Plus Ça Change: Structural Continuities in Mexican Counternarcotics Policy

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Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016

EXECUTIVE SUMMARY

Key Findings

- The heavily-militarized approach to drugs and drug trafficking established under the Felipe Calderón administration (2006-2012) has not changed significantly under President Enrique Peña Nieto.
- Policy continuity is explained by a combination of legal restrictions, institutional inertia, permanence of key personnel, political calculation, and international constraints.
- Counternarcotics policy rigidity stands in contrast with the deep transformation of Mexico's illegal drug business.
- As a consequence of infighting and government pressure, Mexico's large drug trafficking organizations have splintered into small and medium-sized gangs that are far more
 engaged in rent-extraction than in international drug trafficking.
- Cocaine trafficking has declined significantly over the past decade, while heroin exports have most likely risen sharply over the same period. It is unclear what has happened to Mexico's marijuana and methamphetamine exports.
- Mexico's illegal drug export revenues have decreased and the domestic drug market
 has probably grown over the past decade, but it is almost impossible to produce a reasonable estimate due to poor data availability.
- Mexico's government has supported measures to decriminalize drug use and may back
 efforts to reclassify cannabis in the run up to the 2016 Special Session of the United
 Nations on the World Drug Problem. However, it is unlikely to push for broad reform
 of the international drug control regime.

Policy Recommendations

- Even within the existing policy framework, there is some room for policy innovation. The government of Mexico should:
 - o Use dynamic deterrence tactics against the most violent actors;
 - o Adopt harm reduction metrics for eradication and interdiction;
 - o Promote police reform which focuses on the quality of forces rather than the number;
 - o Focus crime prevention policies to reduce current fragmentation; and
 - o Invest in data collection to guide policy efforts.

Introduction

On June 30, 2014, a Mexican army patrol scoured the town of Tlatlaya, one hundred miles southwest of Mexico City, in search of methamphetamine labs. The mission ended in the extrajudicial execution of at least 15 and maybe as many as 22 alleged criminals.1 This was far from an isolated incident. Since President Enrique Peña Nieto took office in December 2012, 682 civilians have been killed in clashes with military forces, mostly as a result of counternarcotics operations.2 Following current trends, the reported number of civilian casualties produced by army and navy units during the present administration (2012-2018) will equal the grim tally of the much maligned Felipe Calderón administration (2006-2012). That fact serves as a strong reminder that, for all the talk of change, continuity is the dominant note in Mexican counternarcotics policy. In Mexico, the war on drugs is quite literally a war: a heavily militarized affair, with blanket enforcement as its main policy tool.

Policy rigidity stands in contrast with changes in the surrounding environment. The Mexican illegal drug business is undergoing a deep transformation. The volume of narcotics moving through the country is most likely lower than it was a decade ago and the mix of drugs has certainly changed. Drug trafficking is no longer dominated by a handful of large, hierarchical criminal organizations. And most importantly, drug trafficking is no longer the sole (or maybe even the main) activity of Mexican organized crime.

Yet Mexican authorities keep on doing the same things: massive eradication campaigns, ever-tightening drug interdiction measures, kingpin takedowns, *et cetera*. The level of enforcement intensity varies over time, but there is little diversity in policy instruments or strategic thinking. The mighty winds of

reform sweeping the United States and some Latin American countries have yet to hit Mexico's shores.

That situation is not likely to change much in the near future. In trying to alter its counternarcotics policy, Mexico is hobbled by conservative thinking and institutional inertia, compounded by the country's location in international drug markets. As the largest foreign source for all major illegal drugs consumed in the United States, Mexico does not have the same leeway for policy experimentation as, say, Uruguay.

This policy brief will argue that, despite mounting costs, changes to Mexican drug policies will come in small doses, driven more by external forces than by explicit design. The first three sections survey current trends in the Mexican illicit drug sector. The next three sections describe the current policy framework and the constraints on change. The final two sections are a brief discussion of future trends and policy recommendations.

An Overview of the Mexican Illegal Drug Sector

Mexico is one of the world's great drug bazaars. For several decades, it has been a major producer and exporter of marijuana and heroin. In the 1980s, it became a crucial springboard for cocaine bound for the U.S. market. Twenty years ago, the manufacture of methamphetamine was added to the mix.

There is no consensus on the size of the Mexican illegal drug sector. According to the best available estimate, U.S.-bound illegal drug exports yielded \$6.6 billion per year in revenues for drug trafficking organizations (DTOs) during the late 2000s.³ Whether that is a good approximation of the total size of the Mexican illegal drug sector is an open question. In particular, there

¹ Pablo Ferri, "Testigo revela ejecuciones en el Estado de México," *Esquire Latinoamérica*, September 19, 2014, http://www.esquirelat.com/reportajes/14/09/17/esxclusiva-esquire-Testigo-revela-ejecuciones-ejercito/.

² Benito Jimenez, "Abaten militares a 628 en 19 meses," *Reforma*, July 2, 2014, http://www.reforma.com/aplicaciones/articulo/default.aspx?id=276330.

³ Beau Kilmer et al., Reducing Drug Trafficking Revenues and Violence in Mexico: Would Legalizing Marijuana in California Help? RAND Corporation Occasional Paper Series (Santa Monica, CA: RAND Corporation, 2010), http://www.rand.org/content/dam/rand/pubs/occasional_papers/2010/RAND_OP325.pdf.

is considerable debate as to whether Mexican DTOs capture significant income from wholesale operations within the United States.⁴ Also, revenues from exports to third countries (e.g., Canada, Spain) are a black box. Finally, there are no adequate estimates of the size of Mexico's domestic drug market.

