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THE SCHOOL FOR ETHICS AND GLOBAL LEADERSHIP

Mexican Drug Cartels

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Contents

| Sections | Page |
|---|-------------|
| I. Authors | 3 |
| II. Executive Summary | 4 |
| III. Historical Background and Current Status | 6 |
| IV. Recommendations to the United States Government | 10 |
| V. Recommendations to the Mexican Attorney General on Accountability for... | 14 |
| VI. Recommendations to Mexican Law Enforcement | 17 |
| VII. Recommendations to Non-Governmental Organizations (NGOs) and The I.. | 20 |
| VIII. Recommendations for The Prevention of Cartel Growth | 25 |
| IX. Bibliography | 28 |

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Introduction

This policy document was written by 24 high school juniors at the School for Ethics and Global Leadership in Washington, D.C. This school is a semester-long program that aims to provide intellectually motivated high school juniors from across the country with the best possible opportunity to shape themselves into ethical thinkers and global leaders. Each class chooses a current international challenge and constructs a policy document that provides reasonable and effective solutions to the problem. This document is a purely student-run effort and does not reflect the positions of the School for Ethics and Global Leadership or its faculty. It is our wish that this document provides comprehensive and plausible recommendations to address the current issues regarding the dangers of Mexican Cartels.

Executive Summary

The history of cartels in Mexico is one of a continental failure to address regional power struggles. Mexican cartels feed into thousands of homicides each year, the instability of the Mexican government, and a ubiquitous, global drug trade. Both the United States and Mexico have failed to take sufficient action towards ending the cartel crisis. President Lopez Obrador's current administration has thus far no plans to handle the cartels, which, if left undealt with, will grow even stronger and more resistant to change in the future. Without immediate action, the illegal drug trade will continue to spread internationally and Mexican civilians will continue to suffer the plague of violence in their communities.

Throughout recent history, the U.S. has not only been the largest consumer of cartel drugs, it has also furnished Transnational Crime Organizations with guns, funds, and high demand. As well as being the primary customer for cartel drugs, the U.S. is the primary producer of guns used in violent, cartel-related crimes in Latin America. The United States should shift its focus from border patrol and customs to apprehending and breaking up more internal drug trafficking rings connected to cartels. The United States should also divert more focus to blocking guns from being exported over the southern border and improving gun tracing. The U.S., equipped with considerable amounts of information on cartels and their businesses, should also form a task force with Mexico to share intelligence and curtail cartel violence and narco-rule in Mexico.

The extensive inefficacy in Mexico's criminal justice system is one of Mexico's biggest obstacles in keeping cartels accountable. The sweeping 2008 reforms in the criminal justice system prioritized the protection of human rights. However, they limited the ability to prosecute cartels, failed to resolve Mexico's high rate of impunity, and established an inadequately-trained police force that is ill-equipped to act as crime scene investigators. The Attorney General's Office should reinforce their commitment to human rights in the criminal justice system while reducing impunity by restarting trials with a new judge and jury in the event of procedural error, providing government-allocated aid to law students to combat the shortage of judges, and establishing a new specialized investigative division of the Federal Police.

Mexican law enforcement needs serious changes in order to better combat the cartels. Previous attempts have helped the issue, but underlying corruption makes real change very difficult. To alleviate this issue, they must increase trust between the police and the population, first by limiting police use of force, creating space for the public to give their input, expand the registry of police officers, and contribute more resources to finding missing persons. This all is in an effort to create a more accountable and trusted, and therefore effective, police force within Mexico.

Non-Governmental Organizations and the international aid community tackle a wide range of issues in Mexico, many of which stem directly or indirectly from cartels. Though NGOs in Mexico are limited by low state capacity and a lack of funding, NGOs and international groups can assist through legal aid, journalist protection, and programs to recognize and combat cartel money laundering. NGOs can establish better whistleblower protections and lobby for their national implementation, better inform journalists regarding the journalist Protection Mechanism, and request UN money for the critically-underfunded program. The UN Office on Drugs and Crime (UNODC) can train Mexican officials to recognize illicit financial transactions.

The Ministry of Education should make education more accessible in order to prevent cartel growth in Latin America. To address the high rates of cartel violence in schools, more security should be established to stop the recruitment of young students. Mexico has dealt with accelerating poverty in the past few years and it has only intensified during the COVID-19 pandemic. 1 in 5 Mexican citizens have lost their jobs due to the pandemic and about 46% of the population is low income. The high rate of poverty is caused by the lack of education in the youth which causes them to join cartels to make a living. A conditional cash transfer program known as PROSPERA currently combats high rates of poverty and the results are promising. The Ministry of Education should focus on expanding PROSPERA to include more families in need, thus reducing the financial need to join cartels. Finally, programs like tattoo removals or tax subsidies for companies should be put in place to help integrate ex-cartel members back into the community to reduce pressure to return to cartels in the future. Mexico's government must use its powers to tackle the growing problem of cartel growth in Latin America.

The international damage caused by drug cartels is extensive and endemic. If cartels are not stopped, they will continue to wreak instability across Mexico and Latin America and jeopardize thousands of lives internationally. The following document makes recommendations to the Mexican government, the United States government, and NGOs to facilitate its response to Mexican drug cartels.

Historical Background and Current Status

Introduction

In late 2019, the Sinaloa Cartel made international headlines when, for the first time, it engaged in open insurgent-style warfare with the Mexican military in the streets of Culiacan.¹ The violence was in response to the military's capture of Ovidio Guzman, the son of convicted drug lord El Chapo, and, in an unprecedented show of government deference to the power of cartels, the military was forced to return Guzman to the armed gang members.

This shift in cartel tactics is not random. Mexico's National Public Security system reported a record number of 34,000 homicides in 2019, over 23,000 of which were linked to organized crime groups.² The violence is indiscriminate; Men, women, children, native Mexicans and even U.S. citizens, are included in the count.³ Cartels now possess a monopoly over violence in Mexico. They have weakened the legitimacy and authority of the state, expanded their influence in Mexico and the surrounding regions, and caused economic disparity. The destructive actions of domestic and international powers have exacerbated all of these problems. Without an effective response from all relevant parties, the violence perpetrated by the cartels will continue to impact the lives of millions of Mexican civilians, while further expanding internationally⁴

The U.S. Department of Justice (DOJ) defines Cartels as "large, highly sophisticated organizations composed of multiple drug trafficking organizations (DTOs) [...] with specific assignments."⁵ The modern structure of cartels in Mexico took shape in the early 1980's, when the U.S. shut down several Colombian cocaine trafficking routes through Florida, leading to new agreements between Colombian cocaine producers and Mexican smugglers that established Mexico as the primary route for cocaine trafficking into the U.S. By 2011, Colombian DTO's had been heavily weakened by the drug war, meaning that Mexican cartels had to become more self-sufficient, establishing their own means of production and distribution routes throughout North America, Eurasia, and Africa. The cartels have turned to local street gangs in each country such as the MM and MS-13 in order to handle management and distribution of the drugs, contributing to the power of local crime organizations in many countries outside of Mexico as well.⁶

Cartel Activities

In order to dismantle the power structures of cartels in Mexico, it is important to understand how they maintain that power. The large influence exerted by DTOs over the youth populations they

¹ Ioan Grillo, "How The Sinaloa Cartel Just Beat The Mexican Army," *Time*, October 18, 2019, <https://time.com/5705358/sinaloa-cartel-mexico-culiacan/>.

² "Justice in Mexico Releases 2020 Organized Crime and Violence in Mexico Report," Justice in Mexico, last modified August 18, 2020, <https://justiceinmexico.org/justice-in-mexico-releases-2020-organized-crime-and-violence-in-mexico-report/>.

³ June Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," *Congressional Research Service*, July 28, 2020, <https://fas.org/sgp/crs/row/R41576.pdf>.

⁴ José de Arimatéia da Cruz, "Studies in Gangs and Cartels," *Parameters* 44, no. 2 (Summer, 2014): 129-131.

⁵ (U) Drug Trafficking Organizations - National Drug Threat Assessment 2010 (UNCLASSIFIED), accessed November 16, 2020.

