to examine the state's monopoly on the use of force, and when the state can only punish 1.5 percent of crimes and cannot protect itself from cartel reprisals, it is clear that this monopoly has been lost.

However, this does not mean that Mexico is currently a failed state. The state still retains its monopoly on the use of force in most of the country. But there are various areas, mostly near the border, where it does not. Ciudad Juarez, which annually experiences 173 murders per 100,000 people,[62] is perhaps the most drastic example of this (by comparison, there are 27 murders for every 100,000 people in Sudan).[63] In one of the most telling examples of the Mexican state's loss of monopoly on the use of force, Juárez Police Chief Roberto Orduño Cruz was forced to resign in 2009 after the Juárez cartel followed through on its threat to kill a police officer every 48 hours until he resigned.[64]

Instances like this are not limited to Juárez; the police chief in the nearby town of Praxedis, G. Guerrero, recently abandoned her post and sought asylum in the United States.[65] Throughout the country, a total of 17 mayors have been killed in the last year alone.[66] Areas such as these, where cartels, not

the state, have the final say in matters of public security can be considered failed cities.

So, if Mexico itself is not a failed state, but rather a state with several failed cities, then the ultimate measure of failure is when cartels are able to exercise the same level of influence as they have in failed cities like Juarez on the national level. Mexico certainly has not reached this level yet. Although cartels have been able to corrupt and assassinate leaders on the national level, this phenomenon is not nearly as widespread as it is on the local level, and high ranking federal authorities have never fled to the United States for asylum or resigned for fear of cartel retribution in recent history.

From these examples, it is not difficult to see why cartel power is the principal catalyst of Mexico's descent toward state failure. These are not instances of the state shooting itself in the foot, nor are they symptoms of popular unrest or economic hardship. Every instance of the deteriorating rule of law, from the corruption and deaths of state actors to the high rates of homicide in certain areas, are direct results of cartels grabbing for power. If the state is to restore the rule of law and regain its monopoly on the use of force throughout its territory, then it must arrive at a point where cartels are no longer able to directly influence regional or national policymakers. It is inevitable that some police will continue to die and be corrupted, but mayors and police chiefs should not have to bow to the wishes of cartel bosses, even in small towns.

Components of Cartel Power

As previously stated, the central variable of Mexico's descent toward state failure is the power of drug cartels relative to the Mexican state, but making this connection is not enough to base a successful policy on. It is also necessary to understand the *process* through which drug cartels are able to achieve this power. This section will analyze how exactly cartels achieve their power in order to better understand how cartel power undermines the state's monopoly on the legitimate application of force. It will also explain how this process can be stopped.

One useful way to examine cartel power is by looking at an ultimatum that is often presented by cartels: "plata o plomo?" (silver or lead?). This question reveals the two techniques that cartels employ to assert their power: bribery and intimidation. Cartels in Mexico have grown to be incredibly effective at both, and whenever one method fails the other one will almost certainly prevail. The ability of cartels to pursue both strategies so efficiently is essentially where they derive the power that undermines the state's monopoly on the use of force.

Plata: A Cost-Benefit Analysis of Cartel Organization

"Plata" oriented tactics make up the soft power of cartels. This kind

of power gives cartels their influence within the state apparatus, encourages corruption, and pushes Mexico toward becoming a captured state more than a failed one. In order to understand how drug cartels in Mexico use these methods to assert their power, an analysis of the risks and benefits of the drug trade is necessary.

The two central actors in the drug war are the drug cartels and the Mexican state. To be sure, these are not the only actors, but for the purposes of this section they are the most relevant ones. Because both actors are inherently opposed to each other, they are constantly undermining the other's power while trying to bolster their own. Since this power is derived from the people that work for each actor, this power struggle is won by attracting more and better human capital. Working for either side in this conflict poses certain benefits and risks, and so the side that can offer the best benefit-to-risk ratio would ostensibly attract more human capital and thus gain a power advantage. Therefore, a coherent policy in this area would concentrate on four areas: increasing the benefits and decreasing the risk of state cooperation, and decreasing the benefits and increasing the risk of cartel cooperation.