There was (until recently) some measure of consensus as to the relative contribution of different drugs to DTO's revenues. In particular, cocaine was thought to be the largest earner. During the mid-2000s, cocaine provided \$3.4 billion in export revenues (52 percent of the total) to the coffers of Mexican criminal gangs.⁵

Those numbers, however, have likely gone down. According to a recent U.S. government report, cocaine retail expenditures in the United States declined by almost 50 percent between 2000 and 2010, and by a third between just 2007 and 2010.⁶ Exports from Mexico probably fell in parallel, although the extent to which remains uncertain. Mexican government data on cocaine seizures provides some confirmation to that hypothesis. Between 2000 and 2009, Mexican authorities impounded on average 25 metric tons of cocaine (purity-adjusted) per year. Between 2010 and 2013, the average annual haul dropped to 5.3 metric tons.⁷ However, supply-side metrics, such as seizures, should be interpreted cautiously, as they might reflect

changes in enforcement intensity and effectiveness, rather than a shift in underlying volume.

The outlook for cannabis production is more confusing. U.S. estimates of Mexican marijuana output are notoriously unreliable.8 The last available official assessment, from 2008, produced an implausible number,9 and unfortunately there are no adequate Mexican estimates to serve as contrast. 10 Worse yet, demand-side and supply-side indicators are pointing in opposite directions. According to the Office of National Drug Control Policy (ONDCP), the quantity of marijuana consumed in the United States almost doubled between 2000 and 2010.11 Given the easing of marijuana laws across much of the U.S., the trend probably continued in subsequent years. Other things being equal, growing U.S. demand should have led to increasing Mexican exports. But all other things might not be equal. Statistics on seizures in the United States seem to indicate a relative drought of commercial grade marijuana, compared to sinsemilla strands.12 Meanwhile, marijuana eradication in Mexico has fallen off a cliff over the past two years: the acreage eradicated in 2013 was the lowest total in almost four decades.13 Does that reflect reduced enforcement or lower output? It is impossible to say with the available evidence. But clearly the data does not support the notion of a large production surge.

⁴ National Drug Intelligence Center (NDIC), *National Drug Threat Assessment 2008*, product no. 2007-Q0317-003 (Washington, DC: U.S. Department of Justice, 2007), http://www.justice.gov/archive/ndic/pubs25/25921/25921p.pdf.

⁵ Kilmer et al., Reducing Drug Trafficking Revenues and Violence in Mexico.

⁶ Office of National Drug Control Policy (ONDCP) What America's Users Spend on Illegal Drugs: 2000-2010 (Washington, DC: Executive Office of the President, 2014), https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/wausid_results_report.pdf.

⁷ Presidencia de la República, *Segundo Informe de Gobierno: Anexo Estadístico* (Mexico City: Presidencia de la República, 2014), 51, http://cdn.presidencia.gob.mx/segundoinforme/Anexo_estadístico_completo.pdf.

⁸ Peter H. Reuter, "The Mismeasurement of Illegal Drug Markets: The Implications of Its Irrelevance," in *Exploring the Underground Economy*, ed. Susan Pozo (Kalamazoo, MI: W.E. Upjohn Institute for Employment Research, 1996); and Beau Kilmer, "Debunking the Mythical Numbers about Marijuana Production in Mexico and the United States," in *Rethinking the "War on Drugs" through the US-Mexico Prism*, ed. Ernesto Zedillo and Haynie Wheeler (New Haven, CT: Yale Center for the Study of Globalization, 2012).

⁹ NDIC, National Drug Threat Assessment 2011, product no. 2011-Q0317-001 (Washington, DC: U.S. Department of Justice, 2011), http://www.justice.gov/archive/ndic/pubs44/44849/44849.pdf. According to the NDIC, Mexico had a potential production of 21,500 metric tons of marijuana in 2008. After deducting seizures and potential Mexican consumption, that number implies an average use of 4.2 joints of Mexican marijuana per U.S. consumer per day. All other sources of cannabis, both domestic and foreign, would have to be added to that total.

¹⁰ The Mexican government is currently working with the United Nations Office on Drugs and Crime (UNODC) to produce its own estimates, but so far no figures have been released. "La ONU impulsa sistema de monitoreo de cultivos de marihuana, amapola y coca en México," Redacción/Sin Embargo, August 17, 2012, http://www.sinembargo.mx/17-08-2012/337056.

¹¹ ONDCP, What America's Users Spend on Illegal Drugs.

¹² ONDCP, National Drug Control Strategy: Data Supplement 2013 (Washington, DC: ONDCP, 2014), http://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/2013 data supplement final2.pdf. Most Mexican marijuana sold in the United States is usually described as commercial grade. Premium strands, known as sinsemilla, come mostly from U.S. domestic production or from Canada.

¹³ Presidencia de la República, Segundo Informe de Gobierno: Anexo Estadístico.

Heroin is a different story. As with marijuana, U.S. production estimates tend to be unreliable. In 2009, U.S. government agencies estimated a potential output of 50 metric tons. By 2012, that number had mysteriously dropped to 26 metric tons. Over the same period however, U.S. heroin prices, both retail and wholesale, declined and purity increased; this suggests greater availability. Mexican eradication numbers have remained stable over the past decade, but heroin seizures have been significantly higher over the past three years. Overall, it seems likely that Mexican heroin production has grown in recent years, as well as transshipment of Colombian heroin, but the magnitude of the increase is uncertain.