⁶ John Coyne, "Santa Muerte, Are the Mexican Cartels Really Coming?" *Australian Strategic Policy Institute*, 2017, 6-12. accessed November 6, 2020.

continue to recruit, and the monopoly DTOs have over a multitude of domestic business sectors means that cartels have evolved from simple criminal organizations into nationally institutionalized structures of power.⁷ The organizational breakdown of cartels is key to understanding how that power is used around the country. While certain groups such as the Sinaloa Cartel have managed to maintain a degree of stability in recent decades, the influence of most other cartels has frequently changed during the past 15 years due to government pressure and cartel infighting. What were formerly considered the 7 stable Mexican DTOs (Sinaloa, Los Zetas, Tijuana/AFO, Juárez/CFO, Beltrán Leyva, Gulf, and La Familia Michoacana) have now splintered into between 9 and 20 independent organizations. Some of these, in light of increased competition and changing markets, have shifted their operations to include other illegal activities such as human trafficking. Furthermore as social programs expand the life prospects of many youths in Mexico, cartels are turning to even younger generations of highschoolers in order to fill the gap in recruitment left by the young men who no longer view joining cartels as a necessity.⁸ Instability amongst the cartels has led to unpredictability, meaning that it is difficult to predict the trajectory of most major DTOs. This has proved to be the largest difficulty for both NGOs and the Mexican government in their efforts to produce effective responses to Cartel violence and activities.

History of Mexican Government Response

In order to fully understand the current status of drug cartels in Mexico it is necessary to understand how the Mexican Government's response has both lessened and contributed to the issue of Cartels. Government response to cartels effectively began in 2006 with the inauguration of Felipe Calderon, as previous administrations had not yet taken action against this problem.⁹ Calderon's administration began action against cartels with the deployment of 7,000 troops to the state of Michoacan, the president's home state and a region where violence was particularly prevalent.¹⁰ By 2007 the government began cooperation with the U.S., as shown by the extradition of major drug trafficker Osiel Cardenas as well as three other major traffickers to the US where he was sentenced to 25 years in a Texas penitentiary.¹¹ By 2011 Calderon's administration deployed 45,000 troops to deal with drug trafficking as the drug war's death count continued to rise.¹² While Calderon's response has been recognized as being effective in terms of sheer arrest numbers, it has simultaneously been credited with sparking the vicious war in the northern parts of the country.¹³

Enrique Peña Nieto was elected as Calderon's successor in 2012, and while he was originally believed to be implementing individualized solutions for each cartel, his actual response was simply a redistribution of Calderon's tactics. He established a 'National Gendarmerie' modeled after similar departments in France and Spain, which was meant to combat all facets of organized crime throughout the country including rural and difficult to reach areas. The force is made of officers

⁷ John Burnett, "Mexican Drug Cartels Recruiting Young Men, Boys," *NPR*, March 24, 2009, <https://www.npr.org/templates/story/story.php?storyId=102249839>.

⁸ "Mexico Sees Rise in Gangs, Vigilantes Recruiting Children," *AP NEWS*, January 24, 2020, <https://apnews.com/article/a69b4886eb51293a2f28cc717d0e5676>.

⁹ CNN Editorial Research, "Mexico Drug War Fast Facts," *CNN*, September 2, 2013.

¹⁰ Reuters Staff, "TIMELINE-Key Events in Mexico's Drug War," *Reuters*, August 31, 2010.

¹¹ The Associated Press, "Mexico Extradites Alleged Gulf Cartel Leader to U.S.," *The New York Times*, January 20, 2007, <https://www.nytimes.com/2007/01/20/world/americas/20wire-mexico.html?auth=login-google>.

¹² CNN Editorial Research, "Mexico Drug War Fast Facts."

¹³ Peter Chalk, "Mexico's New Strategy to Combat Drug Cartels: Evaluating the National Gendarmerie," *Combating Terrorism Center at West Point*, November 16, 2017, <https://ctc.usma.edu/>.

trained in the military with no policing experience, but the structure and technique is more similar to law enforcement than the military. Nieto described the task force as being made up of officers that “are trained to serve the population on foot, and on horseback, in rural, urban, tourist and border zones”.¹⁴ While many were initially excited about the prospects of this project it has since been criticized for inciting violence without sparking widespread change.

More recently when current President Andrés Manuel López Obrador visited central Mexico, an area largely affected by cartel violence, he coined the phrase: “hugs, not bullets” a recurring motto for his administration’s response.¹⁵ His plan centers around funding social programs and gradually decriminalizing drug offenses. Despite this, President López Obrador’s response has thus far not posed a real threat to the cartels in Mexico, as many of his reforms have either yet to be implemented or are not widespread enough to produce measurable results.¹⁶ In 2019 alone, thirty-five thousand Mexicans were killed from cartel violence, a figure that has risen 2.7 percent in the time since. This number, if the current trend continues, is only projected to increase.¹⁷ Beyond this, President López Obrador has been criticized for not having an adequate plan for combating these cartels, having yet to release any new instructions for law enforcement.

U.S. Government Involvement

The U.S. Government’s response to the Mexican cartel crisis has been controversial. Whether or not the U.S. federal government should intervene and to what extent has been a source of tension between the leaders of both nations.

For example, tension over interventionism was once again seen in December 2019, when President Trump announced his desire to designate the cartels as terrorist organizations. This designation would potentially disrupt the finances of the cartels and the individuals or entities that support them through freezing of assets and travel bans.¹⁸ In response to this announcement, President López Obrador said Mexico would not tolerate another operation led by the U.S. government like Operation Fast and Furious.” His remarks reference President Obama’s initiative “Operation Fast and Furious,” that was led by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from 2009-2011. The policy allowed known associates of cartels to illegally buy guns at U.S. gun retailers, and then transport them across the border to cartels.¹⁹

¹⁴ Mark Stevenson, “Mexico Creates Special Force for Economic Crime,” *AP NEWS*, August 22, 2014, <https://apnews.com/article/055be6443ef34fe9ab06484db843382b>.

¹⁵ Carrie Kahn, “As Mexico's Dominant Cartel Gains Power, The President Vows 'Hugs, Not Bullets',” *NPR*, July 23, 2020, <https://www.npr.org/2020/07/23/893561899/as-mexicos-dominant-cartel-gains-power-the-president-vows-hugs-not-bullets>.

¹⁶ James Fredrick, “Mexico's New President Has a Radical Plan to End the Drug War,” *Vox*, August 15, 2018, <https://www.vox.com/2018/8/15/17690420/mexico-president-amlo-drug-war-cartels-violence-legalization>.

¹⁷ Mary Beth Sheridan, “Mexico's Homicide Count in 2019 among Its Highest,” *The Washington Post*, January 21, 2020, https://www.washingtonpost.com/world/the_americas/homicides-in-mexico-hit-record-highs-in-2019/2020/01/21/a9c5276a-3c5e-11ea-afe2-090eb37b60b1_story.html.

¹⁸ Humeyra Pamuk, “U.S. State Department Says It Is Working with Mexico on Tools to Fight Drug Cartel Threat,” *Reuters*, December 4, 2019, <https://www.reuters.com/article/us-usa-mexico-cartels/u-s-state-department-says-it-is-working-with-mexico-on-tools-to-fight-drug-cartel-threat-idUSKBN1Y82KK>.

¹⁹ “A Review of ATF’s Operation Fast and Furious and Related Matters,” U.S. Department of Justice, last modified November 2012, <https://oig.justice.gov/reports/2012/s1209.pdf>.

Beyond 2011, gun trafficking from the U.S. into Mexico has continued to be a major issue, as from 2007 to 2018, more than 150,000 firearms seized in Mexico were traced to U.S. gun shops and factories.²⁰ American guns have become the arms the cartels use to keep control and invoke fear. Another notable aspect of the U.S.' response to cartels has been its employment of the Department of Homeland Security (DHS) to tackle this crisis. The Trump administration's main tactic to combat the cartels seems to lie in greater border control, which he cemented by expanding the role of Immigration and Customs Enforcement (ICE) officers to arrest and detain undocumented citizens.²¹ The current administration has also favored an approach of greater border enforcement, citing the lack of staffing at the border allowing for cartels to smuggle in illicit substances across the southern border.²² Addressing the past failures of the U.S. and the current need to have a strong, collaborative response to the current issue of cartels should inform the U.S.' future actions.

Conclusion

Cartels have caused vast levels of instability throughout Mexico and thus far action taken by both the U.S. and the Mexican governments has failed to produce sufficient aid for communities most affected by cartel power. In fact, the militaristic nature of both Operation Fast and Furious, and the actions of Calderon's and Nieto's administrations, has almost undoubtedly exacerbated the issue. Despite increasing effects to curb the growth of cartels they're still rapidly expanding, and this growth is only going to make further efforts to contain them more difficult in the future. Mexican cartels are a paramount and transnational issue, and one that must be addressed quickly and effectively by the international community.

²⁰ "Firearms Tracing System," Bureau of Alcohol, Tobacco, Firearms and Explosives, 10 Mar. 2017, <https://www.atf.gov/firearms/national-tracing-center>.

²¹ Emily Ryo, "How ICE Enforcement Has Changed Under The Trump Administration," *Government Executive*, July 29, 2019, <https://www.govexec.com/management/2019/07/how-ice-enforcement-has-changed-under-trump-administration/158766/>.