One of the state's key problems is that so many of its own army and police officers are won over by cartels, and it is easy to see why. The average salary for a police officer in Mexico is about US$350 a month, while the former chief security official in Nuevo Leon, Carlos Jáuregui, estimated that cartels can pay off policemen at rates closer to US$800 a month.[67] Federal police officers, who generally handle drug trafficking investigations, make more than that (between US$14,000 and US$24,000 a year), but cartels have also been known to pay more.[68] In fact, cartels have even paid high enough of a price to buy U.S. Customs agents, who generally start out at about $70,000 a year. One such a case occurred in 2009, when it was discovered that a customs inspector named Luis F. Alarid made around $200,000 in just a few months by helping cartels smuggle drug shipments across the border. In Alarid's case, working with the cartels was so profitable that the seven year prison sentence he knew that he would receive did nothing to deter him. This case is by no means an isolated incident, as arrests of Custom and Border Protection agents have increased by 40 percent in the last few years.[69]

The obvious solution to this problem is simply to increase the wages of police officers so that it becomes more beneficial to be an honest police officer than to risk a law enforcement career on working with drug cartels. Some progress has been made in this area already; Génaro García Luna's reforms have included salary increases much like the successful police reforms that were seen in Colombia in the last decade.[70] However, it also appears that the Mexican state may never be able to resolve this disparity in benefits merely by increasing the benefits it offers. With the immense profitability of the drug trade, cartels seem to be able to buy allies at any level of government, and have even been able to plant spies within the president's office.[71] What is more, the drug cartels are very conscious of the importance of maintaining this edge. For example, after the Mexican army raised the monthly salary for soldiers to about

US$1100 per month in 2007, the cartels promptly doubled that amount as the standard pay for its own men.[72]

Nonetheless, there are other ways for the state to achieve a favorable benefit-to-risk ratio relative to the cartels. One way would be to reduce the benefits that cartels are able to offer, which would entail an attack on the profitability of the drug trade. Unfortunately, drug policy in Mexico, much like security policy, is heavily influenced by the United States and is generally inefficient at making a significant impact on the drug trade. U.S. drug policy relies on zero-tolerance methods that focus on reducing the demand for drugs through prosecution and interdiction. However, as previously mentioned, U.S. demand has remained constant, with illicit drugs making up a $200 billion industry that caters to an estimated 13 million Americans each month. U.S. drug policy also targets supply by attempting to interrupt the flow of illicit drugs before they reach the border. The United States spends $40 billion dollars a year trying to intercept drug flows, but only 5 to 15 percent of illegal drugs coming into the United States are actually seized.[73] Meanwhile, the United Nations estimates that 70% of drug shipments would have to be intercepted to significantly impact the drug trade.[74]

In light of the failure of both demand and supply reduction policies, the best way to undermine the profitability of the drug trade may be to consider the legalization of some drugs just as Castañeda, Grayson, and Nadelmann have suggested. As a 2001 article in *The Economist* put it, "drugs are expensive… partly because their price reflects the dangers involved in distributing and buying them."[75] The legalization of drugs on both sides of the border would eliminate these dangers, and therefore lead to a much lower price for drugs. This would significantly decrease the profit margins of Mexican drug cartels, disabling them from offering such high prices for allegiances.

Legalization entails a drastic departure from conventional drug policy as advocated by the United States. In the past, the United States has pressured Mexico away from legalization and decriminalization measures, such as President Fox's proposal in 2006, which was eventually rejected by the Mexican Congress after Washington came out strongly against it.[76] Nonetheless, Mexico eventually decriminalized the possession of small amounts of marijuana, heroin, cocaine, and other drugs in 2009.[77] While this is substantially more than the United States has done, it is only a first step. This policy does not decrease the profitability of the drug trade; it merely frees up the law enforcement resources that have been squandered on prosecuting drug users instead of more dangerous criminals. If legalization measures in Mexico are to affect the cost-benefit ratio of the Mexican drug cartels, they must address the production and distribution of drugs, not just the consumption.