Methamphetamine is by far the hardest drug to assess. There are no remotely adequate production estimates on either side of the border. Demand-side estimates pose significant methodological challenges. However, numerous indicators point to significant growth in Mexican methamphetamine production. The number of dismantled labs increased exponentially between 2000 and 2010.19 U.S. wholesale prices declined by 50 percent between 2007 and 2012, while purity almost doubled over the same period.20 U.S. southwest border seizures of methamphetamine grew by 90 percent between 2007 and 2010.21 Thus, it seems likely that Mexican DTOs gained market share in the U.S. methamphetamine market. But if they did, they became bigger players in a declining market: according to demand-side estimates, U.S. methamphetamine consumption volume fell by over 50 percent between 2005 and 2010.²²

In sum, the illegal drug sector in Mexico has likely declined in both volume and value over the past decade. How steep was the fall? That is unknown, but it may have been significant enough to alter the shape and nature of the Mexican criminal underworld.

Domestic Drug Markets and Policies

In spite of its prominent position in the international drug trade, it is unlikely that Mexico is a large consumer market for illegal drugs. According to the latest national drug use survey, past-year use prevalence of all illegal drugs was 2.3 percent in 2011.²³ That number was somewhat higher than the 2008 level (2 percent), but still quite low by international standards. The same source reveals that marijuana is the most widely consumed illegal drug, with a past-year prevalence of 1.9 percent, followed by cocaine (0.8 percent), amphetamine-type substances (0.2 percent), and hallucinogens (0.2 percent).²⁴

Those low numbers should be handled with some skepticism. Significant underreporting is likely, as is common in drug use surveys. Moreover, household surveys tend to miss dependent drug users that are either homeless or imprisoned. Additionally, the Mexican drug use survey is limited by well-documented methodological weaknesses, including a very small sample.²⁵ Finally, according to the 2014 national victimization survey, 43 percent of Mexicans reported having knowledge of drug use in their immediate neighborhood; that number does not fit well with very low prevalence rates.

¹⁴ Alejandro Hope, "Los narcos que amaban las flores," Animal Político, October 24, 2011, http://www.animalpolitico.com/blogueros-plata-o-plomo/2011/10/24/los-narcos-que-amaban-las-flores/.

¹⁵ NDIC, National Drug Threat Assessment 2011, 27

¹⁶ ONDCP, National Drug Control Strategy: Data Supplement 2013, 131; and "The International Heroin Market," ONDCP, https://www.whitehouse.gov/ondcp/global-heroin-market.

¹⁷ ONDCP, National Drug Control Strategy: Data Supplement 2013, 76.

¹⁸ Presidencia de la República, Segundo Informe de Gobierno: Anexo Estadístico, 51.

¹⁹ ONDCP, What America's Users Spend on Illegal Drugs, 88-91.

²⁰ ONDCP, National Drug Control Strategy: Data Supplement 2013, 77.

²¹ ONDCP, What America's Users Spend on Illegal Drugs, 92.

²² Ibid., 44-45.

²⁴ Ibid.

²⁵ Beatriz Caiuby Labate and Pamela Ruiz Flores López, "Critical Reflections on the National Addiction Surveys (ENAs) in Mexico," *Drugs: Education, Prevention, and Policy* 21, no. 6 (2014): 427-433, doi: 10.3109/09687637.2014.938022.

Even so, Mexico is likely to be a relatively small but growing market for illegal drugs. The value of that market is impossible to estimate, given the complete absence of systematic information about prices. Nevertheless, it is already large enough to produce a significant amount of systemic violence in certain urban contexts.²⁶

Mexican policies toward users have traditionally been rather punitive, even though drug consumption has been formally decriminalized since 1946. Judges drew the distinction between use and distribution arbitrarily, and police officers used drug laws to obtain bribes from consumers.²⁷ A 2009 reform to the General Health Law and the Federal Penal Code established personal use doses that have been criticized as being too low (e.g., five grams for marijuana); however, the definitions somewhat reduced the discretionary powers of law enforcement agencies.

More importantly, the 2009 reform devolved drug enforcement powers to the states and municipalities in 2012 for cases involving a drug volume of less than one thousand times the allowable personal dose. The result has been a sharp decrease in federal drug cases, from 27,000 in 2012 to 7,500 in 2014.²⁸ There has not been an equivalent increase in state enforcement, due to limited state capabilities.²⁹ As a consequence, the system has become somewhat less punitive toward users and small-scale retailers.³⁰

The Changing Nature of the Criminal Underworld

In 2006, five criminal organizations dominated Mexico's security landscape. They were mostly dedicated to international drug trafficking and had relatively

cohesive internal structures. Eight years later, the criminal underworld has changed beyond recognition. As a result of the government's constant onslaught (as well as preexisting internal tensions), each of the big five DTOs has either splintered or shriveled.³¹

- The Sinaloa cartel, still the country's largest DTO, saw the demise of two of its biggest clans (the Beltrán Leyva and Nacho Coronel factions) between 2008 and 2010. This was the result of infighting and the government's decapitation policy. In 2014, its key leader, Joaquín Guzmán Loera, "El Chapo," was captured by government forces.
- The Gulf cartel became embroiled in a bloody war with its armed wing, Los Zetas, in 2010 and splintered into rival factions in 2011. Meanwhile, Los Zetas lost most of its top leadership (including top kingpins Heriberto Lazcano and Miguel Angel Treviño Morales). It is now battling internal dissenter gangs.
- The Tijuana and Juárez cartels, Mexico's largest criminal organizations in the 1990s, lost their respective wars with the Sinaloa cartel and have now become shadows of their former selves.
- La Familia Michoacana, a cult-like gang in southwestern Mexico, split into rival factions, Los Caballeros Templarios and a remnant Familia, in 2011. In 2014, most of the Templario leadership, including top kingpin Nazario Moreno, was captured or killed by government forces.