²² "Border Security," U.S. Customs and Border Protection, accessed November 20, 2020, <https://www.cbp.gov/frontline/border-security>.

Recommendations to the United States Government

Drug Seizures at the U.S.-Mexico Border

With the influx of illicit drugs flowing into the United States through the U.S.-Mexico border, it is imperative to strengthen the U.S. Customs and Border Protection (CBP). The Border Patrol, the enforcement arm of the CBP, is dedicated to preventing the illegal inflow of people and goods, including narcotics. It is difficult for CBP officers to patrol the 2,000-mile long U.S.-Mexico border effectively because there are only eight officers stationed at every mile. This allows illegal immigrants and drug smugglers to cut through the border fence in seconds, which is not enough time for agents to secure the breached area.²³ Thus, it is imperative to increase the number of active Border Patrol officers at the border.

Sixty percent of Border Patrol agents' time is allotted to handling the humanitarian issues that arise as a result of illegal migrants.²⁴ According to Chief Patrol Agent Rodolfo Karisch, the chief Border Patrol agent in the Rio Grande Valley region of Texas, "[Drug smugglers] know our resources are stretched thin in addressing the humanitarian issue, which undermines our border security operations. They direct the movement of large groups into certain border areas as a diversion to facilitate the smuggling of drugs." This reaffirms the demand to increase the CBP's Border Patrol active personnel, which is required to halt the inflow of drugs via the U.S.-Mexico border.

Furthermore, considering that Drug Enforcement Administration (DEA) agents solely focus on combating the threat of drug smugglers and traffickers, including Mexican cartels, allocating a portion of DEA officers to patrol crossing points at the U.S.-Mexico border and aid the CBP would likely help combat the inflow of illicit drugs into the U.S.²⁵ To tackle the illicit drug crisis, the DEA has access to a vast amount of resources, including their 360 Strategy. The 360 Strategy targets and prosecutes drug traffickers and detects connections between the illicit drug market and cartels.²⁶ Furthering access of these DEA resources to other federal agencies working directly at the border may prove helpful in tackling the issue of illicit drug trafficking and Mexican cartels.

Gun Trafficking out of the US- Mexico Border

Roughly 90% of guns seized in Mexico used in violent crimes were traced back to the United States.²⁷ These weapons, often put directly into the hands of cartels, are frequently bought by straw purchasers, people who buy guns legally to sell them to other parties. These guns cross the border by a method known as "ant-trafficking," where guns are smuggled across the border in small

²³ Ibid.

²⁴ "Border Crisis: CBP's response," U.S. Customs and Border Protection, accessed November 18, 2020, <https://www.cbp.gov/frontline/border-crisis-cbp-s-response>.

²⁵ "Staffing and Budget," Drug Enforcement Administration, accessed November 16, 2020, <https://www.dea.gov/staffing-and-budget>.

²⁶ "Enforcement: Targeting stoppin the most significant drug trafficking threats," U.S. Drug Enforcement Administration, accessed November, 2020, <https://admin.dea.gov/360-strategy-law-enforcement>.

²⁷ Arindrajit Dube, Oeindrila Dube, and Omar Garcia-Ponce. "Cross-Border Spillover: U.S. Gun Laws and Violence in Mexico." *The American Political Science Review* 107, no. 3 (2013): 397-417. <https://www.cambridge.org/core/journals/american-political-science-review/article/crossborder-spillover-us-gun-laws-and-violence-in-mexico/438E607A07E32D57AF244B61ED38FB28>.

amounts to avoid detection. Ant-trafficking seizures constitute 70% of all gun seizures.²⁸ However, training of officers at the border focuses considerably more on searching items through the border than things being exported through the border.

In recent years, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has attempted to expand eTrace, a program that gives international law enforcement more access to online gun-tracing methods. However, this has been ineffective since most guns seized in Mexico are not traced.²⁹ Furthermore, despite the fact that straw purchasing is a felony prosecutable by up to ten years in prison or a \$250,000 fine, it is difficult to track guns back to their straw purchasers and equally difficult to prosecute these individuals due to the loopholes and excuses present in the justice system.³⁰

Additionally, the method by which guns are regulated in the United States is ineffective, with the ATF running much of the investigations into gun trafficking. The ATF's regulations have not been able to successfully hinder the spread of guns from the U.S. Though guns have been apprehended at the border and successfully traced as a result of the ATF's work, the amount is not enough nor are the methods effective enough to stop the crisis itself. Also unfortunate is how the ATF has attempted in the past to track guns through Operation Fast and Furious, where it released over 2,000 guns to Mexico with the intent of tracing them.³¹ The Operation was unsuccessful because ATF released too many guns into Mexico at once. The ATF had released so many guns at once that, once it had lost track of one gun, it had lost track of all of them. The guns then ended up in Cartel leaders' hands, untracked and unregistered to any government. There were several murders and other related crimes throughout Mexico that were accomplished by using the guns released into Mexico by the United States. These acts of violence only further endangered innocent civilians. Ultimately, The ATF was unable to ever find many of these guns despite their eTrace program and it only added to the TRO overpowering officials in Mexico. The ATF is not effectively structured to tackle the current gun trafficking issue.³²

Intelligence Sharing: Increasing Collaboration and Intel between Mexico and the US

In any matter of security relating to multiple countries, intelligence sharing is critical to pursuing a multilateral solution. In Mexico, cartels (TCOs) prove to be an incredibly fickle enemy to the interests of both Mexico and the United States. Within the past two years, the U.S. has taken definite strides towards overall security cooperation by establishing the US-Mexico High-level Security

²⁸ "UNODC: 'Ant Trafficking' of Arms From US to Mexico," OCCRP, last modified 10 September 2020, <https://www.occrp.org/en/daily/13088%20-unodc%20-ant-trafficking-of-arms-from-us-and-mexico>.

²⁹ "Review of ATF's Project Gunrunner," U.S. Department of Justice, last modified November 2010, <https://oig.justice.gov/reports/ATF/e1101.pdf>.

³⁰ Hansi Lo Wang, "Straw Buyers' Of Guns Break The Law — And Often Get Away With It," NPR, December 9, 2015, <https://www.npr.org/2015/12/09/459053141/straw-buyers-of-guns-break-the-law-and-often-get-away-with-it>.

³¹ Sari Horwitz, "Operation Fast and Furious: A gun running sting gone wrong," *Washington Post*, accessed November 15, 2020, https://www.washingtonpost.com/investigations/us-anti-gunrunning-effort-turns-fatally-wrong/2011/07/14/gIQAHSd6YT_story.html.

³² Michel Marizco, "Why Fast and Furious Failed," interviewed by Terry Gross, *Talk of the Nation*, NPR, June 21, 2012, <https://www.npr.org/2012/06/21/155513757/why-operation-fast-and-furious-failed>.

Group.³³ The efficacy of such a group is evident as its predecessor, the Obama Administration's Bilateral Security Cooperation Group, proved to be successful in furthering overall security cooperation regarding cartels.³⁴ Even so, these groups have been vaguely dedicated towards security cooperation and there is no clearly defined task force between the United States and Mexico for the gathering and processing of intelligence. Considering that this is an issue that compromises both the security of the United States and Mexico, it should follow that such an intelligence task force should be organized under the Department of Defense's Northern Command (NORTHCOM). As it stands, NORTHCOM is already responsible for a large amount of the cross governmental security work related to TCOs within Mexico.³⁵ Under NORTHCOM, the task of intelligence would not be a drastic divergence from its current activities. Overall, security cooperation has been effective, but there is significant potential improvement in the gathering, processing, and sharing of general intelligence.³⁶

The U.S. would be able to alleviate issues related to intelligence in Mexico. Properly gathering intelligence necessary to prosecute financial crime has proven especially difficult for Mexico's Office of the Attorney General of the Republic (PGR).³⁷ Improved financial intelligence gathering on the part of the U.S., through any of the nation's many financial intelligence gathering agencies will in turn, enable Mexico to increase its prosecution of such crime.³⁸ Another example of how the U.S. can help is the use of drones in Mexico. Drone usage largely started after 2009 due to both U.S. and Mexican efforts to build a drone program in Mexico, and that program ultimately proved highly effective in providing critical intelligence on cartels that greatly assisted the Mexican government.³⁹ This drone program and other efforts by the ODNI and its components like the CIA, DoD, and DEA to improve Mexico's intelligence capabilities have also proved very successful.⁴⁰ A continued intelligence sharing relationship should be fostered, along with a dedicated task force, to promptly and effectively fight TCOs in Mexico.