Both states should at least consider the complete legalization of marijuana. This would certainly hurt some Mexican cartels, as cannabis production currently accounts for around 20 to 50 percent of cartel profits.[78] There is already some political inertia in both states for full legalization; after the passage of its decriminalization law, Mexico has already begun to move toward legali-

zation, and although marijuana is still fully illegal in most states in the United States, around 40 percent of Americans say that marijuana should be taxed, controlled and regulated like alcohol.[79] In other words, the full legalization of marijuana may be a controversial issue, but it is not politically impossible and it would mean a significant loss in the benefits that cartels could offer.

It is important that the state also focus on offering lower-risk opportunities in addition to relatively higher-benefit ones. There is significantly less work to be done in this area, as it is generally already more dangerous to be involved in the drug trade than it is to stay out of it. Being employed by a cartel means attracting fire not only from law enforcement but also from other cartels. In fact, the majority of the killings in cities like Juárez and Nuevo Laredo are between rival drug cartels.[80]

There will always be some dangers inherent in law enforcement jobs, regardless of the environment, but there are some crucial steps that the Mexican state can take to improve the safety of its police force. One such example is Secretary Génaro García Luna's suggestion of eliminating Mexico's local and municipal police agencies and incorporating them into the state police.[81] Local police officers are generally more at risk for both being corrupted and assassinated because, as former Federal Police Chief Edgar Millán Gómez stated, "local police forces have the most contact, the most presence in the streets, so they are the most infiltrated."[82] Since local police work in the same general area that they live in, the cartel elements that they come into contact with are often familiar with them. Cartels use this knowledge to threaten police as well as their families in order to extort or intimidate them.[83] Local police departments are viewed as so ineffective that American DEA officials still refuse to work with them for fear that it would put them at risk. The proposed restructuring of local police agencies may help reduce the risk associated with local police by offering a broader geographic area for officers to work in and by introducing them to the stronger oversight mechanisms of the state police forces.[84]

Policies that decrease the risks for uncorrupt police officers go hand-in-hand with policies that increase risks for those that choose to work with cartels. Increasing oversight and anti-corruption measures within law enforcement institutions is the most obvious way to do so; an increased likelihood of being discovered and more severe punishments significantly increase the risks for police officers that choose to become involved with cartels. This was the main pillar of the disengagement decree in Colombia and it has been the biggest measure of García Luna's success so far.

However, not all cartel members work within the police force or other public institutions. For this reason, in order to truly affect the risks involved with the drug trade the police must be able to attack all cartel members, whether they are inside or outside of state institutions. For this reason, a "tacit deal" like the one that Jorge Castañeda suggests may be a step in the wrong direction. The logic behind his suggestion is that while a negotiation with cartels may decrease the risk associated with cartel involvement, it would also make

police officers and innocent civilians safer. However, this reasoning assumes that cartels can be trusted enough to follow through on such a deal. In reality, the only guarantee would be that cartels could operate with relative impunity while the safety of others would hinge entirely on the discretion of the cartels.

Castañeda's suggestion also ignores historical trends. Although the current environment in Mexico may seem violent, it is markedly less so now than it was under the PRI, when the government did have a "tacit deal" of sorts with the cartels. Indeed, in 2008 the murder rate in Mexico was 12 for every 100,000 people, down from 17 in 1997 and 20 in 1980.[85] Negotiation is not a realistic policy in any case, as García Luna has publicly come out harshly against it, asserting that "we [the government] are obligated to confront crime. That is our job, that is our duty, and we will not consider a pact."[86]

Plomo: Public Security and the Threat of Drug Cartels

Unfortunately, gaining a relatively favorable cost-benefit ratio over the cartels may not be enough for the state to destroy cartel power in Mexico. Whenever cartels seek to improve their cost-benefit ratio, they have historically done so through killing or intimidating those who stand in their way. The last two police chiefs of Ciudad Juárez resigned due to threats from cartels,[87] and the cartels have assassinated targets as high profile as the chief of the Mexican federal police Edgar Millán Gómez[88] and gubernatorial candidate Rodolfo Torre Cantú.[89] Cartels also frequently coerce innocent civilians to assist in the drug trade under the threat of violence, in extreme cases transforming entire towns such as Aguascalientes into drug running operations in only two or three years. Although many civilians are hesitant to get involved with cartels, local police forces often do not offer any sort of protection, and so death threats are understandably effective.[90]