The result has been a proliferation of small and medium-sized gangs that are far more engaged in

²⁶ Eduardo Guerrero, "La raíz de la violencia," *Nexos*, June 1, 2011, http://www.nexos.com.mx/?p=14318.

²⁷ Guillermo Valdés, Historia del Narcotráfico en México (Mexico City: Aguilar, 2012).

²⁸ Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, *Incidencia Delictiva del Fuero Federal*, http://secretariadoejecutivo.gob.mx/ incidencia-delictiva/incidencia-delictiva-fuero-federal.php.

²⁹ In 2013, the first full year of operation of the new drug enforcement norms, fewer than 14,000 people were sent to state prisons for retail drug offenses. Instituto Nacional de Estadística, Geografía e Informática (INEGI), *National Government Census, Public Security and the Penitentiary System: 2014 Data* (Aguascalientes, Mexico: INEGI, 2014), https://www.inegi.org.mx/est/lista_cubos/consulta.aspx?p=gob&c=15.

³⁰ Access to treatment is still dismal, but there have been some minor efforts to enhance public capabilities. Erick Guerrero et al., "Barriers to Accessing Substance Abuse Treatment in Mexico: National Comparative Analysis by Migration Status," *Substance Abuse Treatment, Prevention, and Policy* 9, no. 30 (2014), http://www.substanceabusepolicy.com/content/9/1/30.

³¹ Alejandro Hope, "Violencia 2007-2011: La tormenta perfecta," Nexos, November 1, 2013, http://www.nexos.com.mx/?p=15547; and Valdés, Historia del Narcotráfico en México.

rent-extracting activities (e.g., theft, kidnapping, extortion) than were their earlier and larger peers. In Acapulco, the Pacific coast resort 400 kilometers south of Mexico City and currently one of the country's deadliest cities, no fewer than 14 gangs have been battling since 2010 to control the retail drug market and the petty extortion of small businesses.³²

These emerging criminal groups do not have the scale to threaten the integrity and stability of the Mexican state, at least not to the same degree as the larger organizations of the past. However, they do pose a major threat to the life, liberty, and property of a large portion of the Mexican population. Whether the changed nature of the threat should count as a success is open to debate. Drug-trafficking gangs are probably less powerful than in the past. The tradeoff, however, has been greater disorganization within the criminal underworld, a more unstable security environment and, until recently, growing levels of violence. Undeniably, the contours of the threat have shifted significantly.

The Calderón Strategy

In 2006, Felipe Calderón inaugurated his presidency by launching a major onslaught on DTOs. That fight would become the defining theme of his six-year term. Ever since, the decision has been subject to sustained criticism both domestically and abroad.³³ Throwing the state into a headlong fight against the cartels was, in all likelihood, one of the driving factors behind the explosion of criminal violence in Mexico between 2007 and 2011.

However flawed, the Calderón offensive against organized crime proved transformative for Mexico's

counternarcotics and security policies. First and foremost, it led to a major uptick in monies allocated to federal security agencies, which resulted in much larger security institutions. Between 2006 and 2012, the federal security budget almost doubled in real terms. The Federal Police saw its resources increase by a factor of four,³⁴ and expanded at a rapid pace, tripling in size between 2006 and 2012. Its equipment improved significantly and recruitment efforts changed markedly. By the end of the Calderón administration, one-fourth of federal police officers were college graduates.³⁵

Along with bigger institutions came a more aggressive use of federal force, beginning in the southwestern state of Michoacán, and ultimately extending to 12 states. Large-scale federal operations became the keystone of Calderón's security strategy, which differed markedly from efforts of previous administrations. First of all, they were more expansive. By 2011, some 45,000 federal troops, belonging to the Mexican Army, Navy or Federal Police, were deployed in support of state and local governments throughout the country.³⁶ Secondly, the operations had no explicit time limits. The trigger for a pullout of federal troops, according to official policy statements, would be the existence of "capable state and local police forces." Since the construction of those forces was likely to be a drawn-out process, active federal intervention in state and local law enforcement became semi-permanent.37

An aggressive kingpin strategy was the third pillar of the Calderón offensive. Between 2007 and 2012, 22 out of 37 major organized crime figures were either captured or killed. Many were subsequently extradited to the United States. Significantly, all major gangs were

³² Eduardo Guerrero, "La raíz de la violencia."

³³ Fernando Escalante, "Homicidios 2008-2009: La muerte tiene permiso," *Nexos*, January 1, 2011, http://www.nexos.com.mx/?p=14089; and Eduardo Guerrero, "La raíz de la violencia."

³⁴ Alejandro Hope, "El calibre y la celda: Federalismo y seguridad pública," in ¿Dónde quedó la bolita? Índice de Competitividad Estatal 2012 (Mexico City: Instituto Mexicano para la Competitividad A.C [IMCO], 2012), http://imco.org.mx/indices/documentos/2012 ICE Libro Donde quedo la bolita.pdf.

³⁵ Genaro García Luna, El Nuevo Modelo de Seguridad para México (Mexico City: Nostras Ediciones, 2011).

³⁶ IMCO, "El calibre y la celda. Federalismo y seguridad pública."