Recommendations

- The U.S. Government should allocate money to increasing border security and the narcotics division presence at the border. It should increase the funding to CBP for training and increase the number of officers of the Border Patrol. The U.S. should also increase the number of Border Patrol agents from 16,000 to 25,000. Each major cities' Narcotics division of the DEA should send 10% of their officers to patrol main crossing points at the border. The current amount needed to make this possible is 5.5 billion dollars. This money should

³³ "México-US Security Collaboration Advances," Gobierno De México, last modified December 6, 2019, <https://www.gob.mx/sre/en/articulos/mexico-us-security-collaboration-advances-228997?idiom=en>.

³⁴ U.S.-Mexico Security Cooperation Taskforce, "U.S.-Mexico Security Cooperation 2018-2024," (UC San-Diego, 2019), https://usmex.ucsd.edu/_files/Whitepaper_Security_Taskforce_March_26_Covers.pdf.

³⁵ Marc Frey, et al, *Meeting Security Challenges in a Disordered World* (Maryland: Rowman and Littlefield, 2017), https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/170522_Hersman_MeetingSecurityChallenges_Wcb.pdf.

³⁶ U.S.-Mexico Security Cooperation Taskforce, "U.S.-Mexico Security Cooperation 2018-2024."

³⁷ El Informador, "Caen sólo 4 bandas por lavado en el sexenio," *Informador*, January 25, 2018, <https://www.informador.mx/Caen-solo-4-bandas-por-lavado-en-el-sexenio-1201801250002.html>.

³⁸ AEI Working Group on Transnational Organized Crime in the Americas, *Kingpins and Corruptions: Targeting Transnational Organized Crime in the Americas* (American Enterprise Institute, 2017), 42-48, <http://www.jstor.org/stable/resrep03288.10>.

³⁹ Dana Priest, "U.S. role at a crossroads in Mexico's intelligence war on the cartels," *Washington Post*, April 27, 2013, https://www.washingtonpost.com/investigations/us-role-at-a-crossroads-in-mexicos-intelligence-war-on-the-cartels/2013/04/27/b578b3ba-a3b3-11e2-be47-b44febad3a8_story.html.

⁴⁰ Ibid.

come from the 2 billion dollars allocated to add on to President's Trump's Border Wall, and 3.5 billion from the Department of Homeland Security's overall budget.

- Increase training to law enforcement stationed at the border to detect guns leaving the United States through vehicular ant-trafficking by more thoroughly searching and regulating exports. Rather than 117 days (4 months) of training for CBP officers, they should be trained for 8 months (243 days). In this new time allotted, officers will learn enhanced techniques to block firearms passing through the border.
- As more guns are apprehended at the border, they should be broken down and the raw materials sold back to private contractors. Additionally, more focus of the ATF should be diverted to firearm prevention and improve the tracking and tracing of weapons. The firearms division of the ATF should be separated from the rest of the organization and restructured so that it can better focus on tracing and controlling guns throughout the country and its neighbors. The newly reconstructed firearms division's tracking methods should be used more actively to find and prosecute straw purchasers to block the pipeline of guns to cartels.
- The United States should establish a U.S.-Mexico task force on intelligence within the DoD's Northern Command. This task force would combine elements from the U.S. intelligence community related to drug trafficking and cartels with similar elements in the Mexican government. The intelligence provided and shared should include all types of intelligence, but due to the nature of the cartels, there will be an emphasis on aerial/geospatial intelligence and financial intelligence.

Recommendations to the Mexican Attorney General on Accountability for Organized Crime

Introduction

Extensive inefficacy in Mexico's criminal justice system, from the law enforcement to the courts, is one of the government's most significant obstacles to keeping cartels accountable comprehensively and sustainably. As a result, many high-profile cartel cases are prosecuted in the United States.⁴¹ With an improved criminal justice system, Mexico will be able to retain jurisdiction in these court cases, creating an efficient and reliable path for justice to be served on home soil. However, it is important that this efficiency exists alongside a commitment to human rights for defendants.

Even after the sweeping 2008 criminal justice reforms, only 6% of Mexicans surveyed had confidence in the justice system because of its lack of accountability for criminals who often escaped prosecution through technicalities.⁴² In 2015, 94% of crimes went unreported nationwide, and 63% of survey respondents chose not to report crimes due to their distrust in the justice system.⁴³ The issues of Mexico's criminal justice system inhibit the prosecutor's ability to prosecute and stifle cartels.

Commitment to Human Rights

The Congress of the Union approved an "overhaul" of the criminal justice system in 2008 to increase court transparency, increase consciousness for procedural errors, and prioritize protection of human rights. Before the reforms, the Mexican criminal justice system was riddled with impunity and systemic human rights violations. Confessions, even when obtained through torture, were seen as "the highest form of proof" and evidence was not cross-examined.⁴⁴ The 2008 court reforms have mainly aimed to strengthen due process and protection for defendants, including through presumption of innocence and higher standards for evidence.⁴⁵ The Mexican courts have adopted an oral trial system similar to the United States. By 2016, these reforms made a significant statistical impact, confirming the courts were following through on the changes.⁴⁶

However, these reforms failed to bring overarching success in punishing criminals. The new reforms have only worsened issues of impunity in Mexico, as the jailed population steadily decreases while crime rises.⁴⁷ By 2018, the reforms had caused the prison population in Mexico to decrease by 23%,⁴⁸ but national opium poppy cultivation increased by 280%, growing the potential for pure

⁴¹Mary Speck, *Great Expectations and Grim Realities in AMLO's Mexico* (2019), PRISM 8, no. 1, 75, <https://www.jstor.org/stable/26597311>.

⁴²Clare Ribando Seelke, "Supporting Criminal Justice System Reform in Mexico: The U.S. Role," *Congressional Research Service*, March 18, 2013, <https://fas.org/sgp/crs/row/R43001.pdf>.

⁴³Natalie Schachar and Gabriel Stargardter, "Number of unsolved crimes in Mexico rose in 2015: poll," *Reuters*, September 27, 2016, <https://www.reuters.com/article/us-mexico-violence-idUSKCN11X2KJ>.

⁴⁴Tyche Hendricks, "Mexico Aims To Reduce Corruption With A New Legal System," interviewed by Noel King, *Morning Edition*, NPR, September 19, 2019, <https://www.npr.org/2019/09/17/761493782/mexico-aims-to-reduce-corruption-with-a-new-legal-system>.

⁴⁵Ibid.

⁴⁶Kirk Semple, "More Violence. Fewer Prisoners. Inside Mexico's Criminal Justice Reform." *New York Times*, January 30, 2020, www.nytimes.com/2020/01/30/world/americas/mexico-violence-reform.html.

⁴⁷Ibid.

⁴⁸"Mexico Prison Brief Data," World Prison Brief, last modified 2018, www.prisonstudies.org/country/mexico.

heroin production within Mexico by 216 metric tons.⁴⁹ This dip in prison population and spike in drug traffic comes with a drastic uptick in violence, with intentional homicide rates growing 15% in the year 2017 alone.⁵⁰ While human rights protections are vital to a high-functioning justice system, the extra precautions and hurdles for the prosecution have decreased the efficiency of the justice system and the ability to consistently charge criminals since their implementation.

In February 2020, as a response to these shortcomings, the Mexican government proposed a set of reforms that would remove the numerous human rights granted and ensured in 2008. This includes once again authorizing the use of evidence obtained through torture. These reforms, which are not yet passed, would help the prosecution's ability to jail offenders, but are regressive for human rights protections in Mexico.⁵¹

Central Weaknesses of the Justice System

While the 2008 criminal justice reforms have affirmed Mexico's commitment to human rights, they have also made it harder to be "tough on crime." Mexico's ability to prosecute under these reforms is further deterred through the release of defendants in the event of any procedural errors during their trials. Unfamiliarity with new procedures, especially among police who are tasked with collecting evidence, makes these errors, and therefore impunity, all the more common.⁵² The Mexican criminal justice system is in a habit of throwing out cases because of illegally obtained evidence or procedural error. The accused are considered innocent and let go, even if their guilt is apparent.⁵³

In addition, the overall weakness of the justice system is exacerbated by the shortage of justice officials. For instance, "Mexico has 4.2 judges per 100,000 people, significantly below the global average of 16.23."⁵⁴ These technicalities and limitations to the Mexican justice system result in impunity that allows cartels to grow and thrive within the country.

Procedural Errors and Police Incompetence

Following the 2008 reforms, the police force was doubled and had to take on duties that traditional policing is not equipped to handle.⁵⁵ With the 2008 reforms still in place, officers are expected to act as crime scene investigators. They are neither qualified nor adequately trained for this added role. In the 2014 evaluation of the National Public Security System, "two thirds of the country's police officers did not validate that they were trained or have the skills to protect the population."⁵⁶ Police

⁴⁹ Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," 1–37.