Inability to provide public goods such as security is a criterion for state failure, and it creates an environment that allows cartels to thrive.[91] In order to avoid this, the Mexican state needs to ensure safety for those who do not cooperate with cartels. The kingpin strategy advocated by Robert Bonner is useful because it sends the message that cartel members, and especially leaders, are not safe. However, as critics of this strategy, such as Kevin Casas-Zamora, are right to point out, this strategy has a very limited use. Casas-Zamora characterizes Calderón's crackdown as a "parading [of] military victories," or a sort of PR campaign against the cartels.[92] A PR campaign may indeed be necessary to maintain public support for the government, but when cartels counter with PR campaigns of their own (by posting beheadings on Youtube, for example), the notion that cartels are not safe is accompanied by the notion that those who oppose them are not safe either.[93]

In order for the state to guarantee security for the general public, a re-evaluation of some policing strategies might be necessary. First and foremost, the limits of security maximization and zero tolerance policies should be recognized. The role of the army in civilian affairs, for example, must be re-

examined. It is important to note that what the Mexican government seeks is a monopoly on the *legitimate* use of physical force. Legitimacy, as Max Weber defines it, hangs on the perception of the governed. "If the state is to exist," he reasons, "the dominated must obey the authority claimed by the powers that be."[94] If the applicant of physical force is mired with human rights abuses against the very people it is supposed to protect, this will undermine that authority. A closer look at the Mexican Constitution reveals further challenges to the legitimacy of the military as an applicant of force, since Articles 118 and 129 explicitly forbid the involvement of the military in civilian matters.[95]

The fact that the majority of Mexican citizens approve of the use of the Mexican military in the war against the cartels is the only redeeming argument for the continuance of this policy.[96] This statistic alone means that the use of the military may not be as detrimental to public security as most critics believe, but in light of the army's high desertion rate, human rights abuses, and occasional reluctance to pursue cartels leaders (as was the case with the pursuit of Arturo Beltrán Leyva),[97] it may be time to transition the army away from center stage. Even if the majority of citizens approve of the military, the abysmal 1.5 percent conviction rate must be improved, and doing so means employing investigative and prosecutorial techniques that the military lacks. After years of police reforms and increased information sharing with U.S. law enforcement agencies, Mexico may be ready to charge its federal police with the majority of counternarcotic operations once more.

Additionally, community based law enforcement techniques that emphasize preventative action and community participation, like the ones advocated by Malone and Dammert, may prove to be useful in some areas of Mexico. For a successful model of this type of strategy, Mexico needs only to look at police reform in Brazil, which included the establishment of the police pacification units, or "peace police." These police officers, who are generally picked straight out of the academy so that they are not corrupt, work in 12 hour shifts and perform social work within the community. This approach has already led to the pacification of some of Rio de Janeiro's most violent slums,[98] where in just one year the homicide rate fell 20 percent and the street burglary rate fell by 31.7 percent.[99] Although such a new approach is risky in the current environment of insecurity, it warrants consideration as a strategy for long term security.