³⁷ Alejandro Hope, *Peace Now? Mexican Security Policy After Felipe Calderón*, Latin America Working Group Working Paper (Washington, DC: Inter-American Dialogue, 2013), http://www.thedialogue.org/PublicationFiles/Mexico Security. Hope.pdf.

targeted indiscriminately. Only in the later phases of the administration was there a focus on a specific gang: the notoriously violent Zetas.³⁸

Finally, the security relationship with the United States underwent a significant makeover. While small in absolute terms, the so-called Merida Initiative represented a tenfold increase in counternarcotics assistance to Mexico. More importantly, the security and intelligence communities of both countries started collaborating more closely than at any point since World War II. On the ground, intelligence sharing became a common practice. At the strategic level, cooperation was institutionalized in a slew of bilateral agreements, memoranda of understanding, and other legal instruments.³⁹

Overall, the Calderón strategy reshaped the institutional framework of Mexico's security policy. But, as would later become clear, that transformation created significant constraints for future policymakers.

Peña Nieto's "Adjustments"

By 2012, a presidential election year, rising levels of violence had led to broad dissatisfaction with Calderón's security policy, even though some specific measures remained popular (particularly the use of military personnel for law enforcement tasks).⁴⁰ In intellectual and academic circles, there were calls for prioritizing violence reduction over the dismantling of criminal organizations.⁴¹ A potent victims' movement emerged across the country, calling for significant changes to the security strategy. But in the political sphere, opposition was more muted. Even though all parties and all presidential candidates broadly called for change, most of the proposed

transformations were either extremely vague or a variation on the Calderón theme.

The winning candidate, Enrique Peña Nieto from the Institutional Revolutionary Party (PRI, for its Spanish acronym) studiously avoided making strong commitments in the realm of security or counternarcotics policy. Significantly, he called for "adjusting" the strategy, not changing it.42 Though some of the adjustments he introduced after taking office were non-trivial. In particular, the new president has restored the central security role of the Interior Ministry (Secretaría de Gobernación). The Public Security Ministry folded into the Interior Ministry's structure in December 2012. That has given the minister of the interior control over the Federal Police and the federal penitentiary system. It has also made the minister the head of the national security cabinet (both de jure and de facto).

Secondly, Peña Nieto has made progress on coordination among security-related government agencies. As a result, the interagency bickering and backstabbing that characterized the Calderón era has ended. The current administration's more centralized management style and the significant powers entrusted to the minister of the interior have led to greatly improved coordination at the federal level. To some extent, the same can be said for intergovernmental relations. With some major exceptions, the friction that marked Calderon's relationship with state governors is gone. The fact that 21 out of 32 governors belong to the ruling PRI certainly helps.⁴³

However, these are administrative tweaks on a common theme. On substance, Peña Nieto has failed to

³⁸ Eduardo Guerrero, "El dominio del miedo," Nexos, July 1, 2014, http://www.nexos.com.mx/?p=21671.

³⁹ Sigrid Arzt, "U.S.-Mexico Security Collaboration: Intelligence Sharing and Law Enforcement," in *Shared Responsibility: US-Mexico Policy Options for Confronting Organized Crime*, eds. Eric L. Olsen, David Shirk, and Andrew Seele (Washington, DC / San Diego, CA: Woodrow Wilson International Center for Scholars / University of San Diego, 2010), http://www.wilsoncenter.org/sites/default/files/Shared%20Responsibility--Olson,%20Shirk,%20Selee.pdf.

⁴⁰ Significantly, Calderón's National Action Party (PAN), while badly beaten nationally in the 2012 presidential election, managed to win in the three states with the largest active military presence (Tamaulipas, Nuevo León, and Veracruz).

⁴¹ Eduardo Guerrero, "La raíz de la violencia."

⁴² Enrique Peña Nieto, "How Should Mexico Deal with Violence?" beyondbrics (blog), Financial Times, January 6, 2011, http://blogs.ft.com/beyond-brics/2011/01/06/11-for-2011-how-should-mexico-deal-with-violence/.

⁴³ Alejandro Hope, "No: Mexican Homicides and Crime Rates Remain High," Americas Quarterly, Fall 2014, http://americasquarterly.org/content/no-mexican-homicide-and-crime-rates-remain-high.

change the policy approach set by his predecessor. The current administration is actually deepening and entrenching the previous administration's strategy in at least seven key areas:

- **Budget**: Security expenditures continue to be high, and are growing. Under Calderón, the federal security budget doubled in real terms from \$6 billion in 2006 to \$12 billion in 2012. Based on current trends, the budget will likely double again under Peña Nieto. The Interior Ministry saw its budget increase by 17 percent in real terms in 2014. Appropriations for the Centro de Investigación y Seguridad Nacional (Center for Research and National Security, CISEN), Mexico's civilian intelligence agency, tripled in 2013.⁴⁴
- Growth of the Federal Police: Under Calderón, the Federal Police tripled in size. Its numbers have increased by 18 percent since Peña Nieto took office, thanks to the recent addition of the *Gendarmería* (Gendarmerie), a 5,000-strong division introduced in August. According to recent statements by top officials, 10,000 officers will be added in 2015.
- Use of military personnel for law enforcement tasks: The number of deployed troops has declined somewhat, from around 45,000 under Calderón to 35,000 currently. Nevertheless, army and navy personnel are still actively involved in the fight against criminal organizations. For instance, navy special troops were responsible for the capture of top kingpin Guzmán.⁴⁶
- Federal operations: Open-ended and heavy-handed federal operations in troubled