⁵⁰ Vanessa Romo, "Mexico Reports Highest Ever Homicide Rate In 2018, Tops 33,000 Investigations." *NPR*, January 23, 2019,

www.npr.org/2019/01/23/687579971/mexico-reports-highest-ever-homicide-rate-in-2018-tops-33-000-investigations.

⁵¹ "Mexico: Justice System Proposals Violate Fundamental Rights," Human Rights Watch, last modified January 30, 2020, www.hrw.org/news/2020/01/30/mexico-justice-system-proposals-violate-fundamental-rights#.

⁵² Joshua Partlow, "Mexico's Crisis of Justice," *Washington Post*, December 29, 2017,

www.washingtonpost.com/graphics/2017/world/torn-art-by-drug-violence-mexico-aims-to-reform-justice-system.

⁵³ Semple, "More Violence. Fewer Prisoners. Inside Mexico's Criminal Justice Reform."

⁵⁴ Gerardo Rodríguez Sánchez Lara and Juan Antonio Le Clercq Ortega, *Global Impunity Dimensions*, (Puebla: Fundación Universidad de las Américas, 2017), www.udlap.mx/cesij/files/indices-globales/6-IGI_2017_ENG-UDLAP.pdf.

⁵⁵ Jose Galan, "Niega La UNAM Convenio Con La PFP Para Reclutar Policías." *La Jornada*, www.jornada.com.mx/2007/03/07/index.php?section=politica.

⁵⁶ Lorena López, "Policías, sin competencias para proteger a población: ASF," *Milenio*, August 7, 2017, www.milenio.com/policia/policias-sin-competencias-para-proteger-a-poblacion-asf.

officers were not even able to consistently meet the force's fundamental goal of protection, much less the complex task of crime scene investigation. Because of this incompetency, a large number of cases are thrown out due to illegally obtained evidence.⁵⁷

Recommendations

- Abandon February 2020 proposed reforms and stand by the norms established in 2008 to support and reinforce human rights gains in the criminal justice system.
- Restart trials with a new judge and jury, disregarding illegally obtained evidence, in the event of procedural error. Do not throw out the case and declare innocence.
- Provide government-allocated aid and subsidies for those studying law, contingent that they work as a judge to combat the shortage of judges. After graduating, each recipient will be kept on a list and eventually “called” to begin work as a judge once they have enough experience in the field to make reliable judicial decisions. This recommendation will eventually pay for itself, as the increased efficacy in the criminal justice system and the decrease in violent crime will make more room in the Mexican budget in the long run.⁵⁸
- Establish a new specialized investigative division of the Federal Police that will facilitate the ethical and professional obtainment of evidence by reallocating funds that were originally dedicated to increasing the police force. This group should be consistent and highly professional in its practice, and its members educated and rigorously trained to avoid errors of procedure that might invalidate trials.

⁵⁷Partlow, “Mexico’s Crisis.”

⁵⁸Jorge Carlos Martinez Palomeres, *The Impact of the Mexican Government’s Budget for Crime and Violence Prevention Programs on Intentional Homicides* (Texas A&M University Libraries, 2019), <https://oaktrust.library.tamu.edu/bitstream/handle/1969.1/186275/MARTINEZPALOMARES-THESIS-2019.pdf?sequence=1&isAllowed=y>.

Mexican Law Enforcement

Drug Cartels in Mexico: an Overview

Mexican drug cartels pose a threat to global security. Their supply chains travel through the Western Hemisphere and the rest of the globe, trafficking illicit drugs including heroin, methamphetamine, marijuana, and synthetic opioids, such as fentanyl. As Mexico's drug cartels expanded their control over the opioid market, U.S. overdoses rose sharply, setting a record in 2019 with more than 70% of overdose deaths involving opioids, including fentanyl. In addition, the extensive violence of drug cartels since 2006 caused Mexico's homicide rate to spike.⁵⁹

Past Reforms

There have been various attempts to combat the drug crisis in Mexico, many of which reformed Mexican law enforcement. One of the cartels' strengths is their ties to the police and their ability to coerce law enforcement to work with them. This preserves the power of the cartels and allows them to go unchecked by the government.

President Felipe Calderón declared war on the cartels shortly after taking office. Since local police are often corrupted by the cartels, Calderón deployed tens of thousands of military personnel to cartel strongholds. With U.S. assistance, the Mexican military captured or killed twenty-five of the top thirty-seven drug lords in Mexico. However, this strategy led to the creation of dozens of smaller, more violent drug gangs. Over 120,000 homicides were recorded over the course of Calderón's presidency, nearly double the number from the previous presidency. President Peña-Nieto (Calderón's successor) aimed to reduce the violence against civilians rather than target the leaders of cartels, yet his strategy looked very similar to Calderón's. Homicide rates continued to rise, which was mainly caused by the continued territorial disputes between gangs (which was a result of Calderón's decapitation strategy).⁶⁰

President Andrés Manuel López Obrador (AMLO) vowed to take a non confrontational approach to the crisis, famously stating "abrazos no balazos," or hugs not bullets. He established bold police reforms and created a new force called the National Guard to permanently assume all federal policing functions. However, the National Guard was supposed to be a civilian force under civilian guidance, it has morphed into the same military with a different name. In addition, AMLO's police reforms are yet to show any results.

Recent Issues

A key barrier in combating drug cartels is police-civilian trust, since law enforcement is often seen as complicit with cartels. According to the National Victimization Survey conducted by Mexico's National Institute for Statistics and Geography, "only twelve percent of crimes are reported by Mexican citizens; almost 62 percent of victims said they did not report crimes because they did not

⁵⁹ June Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations."

⁶⁰ Brianna Lee, Danielle Renwick, and Rocio Cara Labrador, "Mexico's Drug War," *Council on Foreign Relations*, October 22, 2019, <https://www.cfr.org/background/mexicos-drug-war>.

trust the authorities and/or they thought it would be a waste of time.”⁶¹ Another factor of this distrust is the lack of communication between the police and the public. According to ResearchGate, a platform for scientific publications, few explanations are given to citizens about the justifications for police actions like arrests and searches. This has led to increased corruption due to lack of accountability.⁶² In addition, police often target young, poor, Mexican men, subjecting them to search without any legitimate justifications. These actions only perpetuate the feelings of distrust and frustration towards police officers. Another reason for this mistrust is the ineffectiveness of the police force. On October 17th, 2019, law enforcement released Ovidio Guzmán López (El Chapo’s son) after cartels emerged in Culiacan and began shooting and raiding in the streets, causing a total of eight casualties. AMLO declared that “The capture of one delinquent cannot be worth more than the lives of people,” but the event clearly displayed the powerlessness of the police over the cartels.⁶³

Proposing Reforms

Though corruption is most prevalent at the local levels of the Mexican law enforcement, it is a mistake to use the military or the federal police force to combat this issue. Such tactics have already been explored in the past, and have only perpetuated violence and strengthened the power of the cartels. Instead, reform should start at the local level, and should be on a smaller scale. Though most drug cartel activity happens in rural areas of Mexico, it would be more beneficial to use a location with a developed police force and a great amount of diversity. By first working in more urban areas with established police forces, we can better understand how to cultivate police forces in more rural areas.

A strategy to improve the communication between police and the public is through community policing. Community policing is where police aim to build relationships within a local area, gaining legitimacy in that region. Community policing has been very effective in the United States and Europe, but is being met with more difficulties in Latin America, due to a lack of infrastructure. However, once established, it is a very effective method of developing a strong relationship between the police and the public. One mechanism to establish community policing is by creating a forum where police and civilians can interact. The main obstacles to this strategy are that the people who have time to volunteer to these forums are those who need community policing the least, or that the people coming to the forum do not represent the interests of the majority. In Mexico City, the Policia de Barrio, those who sat on the neighbourhood committees “tended to ‘privatize the Policia de Barrio assigned to their neighbourhood and use them for private purposes.”⁶⁴ In order to combat this issue, there would be multiple forums in various locations to represent the most accurate picture of the community of Mexico City. These forums would be required to happen at least twice a month, be properly publicized to the city, and be recorded and televised for public access. In addition, the police would be held responsible to bring forth any evidence asked for by the public

⁶¹ Maureen Meyer, “Mexico’s Police,” *Washington Office on Latin America*, May, 2014, <https://www.wola.org/sites/default/files/Mexicos%20Police.pdf>.

⁶² Michael Sierra-Arévalo, “Police and Legitimacy in Mexico City,” *ResearchGate*, 2019, https://www.researchgate.net/publication/337302874_Police_and_Legitimacy_in_Mexico_City.

⁶³ Nick Schifrin, “Mexico failed to capture the son of ‘El Chapo.’ Can it contain drug cartels?” *PBS*, October 18, 2019, <https://www.pbs.org/newshour/show/mexico-failed-to-capture-the-son-of-el-chapo-can-it-contain-drug-cartels>.