While no concrete policy has materialized to implement any of these changes in Mexico, some promising prospects have been seen recently. With the timeframe of the Mérida Initiative at an end, the Obama administration has unveiled its unofficial strategy entitled "Beyond Mérida," which represents a significant departure from some of the more controversial pillars of the Mérida Initiative. In addition to cutting $257 million from the military budget in 2011, "Beyond Mérida" involves a significantly larger commitment to institutional reform, with $207 million of the $346 million requested foreign assistance budget in 2011 being allocated to this area.[100] This new strategy also opens up the possibility of community based police tactics, as it places an emphasis on

"building strong and resilient communities," which was almost entirely absent from the Mérida Initiative. Although a specific budget for this area has not been laid out, it has been reported that this strategy will be implemented in conjunction with civil society groups, most likely primarily in Ciudad Juárez and Tijuana.[101]

Conclusions

State failure is indeed an imminent threat in Mexico, but it is not inevitable. Even the failed cities that have begun to characterize its border region are not unavoidable realities. It is necessary, however, for policies to have the appropriate goals in mind, as well as a clear understanding of how those goals can be realistically accomplished, before the current situation can be reversed. This goal must be to reduce the power of cartels so that the Mexican state can gain a monopoly on the use of legitimate force throughout its territory. This monopoly cannot be fully achieved through policies that aim to stop the flow of drugs or reduce short term violence; these are merely symptoms of cartel power.

While statistics such as homicide rates and levels of drug trafficking are certainly indicative of cartel activity, they are not necessarily accurate indicators of cartel power. Indeed, over the short term, spikes of violence may even signify the desperate attempts of cartels to assert their power when it is being threatened. While it may be more difficult to measure, a more relevant indicator of cartel power may be the frequency with which state actors such as mayors, police chiefs, governors, etc. are forced out of their post or bribed by cartels. Bribery is never likely to stop outright, but it is not overly ambitious to aim to create a Mexico where cartels can no longer influence high ranking public officials by violence and intimidation. Higher arrests and conviction rates would also be indicative of the state's regained monopoly on the use of force. To put this in perspective, while the arrest rate in the United States is in the 90th percentile and the conviction rate is over 50 percent,[102] the arrest rate in Mexico is 22 percent and the conviction rate is 1.5 percent.[103] Mexico should by no means be expected to match these rates of its much more developed neighbor to the north, but this comparison shows that a dramatic increase is certainly needed.

This is no small task, and Mexico cannot do it alone; it will require substantial assistance from the United States. This means more than financial assistance; the United States must own up to its role in the drug war through implementing effective policies. U.S. intelligence networks in the DEA and other law enforcement bodies are much better established than their Mexican counterparts, and these networks will continue to be useful in the pursuit of cartel members in the future. However, nothing would more significantly impact the drug war in Mexico than the full legalization in the United States of at least some drugs. As mentioned earlier, it would completely change the dynamics of the drug trade and weaken the cartels in a way that perhaps nothing

else could.

It should also be noted that while cartel power is the principle threat to the Mexican state, reducing this power will not solve all of Mexico's ills, and crime and violence will most likely persist even after cartels are weakened. In Jamaica, for example, local gang bosses, or "dons" have continued to draw influence from urban communities and engage in turf battles even after the shift of major drug flows to the Central American corridor. The dons in Jamaica are able to maintain their power networks because of a lack of alternative economic opportunities to crime.[104] Undermining the power of drug cartels in Mexico may help to avoid state failure, but the persistence of crime itself is an economic problem at heart. However, this is an entirely separate issue.

Crippling the cartels in Mexico may also cause the drug trade to relocate once more, just as it did after Plan Colombia. In fact, this has already begun to happen in Central America, which is now seeing increased levels of violence, with Honduras and El Salvador exhibiting the highest national homicide rates in the world (more than 60 murders a year per every 100,000 people).[105] Unfortunately, given the history of the drug trade, this may simply be an unavoidable consequence. From the U.S. perspective, this at least means relocating the violence away from the border, but once again, this is a separate issue entirely.

The cartels of Mexico have created an incredibly complex and dangerous system that undermines the rule of law, robs the Mexican state of its monopoly on the use of force, and threatens to turn Mexico into a failed state. Destroying this power structure will be equally complex. It will take years, cost billions of dollars and thousands of lives, and may ultimately be an incomplete victory. Just as the drug trade will never be completely stopped, drug traffickers will never completely lose power. Though it may seem to be a thankless struggle, doing nothing may create a failed state in Mexico, which, as Mearsheimer and David have both observed, would have catastrophic results for both the United States and Mexico.

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