- states have continued. Indeed, current federal intervention is arguably more intrusive than it was under Calderón. In Michoacán, for example, Peña Nieto sent a federal commissioner, endowed with broad powers, who has become governor in all but name.⁴⁷ In Tamaulipas, the state security apparatus was taken over by the armed forces. In the state of Mexico, the state prosecutor and the state police chief were replaced by operatives of the Peña Nieto administration.
- **Kingpin strategy**: According to the official count, 84 out 122 major organized crime figures were captured or killed between December 2012 and September 2014.⁴⁸ That list includes major kingpins, such as the aforementioned Guzmán, Vicente Carrillo Fuentes (leader of the Juárez Cartel), and Nazario Moreno ("El Chayo," head of the cultish Caballeros Templarios).
- Cooperation with the U.S.: Mexican security agencies have maintained strong ties with their U.S. counterparts, with cooperation between both nations becoming more discreet and centralized. The fingerprints of the U.S. intelligence community were very visible in the operation to capture Guzmán. 49 Meanwhile, the Merida Initiative—a partnership between the U.S. and Mexico to combat organized crime in effect since 2008—is still active, and many U.S.-funded institution-building programs continue to operate. 50
- Drug policy: In line with Calderón, Peña Nieto has repeatedly stated his personal opposition to legally regulating currently illicit drugs, but claims to be open to a broad

⁴⁴ Secretaría de Hacienda y Crédito Público, Presupuesto de Egresos de la Federación para el Ejercicio Fiscal 2013 (Mexico City: Secretaría de Hacienda y Crédito Público, 2013), http://www.apartados.hacienda.gob.mx/presupuesto/temas/pef/2013/.

⁴⁵ Presidencia de la República, Segundo Informe de Gobierno: Anexo Estadístico.

⁴⁶ Patrick Radden Keefe, "The Hunt for El Chapo," New Yorker, May 5, 2014, http://www.newyorker.com/magazine/2014/05/05/the-hunt-for-el-chapo.

⁴⁷ Dudley Althaus and Steven Dudley, "Mexico's Security Dilemma: The Rise of Michoacán's Militias," *InSight Crime*, April 30, 2014, http://www.insightcrime.org/investigations/mexico-security-rise-militias-michoacan.

^{48 &}quot;Neutralizados 84 de 122 objetivos de la delincuencia organizada: Osorio Chong," Noticieros Televisa, September 10, 2014, http://noticieros.televisa.com/mexico/1409/osorio-chong-comparece-senado/.

⁴⁹ Radden Keefe, "The Hunt for El Chapo."

⁵⁰ Clare Ribando Seelke, *Mexico: Background and U.S. Relations*, Congressional Research Service (CRS) Report R42917 (Washington, DC: Library of Congress CRS, 2014), 15-9, https://fas.org/sgp/crs/row/R42917.pdf.

multilateral debate on the issue.⁵¹ Several marijuana legalization and decriminalization bills have been introduced to Congress since December 2012, but none has gained any political traction.

Until recently, the bet on continuity seemed to pay off. Homicides declined by 11 percent in 2013.⁵² They are likely to have fallen by an additional 10-15 percent in 2014.⁵³ Some northern states, particularly Chihuahua, Nuevo León, Durango, and Sinaloa, have experienced dramatic security gains.⁵⁴ Public perception of security improved marginally but steadily in 2013 and during the first three quarters of 2014.⁵⁵ As late as August 2014, the government was sounding triumphant notes. President Peña Nieto stated that "the security and justice policy [implemented by this administration] is effective and has delivered good results to the Mexican people."⁵⁶

In late September, however, a high-profile incident in the southwestern town of Iguala profoundly altered the equation. The disappearance and (still unconfirmed) murder of 43 students from a rural teachers' college, at the hands of a drug gang with the full complicity of the municipal police force, detonated a broad national protest movement against violence, impunity, and corruption. Initially, the Peña Nieto administration tried to downplay the issue and contain it at the local level. But after two months of almost daily demonstrations and collapsing polling numbers, the president was forced to provide a more forceful response and unveil a ten-point security strategy.⁵⁷ Significantly, the plan was mostly a rehash

of measures first proposed during the Calderón administration. Among other items, the new strategy called for the elimination of local police forces (an idea first floated in 2010), enhanced federal powers to intervene in municipalities infiltrated by organized crime, a federal operation in four southwestern states, and the creation of a national emergency phone line. At the time of this writing, most of the plan is awaiting approval in Congress.

Explaining Continuity

What accounts for the policy rigidity? Why, even in the face of a political crisis that arguably called for boldness and innovation, did Peña Nieto fall back on the playbook laid by his predecessor?

Legal constraints are one potential explanation. Portions of the Calderón strategy are now the law of the land and probably will remain so in the immediate future. These include the reform of the criminal justice system, the vetting of law enforcement officials, the structure of federal transfers to states and municipal governments, and the governance architecture of the national public safety system (i.e., the collective bodies coordinating municipal, state, and federal law enforcement agencies). Legislative action and a significant expenditure of political capital are needed to change any one of them, and at least until recently, the Peña Nieto administration has had other priorities.

Institutional inertia is another possible cause. Regardless of strategic decisions, security budgets were

^{51 &}quot;Peña Nieto asegura estar abierto al debate sobre la legalización de drogas," CNN México, October 19, 2013, http://mexico.cnn.com/nacional/2013/10/19/pena-nieto-asegura-estar-abierto-al-debate-sobre-la-legalizacion-de-drogas.

⁵² INEGI, "En 2013, se registraron 22,732 homicidios," press release, no. 301/14, July 23, 2014, http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/Boletin/Comunicados/Especiales/2014/julio/comunica3.pdf.