⁶⁴ Mariana Prado Mota, et al., “Police Reform in Violent Democracies in Latin America,” *Yale*, April 1, 2012, https://law.yale.edu/sites/default/files/documents/pdf/sela/SELA12_Prado_Eng_CV_20120402.pdf.

(i.e. body camera footage and/or the reasons behind a raid). This increase in transparency will allow the community to rebuild its relationship with the police.

In addition, it would become a requirement that all police wear body cameras when on duty, and that they are not allowed to pat down a civilian unless they are able to see visible drugs on that personnel. This would mimic the “In Plain View” policy that is imposed in the United States, and would restrict the police from searching anyone based on a seemingly unjustified claim. This would make the police seem less discriminatory and help build trust between the public and the police. Again, these restrictions would first be imposed in Mexico City alone to measure their effectiveness accurately and see that they are executed properly.

To increase the effectiveness of the police, the first step would be to address the shortcomings of the forensics capacity of the Mexican law enforcement. As of 2019, there were about 40,000 people missing and 26,000 bodies that remained unidentified in forensic facilities throughout Mexico. In addition, thousands of families have provided officials with DNA samples to help identify a match, but Mexico lacks the forensic capacity to address this growing backlog of unidentified remains.⁶⁵ Due to this “forensic emergency”, there is a movement advocating for an Extraordinary Forensic Identification Mechanism (300-400 national and international experts) to help solve this issue. AMLO has said there is “no financial ceiling” to address this problem, but has yet to put any policies in place.⁶⁶

Recommendations

- Establish restrictions such as the “In Plain View” policy on the ways police officers can validate searching and arresting civilians, and limit the ways law enforcement can use force while on the job.
- Create forums where civilians can hold police officers accountable and expand transparency between the police and civilians.
- Create an Extraordinary Forensic Identification Mechanism with both national and international experts to help identify missing persons and remains located in government facilities.
- Make the National Registry of Public Security personnel mandatory for local police jurisdictions to maintain, at least on an annual basis, creating a more accurate registry of police officers and their prior conduct.

⁶⁵ Maureen Meyer and Gina Hinojosa, “Mexico’s Human Rights Landscapes During President López Obrador’s First Year in Office: Taking Stock of the Government’s Performance in Addressing Key Human Rights Concerns,” *Washington Office on Latin America*, November 26, 2019, <https://www.wola.org/analysis/mexico-human-rights-lopez-obrador/>.

⁶⁶ “Garantiza Presidente Recursos Suficientes para la Búsqueda de Personas Desaparecidas,” AMLO, last modified March 24, 2019, <https://lopezobrador.org.mx/2019/03/24/garantiza-presidente-recursos-suficientes-para-la-busqueda-de-personas-desaparecidas/>.

Non-Governmental Organizations (NGOs) and The International Aid Community

Current NGO Work in Mexico

Non-Governmental Organizations and The International Aid Community tackle a wide range of issues in Mexico, from human rights to governmental accountability, many of these problems stemming from cartel presence and cartel-related violence in the country. Organizations such as the Mexican Commission for the Defense and Promotion of Human Rights focus on providing support to victims of human rights violations, while Civic Alliance, among others, works to increase voter participation and electoral transparency.⁶⁷ Mexicans Against Corruption and Impunity provides funding for lawsuits, media campaigns, and journalistic investigations into corruption. As for international organizations, The Washington Office on Latin America (WOLA) works to “promote comprehensive reforms to Mexico’s institutions that both protect citizen security and respect rights.”⁶⁸ Transparency International works to implement effective laws, policies, and anti corruption programs.⁶⁹ Censorship and recent financial limitations from the government prevent NGOs from progressing in their work.

Concerns and Limitations

Defunding NGOs

Mexican president Andrés Manuel López Obrador declared that NGOs, which he claims misuse public money, will no longer receive any federal funding from the Mexican government. Previously, NGOs collected close to 6.2 billion pesos annually to assist their work, none of which was provided in 2020. Organizations, especially smaller, regional organizations, now lack the resources needed to combat local corruption and cartel influence at a grassroots level.⁷⁰

Legal Aid

In Mexico, there has been limited data obtained and published about the amount of legal aid needed, making it more difficult for the NGOs and the international aid community to adequately fund lawsuits, investigations, and academic journals against corruption. These solutions help to restore trust in the judicial and legal systems, which historically lacked effectiveness nationally. In 2015, 94% of crimes went unreported nationwide, and 63% of the survey respondents chose not to report crimes due to distrust in the justice system.⁷¹ Legal aid is essential to supplying and implementing resources against corruption, and increased publicization and transparency about legal aid needed

⁶⁷ "Mission," *Comision Mexicana de Defensa y Promocion de los Derechos Humanos*, accessed November 15, 2020. <http://cmdpdh.org/#:~:text=L%20CMDPDH%20es%20una%20organizaci%C3%B3n,violaciones%20graves%20a%20los>.

⁶⁸ "Strengthening Rule of Law and Fighting Corruption," *Washington Office on Latin America*, accessed November 15, 2020. <https://www.wola.org/program/mexico/strengthening-rule-of-law-fighting-corruption/>.

⁶⁹ "International Efforts," *The World Food Bank*, accessed November 15, 2020. <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor08.htm>.

⁷⁰ "The Mexico City Policy," *Global Health Policy*, last modified November 4, 2020. <https://www.kff.org/global-health-policy/fact-sheet/mexico-city-policy-explainer/>.

⁷¹ Natalie Schachar and Gabriel Stargardter, “Number of unsolved crimes in Mexico rose in 2015: poll.”

would make NGOs work more effective.⁷²

NGOs Role in Fighting Corruption

Corruption within Mexican government and corporations is pervasive at every level, and hinders the efforts of the government to stop the expansion of cartels. As of 2019, Mexico was ranked 130 out of 180 countries and received a score of 29 out of 100 in Transparency International's Corruption Perception Index (CPI), the most widely used indicator of corruption worldwide.⁷³ Petty corruption, involving small amounts of money and exchanges between the civil servants and public, and grand corruption, involving larger amounts of money and significant amounts of loss for state and citizens, happens frequently within the branches of Mexican government and businesses.⁷⁴ One study by Mexicanos Contra la Corrupción y la Impunidad (MCCI) and *Transparencia Mexicana* -- the local chapter of Transparency International -- revealed that out of the 500 biggest companies in the country, 299 (60%) had anti-corruption policies. However, the quality of the policies themselves remains low, with an average score of 47 out of 100 possible points.⁷⁵ Whistleblower protections as well as protection for businesses and officials from threat and extortion by cartels remain limited in these corporations and businesses. In 2018, the costs of corruption were estimated to be as high as 5% of the country's GDP.⁷⁶ From this, inequality and instability are exacerbated, leaving the most marginalized groups in Mexican society susceptible to violence and extortion by cartels.

NGOs have successfully lobbied for the implementation of anti-corruption commissions in other Latin American countries facing similar issues, like in Guatemala. The lobbying of NGO groups led to the creation of the International Commission against Impunity in Guatemala (CICIG), which was an effective, independent, investigative commission that increased assistance to the local judicial and prosecutorial systems. CICIG also proposed public policy, passing legal reform 34 times to increase prosecutorial authority and create special courts. Since the implementation of CICIG in 2007, the murder rate in Guatemala has gone down by a 5% average and helped reduce the impunity rate for violent crimes by more than 11% over the course of 8 years.⁷⁷

Journalism in Combating Corruption

The first step to combating corruption in Mexico, and therefore the political power of cartels, is understanding where and how corruption occurs. According to Transparency International, one of the five key ingredients in fighting corruption is the promotion of transparency and access to information: "Access to information increases the responsiveness of government bodies, while

⁷² "Global Study on Legal Aid," *United Nations Office on Drug and Crimes*, last modified 2016,

https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global-Study-on-Legal-Aid_Report01.pdf.

⁷³ "Corruptions Perceptions Index," *Transparency International*, last modified 2019, <https://www.transparency.org/en/cpi>.

⁷⁴ Roberto B Martinez Kukutschka, *Integrity risk for international business in Mexico*, (Transparency International, 2018), <http://www.jstor.com/stable/resrep20473>.

⁷⁵ "Countering Cartels to End Corruption and Protect the Consumer." *Transparency International*, September 4, 2009, https://images.transparencycdn.org/images/2009_7_PP_CounteringCartels_EN.pdf.

⁷⁶ June S. Beittel, "Combating Corruption in Latin America: Congressional Considerations," *Congressional Research Service*, May 21, 2019, <https://fas.org/sgp/crs/row/R45733.pdf>.

⁷⁷ "Fact Sheet: the CICIG's Legacy in Fighting Corruption in Guatemala." WOLA, Advocacy for Human Rights in the Americas, last modified August 27, 2019, <https://www.wola.org/analysis/cicigs-legacy-fighting-corruption-guatemala/>.

simultaneously having a positive effect on the levels of public participation in a country.”⁷⁸ Journalism is a major tool that can be used to document corruption; however, suppression of the press has become increasingly prevalent in Mexico.

According to the International Federation of Journalists, Mexico is now the most dangerous country in the world for journalists, with the highest total number of media official killings.⁷⁹ 159 journalists have been killed in Mexico since 2000.⁸⁰ “Aggressions” against journalists to dissuade them from reporting on cartels and corruption in Mexico present a large issue as well. Article 19, a British human rights organization focused on freedom of expression, documented over 500 aggressions targeting journalists in 2017, including physical attacks, acts of intimidation [both verbal and digital], and property damage.⁸¹ Only 10% of these crimes were punished.⁸² As a result, 75% of journalists surveyed by Freedom House and others were not confident in the mechanisms currently in place to guarantee their safety.⁸³

Journalism in Mexico is becoming a more and more dangerous career path, and less students are entering the field. In late 2012, two Mexican Universities, Universidad Popular Autónoma del Estado de Puebla and Universidad de Morelia, announced the end of their journalism programs, while Universidad Veracruzana reported concerns over sharp declines in enrollment.⁸⁴ These contracting programs and the data on the perceived safety of the journalism industry demonstrate clearly that violence against journalists acts effectively as a deterrent against freedom of the press.

The recent decline in journalism poses a serious problem: a lack of documentation on the violence and corruption that currently plagues Mexico. 57% of the “aggressions” against journalists in 2017 were against journalists investigating public officials or political parties, though these data are limited because 90% of intimidations go uninvestigated or unpunished.⁸⁵ The political subjects of the journalists that are being targeted also suggests that, since investigating political corruption is so dangerous, corruption is not actually being fully investigated in Mexico, and so its extent is not fully understood.

NGOs recognize the importance of journalism, and historically, have been deeply involved in Mexican journalism, providing funding for journalists to cover human rights violations in dangerous

⁷⁸“How to stop corruption: 5 Key Ingredients,” *Transparency International*, March 10, 2016, <https://www.transparency.org/en/news/how-to-stop-corruption-5-key-ingredients#>.

⁷⁹ Anthony Bellanger, et al, “Roll Call of Deaths and Tragedies,” *International Federation of Journalists*, 2020, https://www.ifj.org/fileadmin/user_upload/IFJ_2019_Killed_Report_FINAL_pages.pdf.

⁸⁰ “Ciudad de México, a 17 de mayo de 2020, Comunicado de Prensa DGC/157/2020,” Comisión Nacional de los Derechos Humanos del gobierno de México, 2020, https://www.cndh.org.mx/sites/default/files/documentos/2020-05/COM_2020_157.pdf.

⁸¹ “Mexico: Without press there is no democracy,” *Article 19*, May 3, 2016, <https://www.article19.org/es/resources/mexico-without-free-press-there-is-no-democracy/>

⁸² “MEXICAN JOURNALISM IN MOURNING,” *States News Service*, August 11, 2020, https://link.gale.com/apps/doc/A632194700/EAIM?u=dcilib_main&sid=EAIM&xid=fa9b7100.

⁸³ Emir Olivares Alonso, “Periodistas Desconfían de Instituciones,” *La Jornada*, June 27, 2017, <https://www.jornada.com.mx/2017/06/27/economia/003n2pol>.

⁸⁴ Christina Ausley, Henry Brechter, and Ashley Hopko, “The system is failing Mexican journalists. Here’s how they’re fighting back,” *Poynter*, August 6, 2020, <https://www.poynter.org/reporting-editing/2020/the-system-is-failing-mexican-journalists-heres-how-theyre-fighting-back/>.

⁸⁵ Article 19, *Democracia simulada, nada que aplaudir: informe anual 2017* (Article 19, 2017), https://articulo19.org/wp-content/uploads/2018/03/INFORME-A19-2017_v04.pdf.

regions, and recently, even providing their own journalistic content.⁸⁶ The Mexican government also tries, to some extent, to combat these issues. One notable effort was the “Protection Mechanism for Human Rights Defenders and Journalists.” The program provides journalists and human rights defenders bodyguards, armored cars, panic buttons, and assists journalists with temporarily relocating in response to serious threats. While this program appears as if it would solve the problem of violence against journalists, five journalists have been killed, while under this program’s protection. This failure to protect journalists is due to understaffing and underfunding of the protection program. A 2019 study by the Mexico Office of the UN High Commissioner for Human Rights found the number of people under the program's protection more than tripled from 2014 to 2019, while the program's budget and staff remained roughly the same.⁸⁷ Increased protection of journalists and human rights defenders allows NGOs to both understand and intervene effectively in the situation in Mexico, however these budgetary limitations make it almost impossible to organize large-scale change when the dangers for these individuals are so high.

The International Community against Cartel Money Laundering

International narcotics organizations launder over \$200 billion a year.⁸⁸ An increasingly global and technologically-developed financial market makes tracking illicit cartel transactions an even more difficult task, particularly since the most important Mexican banking institutions are foreign owned.⁸⁹

Though forcing transparency in Caribbean banking institutions could allow authorities to track cartel money more effectively, any effort to do so would come up against pressure from national governments, which tend to be dependent on their powerful financial sectors, and actors evading taxes on legally-acquired money. Further, tightening restrictions on offshore banking in one country will provide comparative advantages for offshore banking in others, making steps towards institutionally ameliorating transnational money laundering ineffective without a global, multilateral approach. Gabriel Zucman, among other leading economists, proposes a global wealth index.⁹⁰ However, this approach requires much more organized political willpower than is currently available. Therefore, the only viable approaches will be those which focus on recognizing illicit financial activity, instead of eliminating havens entirely.

Fortunately, the United Nations Office on Drugs and Crime (UNODC) works with state officials to teach strategies to identify illicit transactions. The program “Combating Cash Smuggling in the Caribbean and Central America by Strengthening Operational Capability and Assisting Effective Implementation of FATF Recommendation 32 on Cash Couriers” ran two workshops so far, funded by the Government of Canada. These programs present an opportunity to educate Mexican state officials regarding how to recognize cartel money laundering without antagonizing neighboring tax havens or overextending without viable supportive political will.

⁸⁶Kate Wright, *NGOs as News Organizations* (Oxford Research Encyclopedia of Communication, 2019), https://cdn.inst-fs-dub-prod.inscloudgate.net/c13fa7a9-16c5-41f1-9526-c2993265d0c3/Kate%20Wright%20Feb%202019%20Encyclopedia%20NGOs_as_News_Organizations.pdf.

⁸⁷“MEXICAN JOURNALISM IN MOURNING”

⁸⁸ Jack Blum et al., “Financial Havens, Banking Secrecy and Money Laundering”, *UN*, 1998, <http://uniset.ca/microstates2/09627259908552870.pdf>.

⁸⁹ “Mexico: Banking Systems.” Select USA, last modified October 17, 2019, <https://www.selectusa.gov/article?id=Mexico-Banking-Systems>.

⁹⁰ Gabriel Zucman, *The Hidden Wealth of Nations* (University of Chicago Press, 2015).

Recommendations for NGOs

- Work in conjunction with corporations to implement effective whistleblower protections for employees and citizens so that offenders can be held accountable under Mexico's new General Law on Administrative Accountability. In addition, ask for support from the Mexican government in modeling the current Anti-Corruption System (NAS) after the CICIG model, which would include implementing more special courts, a strengthened Witness Protection Program, and lobbying for public policy reform.
- Increase data collection and transparency about legal aid needed nationally. Concrete legal aid allows NGOs to coordinate and fund lawsuits, investigations, and academic reports to fight corruption.
- Present data on the increased violence against journalists, and on the critically low funds of the Protection Mechanism for Human Rights Defenders and Journalists to the U.N. and international communities in a fundraising effort for the Protection Mechanism.
- Start a public information campaign to spread information about The Protection Mechanism for Human Rights Defenders and Journalists to reach potential journalists in Mexico through Universities and inform them on the process of requesting protection and protection measures.
- United Nations "Combating Cash Smuggling in the Caribbean and Central America by Strengthening Operational Capability and Assisting Effective Implementation of FATF Recommendation 32 on Cash Couriers" program should hold a regional workshop in Mexico with municipal and federal officials, requesting funds from the governments of Canada, Mexico, and the United States.