⁵³ INEGI will release preliminary 2014 totals in July 2015, and definitive numbers will be available in December 2015.

⁵⁴ José Merino and Jessica Zarkin, "Homicidios en 2013 (son más de los que nos contaron)," Animal Político, December 22, 2014, http://www.animalpolitico.com/blogueros-salir-de-dudas/2014/12/22/homicidios-en-2013-son-mas-de-lo-que-nos-contaron/.

⁵⁵ INEGI, Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE) 2014 (Aguascalientes, Mexico: INEGI, 2014), http://www.inegi.org.mx/est/contenidos/Proyectos/encuestas/hogares/regulares/envipe/envipe2014/default.aspx.

⁵⁶ Presidencia de la República, "Palabras del Presidente de los Estados Unidos Mexicanos, licenciado Enrique Peña Nieto, durante la Ceremonia de Presentación y Abanderamiento de la Nueva División de Gendarmería de la Policía Federal," press release, August 22, 2014, http://www.presidencia.gob.mx/articulos-prensa/palabras-del-presidente-de-los-estados-unidos-mexicanos-licenciado-enrique-pena-nieto-durante-la-ceremonia-de-presentacion-y-abanderamiento-de-la-nueva-division-de-gendarmeria-de-la-policia-federal/.

⁵⁷ Presidencia de la República, "Mensaje a la Nación del Presidente de los Estados Unidos Mexicanos, licenciado Enrique Peña Nieto: Por un México en paz con justicia y desarrollo," press release, November 27, 2014, http://www.presidencia.gob.mx/articulos-prensa/mensaje-a-la-nacion-del-presidente-de-los-estados-unidos-mexicanos-licenciado-enrique-pena-nieto-por-un-mexico-en-paz-con-justicia-y-desarrollo/.

bound to continue on an upward trajectory. In the absence of legislative changes, additional funding was required just to keep up with ongoing institutional reforms (e.g., criminal justice reform, police vetting). More importantly, a highly militarized and punitive approach is now internalized in security agencies. The National Defense Program 2013-2018 counts the number of "operations to reduce violence" as a key performance indicator,⁵⁸ which shows the military is planning for a long-term role in law enforcement.

Bureaucratic inertia is driven partially by personnel continuity. A large number of first and second-tier officials from the Calderón administration maintain influential positions in the Peña Nieto government. The current minister of the navy, Admiral Vidal Soberón, was a chief advisor of his predecessor. The national security commissioner and nominal chief of the Federal Police, Monte Alejandro Rubido, was undersecretary for crime prevention in the now extinct Ministry of Public Safety. The current head of the intelligence division at the Federal Police presided over the counternarcotics division at the same force during the Calderón years. These are only some of the most egregious examples. Across the security apparatus, there are many officials that survived the change of administration. It is therefore not surprising that the same people are pushing the same policy ideas.

Cold political calculation is also a likely culprit. Some portions of the Calderón framework remain popular with the public at large. According to recent polling, 71 percent of registered voters support the continued use of the armed forces to fight drug gangs.⁵⁹ Over 80 percent of the Mexican public trusts the army and the navy; the corresponding number for the federal, state, and municipal police forces is 54 percent, 43 percent, and 36 percent, respectively.⁶⁰ In contrast,

public support for drug and security policy alternatives is very weak; for instance, less than 30 percent of the electorate favors marijuana legalization.⁶¹

Finally, international factors, particularly the relationship with the United States, are also a potential explanation for policy continuity. U.S.-Mexico cooperation is now internalized in the daily workings of many Mexican security agencies. A major policy shift would prove disruptive, not only diplomatically but also operationally. Mexican security agencies would be hobbled without constant intelligence sharing with their U.S. counterparts. And some programs are dependent on U.S. funding. The result is inertia for continued cooperation within the current framework.

The Diplomatic Front: Mexico at UNGASS 2016

In 2012, Mexico joined Guatemala and Colombia in calling for the 2016 Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS 2016). Although it was an initiative of the previous government, the Peña Nieto administration has maintained an active presence (and even leadership) in the preparations for the conference.

Substantively, however, it has not staked a clear set of positions. In November 2014, it managed to get a resolution approved by the UN General Assembly that encouraged "the implementation of balanced policies that put the wellbeing and health of the individual and communities at the center of the governments' work." But the same resolution also "reaffirms the commitments to curb the activities of transnational organized crime and to tackle the challenge posed by new psychotropic substances." Such ambiguity is the defining feature of Mexico's posture on the mul-

⁵⁸ Secretaría de la Defensa Nacional, Programa Sectorial de Defensa Nacional 2013-2018, Diario Oficial de la Federación, December 13, 2013, http://dof.gob.mx/nota_detalle.php?codigo=5326566&fecha=13/12/2013.

⁵⁹ Grupo de Economistas y Asociados and Investigaciones Sociales Aplicadas, "México: Política, Sociedad y Cambio. Cuarta Encuesta Nacional de Opinión Ciudadana 2014," December 2014, http://www.isa.org.mx/contenido/GIMX1411p.pdf.

⁶⁰ INEGI, Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE) 2014.

^{61 &}quot;La mayoría de los mexicanos rechazan legalizar la mariguana," Carta Paramétrica (blog), Parametría, November 2012, http://www.parametria.com.
mx/DetalleEstudio.php?E=4434.