The Prevention of Cartel Growth

Mexico's Education System and President López Obrador's Goals

Mexico's demand for education has been growing because more people are beginning to work more in the services sector of the economy, which includes jobs like health care, education, and hospitality. The current president, Andrés Manuel López Obrador, wants to accommodate this by building 100 new universities and by getting rid of university entrance exams in an attempt to provide easy access to higher education. Former President Enrique Peña Nieto tried to "raise standards" for the process of hiring, evaluating, and promoting teachers, but Mexico's National Teachers Union (SNTE) pushed back. Despite the reforms that President López Obrador and Nieto have tried to implement, there has not been enough focus on security in public schools, even though private school students only make up 12 percent of students attending school in Mexico.⁹¹ Currently, public schools are using the "Safe School Programs" to prevent violence, which prepares students and teachers for active shooter situations or other emergencies. This includes putting panic buttons in classrooms and offices that alert the police of emergencies when pressed and searching backpacks when kids come into school. While private schools have bodyguards and armored cars to protect the student body.⁹² Increasing security in schools would help to ensure that children from working class families will be more protected from cartels near their schools.

Cartel Violence in Schools

Although there is a structured education system in Mexico, many of the schools are subject to cartel violence, especially in primary school. According to El Universal, between 2019 and 2020, elementary schools have been the most affected by cartel violence, suspending their activities 104 times and in junior high 51 times.⁹³ An example of the effects of the cartels, in Puebla, a city in Mexico; 10 schools were forced to stop their activities because of disputes, shootings, the kidnapping of teachers, and presence of armed men. Situations like these create uncertainty and cause parents to stop sending their kids to school out concerns for their safety in their place of study. This is seen in areas affected by drug related homicides where a small but statistically significant increase (0.3 percentage points) in the number of children aged 6 to 14 dropping out of school early, despite not experiencing a decline in the number of schools or teachers per school age population.⁹⁴ Cartels promote easy money and protection as tactics to get socioeconomically disadvantaged teens to smuggle and sell drugs in schools. Common places where the recruiting occurs are at public transit stops, libraries, clubs, and near the border. All these 17, 16, 15, 14 year old students see is the money that they are making and not the bigger picture. Schools located in urban settings are the most negatively affected due to a higher exposure to drug-related violence. The environment created from violence pressures students to join cartels and gangs whether it's from coercion, intimidation, or simply the fact that it's the lifestyle that many teenagers are drawn to.

⁹¹ Carlos Monroy, and Stefan Trines, "Education in Mexico." *WENR*, 29 May 2020, <https://wenr.wes.org/2019/05/education-in-mexico-2>.

⁹² Dudley Althaus, "In Sandy Hook's Wake, Mexico Ponders School Safety." *The World from PRX*, www.pri.org/stories/2012-12-20/sandy-hook-s-wake-mexico-ponders-school-safety.

⁹³ Alexis Ortiz, "Education in Danger: Drug Cartel Violence Shuts Mexico's Schools." *El Universal*, March 14, 2020. <https://www.eluniversal.com.mx/english/education-danger-drug-cartel-violence-shuts-mexicos-schools>.

⁹⁴ Roxana Gutiérrez-Romero, and Mónica Oviedo, "The good, the bad and the ugly: the socioeconomic impact of drug cartels and their violence," *Journal of Economic Geography* 18, no. 6, (October, 2018): 1315–1338.

Poverty in Mexico

Mexico has dealt with heightened poverty in the previous years and in 2020 during the coronavirus pandemic. As of 2020, 46% of the population in Mexico is low-income, 1 in 5 people in Mexico lost their job during the pandemic, and the government provides little relief such as unemployment insurance.⁹⁵ These high rates of poverty lead people to join gangs and sell drugs to make a living.⁹⁶ In Mexico, problems of education and poverty paired with cartels create a cycle of violence that creates profit for the cartels, and hurts the general population. Kids are not only being subject to the violence of cartels but are also joining them or getting involved in this issue at increasingly younger ages, some as young as 8.⁹⁷

The pressing issue with the education system is that kids do not finish school, which forces them into poverty, and leads them into the drug business. While education around drug usage and prevention doesn't make direct impacts around drug usage in communities across Mexico, it has the possibility to change the culture.

PROSPERA

PROSPERA (previously known as Oportunidades) is the current Social Inclusion program in Latin America which serves as a conditional cash transfer program for families struggling financially. These families receive funding from the government based on the grade level of the children in school under the condition that they finish their education.⁹⁸ Prospera beneficiaries were shown to be 37 percent more likely to have a job than their counterparts. It has increased school attendance for boys and girls, increased education attainment by 10 percent, provided basic healthcare, provided money for good nutrition, and reached 6.2 million households. With the financial support of the government, families have the opportunity to break a cycle of poverty if their kids finish their education and they can still support themselves financially in the process. On average, boys whose families receive funding from PROSPERA have 10 additional months of schooling, and girls have 8 additional months because of PROSPERA.⁹⁹ With more support from the government, the less need there will be for children to join cartels.

Leaving the Cartels

When cartel members wish to leave the cartels they are affiliated with, they struggle with getting hired. El Salvador also suffers from drug cartels and faced similar problems as the cartels in Mexico.

⁹⁵Rodrigo Cervantes, "COVID-19 Threatens to Make Poverty in Mexico Worse," *Marketplace*, October 1, 2020, <https://www.marketplace.org/2020/10/01/covid-19-pandemic-mexico-poverty-economy/>.

⁹⁶Ioan Grillo. "The Formula for Mexicans to Make Drug Money Is Hard to Beat." *Business Insider*, 17 December 2015, www.businessinsider.com/the-formula-for-mexicans-to-make-drug-money-is-hard-to-beat-2015-4.

⁹⁷"Mexico Sees Rise in Gangs, Vigilantes Recruiting Children."

⁹⁸"PROGRAMAS SOCIALES QUE APLICA EL SUJETO OBLIGADO DESARROLLO SOCIAL 2015 y 2016 FEDERAL," Municipio de Ayutla, https://www.ayutla.gob.mx/PDF/DES-COM-SOCIAL/ARTICULO_8_FRACCION_VI_INCISO_D_PROGRAMA_S_SOCIALES_FEDERALES.pdf

⁹⁹Francesca Lamanna, "A Model from Mexico for the World," *World Bank*, November 19, 2014, <https://www.worldbank.org/en/news/feature/2014/11/19/un-modelo-de-mexico-para-el-mundo>.

Many who decided to leave were forced to return to the cartels as they didn't have the job security and financial means to do so.¹⁰⁰ One example in El Salvador that was used to tackle this problem was that used as a model when talking about Mexico is, companies specifically hiring ex-gang members. Major corporations such as Microsoft, League Central America (a textile company) have taken part in this. Major corporations partake in these projects as tax subsidies are often given to them. Currently major corporations in Mexico are required to pay 30 percent in corporate tax.¹⁰¹ Another struggle cartel members face when wishing to leave the groups is through their physical appearance. Many corporations do not wish to hire ex cartel members. While in job interviews, cartel members deny a past affiliation with groups, they are often asked to lift their shirts in search for any cartel tattoos symbols. Homeboy industries, an organization in the United States provides aid to ex gang members, opening facilities for ex gang and Cartel members to receive tattoo removal opportunities. Homeboy Industries removes over 3000 tattoos for 950 community clients every month. This ensures that tattoos that are unwelcome in work places do not get in the way of ex gang members getting rehired. By integrating ex cartel members into the community, they will not feel the pressure to return to the cartels due to financial problems. This prevents the cartels from becoming even larger in the near future.

Recommendations

- Expand PROSPERA by increasing the budget to include more families in need.
- The government should start to provide more security for public schools by offering grants. This will help to combat the safety concerns and influence of the cartels that both students and teachers face when attending school.
- Implement the REAL system in schools across Mexico, which aims for students to Refuse substance offers, Explain the reasoning to decline the offer, Avoid locations where substances may be offered, and Leave situations where there are drug or substance offers.¹⁰²
- Provide tax incentives to corporations that hire ex gang members.
- Provide tattoo removal opportunities to ex cartel members funded by the government.

¹⁰⁰Elyssa Pachico, "How Multinationals Can Help El Salvador's Ex-Gang Members," *InSight Crime*, October 6, 2017, <http://www.insightcrime.org/news/analysis/multinationals-help-salvador-ex-gang-members/>.

¹⁰¹ "An Outline of Mexico's Tax System for Corporations and Individuals." *Oxford Business Group*, 9 July 2019, <https://oxfordbusinessgroup.com/overview/across-board-outline-tax-system-corporations-and-individuals>.

¹⁰² David Bercerra, Jaime Michelle Booth, and Stephen Kulis, "Drug Resistance Strategies of Early Adolescents in Mexico: Gender Differences in the Influence of Drug Offers and Relationship to the Offeror," *National Center for Biotechnology Information*, February 17, 2016, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4856063/>.

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