⁶² Secretaria de Relaciones Exteriores, "La asamblea general de la ONU adopta resolución propuesta por México sobre cooperación internacional para atender el problema mundial de drogas," press release, November 26, 2014, http://saladeprensa.sre.gob.mx/index.php/es/comunicados/5297-542.

tilateral front. The Peña Nieto government sees UN-GASS 2016 as an opportunity to raise the country's international profile, but remains unwilling to forcefully push for significant change to the international drug control regime.

The constraints on domestic policies also put a lid on diplomatic positioning. As stated in the previous section, liberalizing drug policy reform is deeply unpopular in Mexico, including in the case of cannabis. Even under optimal conditions, a Mexican government would find it hard to stake a position in multilateral forums that has little support at home. With declining popularity, the Peña Nieto administration will probably be more risk averse.

More importantly, the Mexican government is unlikely to risk a confrontation with the United States. Its view on current U.S. policy and the limits to experimentation in Mexico is probably shaped by the strong relationship between Mexican security agencies and the Drug Enforcement Administration. ⁶³ Whatever the reason for caution, a Mexican administration dependent on southbound intelligence flows is not likely to test the limits of U.S. tolerance.

As a consequence, Mexico will most likely be a consensus taker, not a consensus shaper, at UNGASS 2016. It might attempt to introduce stronger language on the issue of shared responsibility between producer, transit, and consumer countries. Mexican diplomats might also try to broker a compromise that allows for increased national experimentation. But anyone looking for Mexico to champion a thorough transformation of the international drug control regime will be sorely disappointed.

Looking Ahead: Policy Recommendations

The combination of domestic and international constraints is likely to prevent a significant change in drug and security policies before the next presidential election in 2018. Instead, the Peña Nieto administration will probably attempt to muddle through within the existing policy framework. In practical terms, that means:

- A growing portion of the national budget will be devoted to law enforcement and national security tasks.
- The armed forces will continue to participate in law enforcement activities.
- Security forces will keep chasing drug kingpins and their lieutenants.
- Federal police forces will continue to grow rapidly.
- Cooperation with the United States will hold its current course of the Merida Initiative.
- No major drug policy reform will be approved.

Over the long run, Mexican counternarcotics policy will likely respond to changes in international drug markets. Increased legal (or semi-legal) marijuana supply in the United States will probably lead to a displacement of Mexican imports, even in states that do not legalize cannabis.⁶⁴ The persistent reduction of U.S. cocaine consumption, along with a gradual reopening of the Caribbean route, could also significantly reduce the drug export revenues of Mexican gangs.

Those developments could have a deep impact on Mexico. Firstly, they would transform organized crime into a more local phenomenon, thus making it more amenable to non-military law enforcement methods. Secondly, they would free resources currently devoted to eradication of illicit crops and interdiction of drug flows. Thirdly, they would relax international constraints on Mexican drug policy, allowing for some measure of experimentation with regulated markets.

⁶³ Radden Keefe, "The Hunt for El Chapo."

⁶⁴ Alejandro Hope and Eduardo Clark, Si los vecinos legalizan: Reporte técnico (Mexico City: IMCO, 2012), http://imco.org.mx/wp-content/uploads/2012/10/reporte_tecnico_legalizacion_marihuana.pdf.

However, such a scenario remains far in the future. Within the prevailing policy matrix, the Peña Nieto administration could make an impact with some of the following measures:

- 1. Use focused deterrence tactics. The government could explicitly designate specific groups or incidents as priorities to deter the most egregious forms of violence and create competitive disadvantages for highly predatory gangs.⁶⁵
- 2. Adopt harm reduction metrics for eradication and interdiction. Massive, broad-based eradication and interdiction have proven ineffective to stop the flow of drugs. However, those tools could be used strategically to shift drug production and interdiction toward areas and modalities that produce less harm to the surrounding communities. This would require a shift from volume-centered to harm-based metrics (e.g., homicides linked to the drug trade).
- 3. Promote police reform. The police reform bill sent by President Peña Nieto to Congress in early December 2014 is unlikely to be approved on its current terms; however, it has created an opportunity for the transformation of the country's myriad police forces. Reform should focus on the quality of police forces, not their number. Every police force should meet some minimum requirements in terms of recruitment, salaries, professional standards, internal controls, and external oversight. If a jurisdiction fails to meet these standards, policing should be taken over by a different level of government, though not before a serious attempt at reform.
- **4. Improve crime prevention policies.** Since 2012, the Peña Nieto administration has implemented an ambitious crime prevention

- program which includes 60 cities. But it is too fragmented to have a significant impact in any given region. Moreover, many of the projects and measures funded by the program are lacking a solid evidence base. A more focused approach, along with a commitment to systematic evaluation, would yield better results.
- 5. Invest in data collection. Data on drug use and markets in Mexico is notoriously poor. There no regularly scheduled drug use surveys. Some epidemiological data sets exist (e.g., emergency room mentions, treatment episodes, overdose deaths), but updates have become irregular in recent years; data in the most recent report is from 2012. Additionally, no institution or agency maintains systematic price series. These information deficiencies could be easily corrected, however. With a relatively small investment, the Peña Nieto administration could provide the country with a much better information base to guide policy.

For the remainder of the decade, Mexican counternarcotics policy will continue to be a heavy-handed, militarized affair. Yet there are ways of reducing its harms. Peña Nieto inherited a war, but now he owns it. He should deploy the will and imagination to make it less destructive and more effective.

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⁶⁵ Mark A. R. Kleiman, "Surgical Strikes in the Drug Wars: Smarter Policies for Both Sides of the Border," Foreign Affairs, September/October 2011, http://www.foreignaffairs.com/articles/68131/mark-kleiman/surgical-strikes-in-the-drug-wars.

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