

III. Armed conflict in Mexico

MARINA CAPARINI

Mexico experienced a record number of people murdered in 2019—nearly 35 000 people, or an average of 95 people per day.¹ Approximately 9400 people were killed as a result of political violence in 2019, predominantly as violence against civilians (7400) and secondarily in battles involving armed groups (1900).² New figures estimate that over 61 000 people have disappeared in Mexico since 1964, the majority since 2006 when Mexico began a crackdown on narcotrafficking and pursued it with a militarized approach.³ The administrations of Felipe Calderón (2007–12) and Enrique Peña Nieto (2013–18) implemented the ‘kingpin strategy’ of arresting or killing the leaders of major organized crime cartels. Driven by record homicides rates in Mexico and drug-related deaths in the United States, this strategy was reaffirmed by the Nieto administration in 2018 in a joint Mexican–US initiative to investigate the financial infrastructure of the drug cartels and target their leaders through the offer of large monetary rewards for information leading to their capture.⁴ However, mounting evidence indicates that the kingpin strategy has directly increased rather than decreased violence by triggering often violent reprisals and creating leadership vacuums that result in the splintering and fragmentation of cartels and the emergence of small, extremely violent armed groups.⁵ The elevated level of cartel-related violence in 2019 led the Armed Conflict Location & Event Data Project to warn that Mexico is at ‘high risk’ of the cartel ‘criminal market developing into insurgency’.⁶

Whether cartel violence amounts to armed conflict has been a matter of continuing debate among experts.⁷ In 2019 an expert group on international humanitarian law concluded that due to the level of armed violence perpetrated by the Jalisco New Generation Cartel (Cártel Jalisco Nueva Generación, CJNG) and its level of internal organization, a non-international

¹ Al Jazeera, ‘Mexico murder rate hits record high in 2019’, 21 Jan. 2020.

² Armed Conflict Location & Event Data Project (ACLED), ‘Data export tool’, [n.d.].

³ Villegas, P., ‘A new toll in Mexico’s drug war: More than 61,000 vanished’, *New York Times*, 6 Jan. 2020.

⁴ Green, E., ‘Joint US–Mexico effort to focus on drug kingpins’ financial infrastructure’, *Public Radio International*, 20 Aug. 2018.

⁵ Phillips, B. J., ‘How does leadership decapitation affect violence? The case of drug trafficking organizations in Mexico’, *Journal of Politics*, vol. 77, no. 2 (2015), pp. 324–36; and Calderón, G. et al., ‘The beheading of criminal organizations and the dynamics of violence in Mexico’, *Journal of Conflict Resolution*, vol. 59, no. 8 (2015), pp. 1455–85.

⁶ ACLED, ‘Ten conflicts to worry about in 2020’, 23 Jan 2020.

⁷ Phillips, B. J., ‘Is Mexico the second-deadliest “conflict zone” in the world? Probably not’, *Monkey Cage*, *Washington Post*, 18 May 2017; and Redman, N. et al., ‘Armed conflict survey 2018: Revisions and review’, *International Institute for Strategic Studies*, 4 July 2018.

armed conflict existed between the Mexican armed forces and the CJNG.⁸ The group reasoned that armed violence involving the CJNG had reached a level that went beyond internal disturbances and tensions, and its capacity to purchase and manufacture weapons and to organize and carry out military operations, as well as its control of some parts of the Mexican territory, satisfied the organizational requirement for a non-international armed conflict under international humanitarian law.⁹

CJNG's well-disciplined and heavily armed members have employed extreme violence in killing rivals from other cartels and have launched attacks on state police and armed forces, including the shooting down of a military helicopter in 2015.¹⁰ In October 2019 CJNG was responsible for an ambush that killed 14 state police officers.¹¹

Advocating in his electoral campaign an approach of 'hugs not bullets', President Andrés Manuel López Obrador, who took office in December 2018, sought to break with the kingpin strategy and shift the focus from confronting criminal organizations to a more holistic approach that includes addressing the root causes of insecurity such as poverty through social security programmes and the social reintegration of criminal actors.¹² On 17 October Ovidio Guzmán López, who is a son of Joaquín Guzmán Loero ('El Chapo') and a high-ranking member of the Sinaloa cartel, was captured in Culiacán, capital city of Sinaloa, resulting in an estimated 375 armed individuals attacking state security forces.¹³ The violence lasted several days and resulted in at least 13 deaths before Ovidio Guzmán was released by authorities in order to minimize further loss of life.¹⁴ That incident, followed by the deaths of nine members, including six children, of a Mexican-US Mormon family in early November in an ambush by alleged members of an organized crime gang, increased criticism that the López Obrador administration lacked an effective public security policy to deal with the cartels and the record level of lethal violence.¹⁵

⁸ Rule of Law in Armed Conflict (RULAC), 'IHL applies to the armed confrontations between Mexico and the Jalisco Cartel New Generation', Geneva Academy of International Humanitarian Law and Human Rights, 12 Feb. 2019.

⁹ RULAC (note 8).

¹⁰ RULAC, 'Non-international armed conflicts in Mexico', 9 Mar. 2020; CBS News, 'Ruthless Mexican cartel led by DEA's most-wanted fugitive is "taking over everywhere"', 18 Mar. 2020; and InSight Crime, 'Jalisco Cartel New Generation', 21 May 2019.

¹¹ Malkin, E., '14 police officers killed in an ambush in Mexico', *New York Times*, 14 Oct. 2019.

¹² Cruz, O., 'AMLO's peace and security plan', Infographic, Wilson Center Mexico Institute, 4 Jan. 2019.

¹³ Sandin, L. and McCormick, G., "'Abrazos no belazos"—Evaluating Amlo's security initiatives', Center for Strategic International Studies commentary, 13 Dec. 2019.

¹⁴ McGinnis, T., 'The capture and release of Ovidio Guzmán in Culiacán, Sinaloa', *Justice in Mexico*, 5 Nov. 2019.

¹⁵ Ahmad, A. et al., '9 members of Mormon family in Mexico are killed in ambush', *New York Times*, 5 Nov. 2019; and Tuckman, J., 'Mexico's president under pressure over "hugs not bullets" cartel policy', *The Guardian*, 5 Nov. 2019.

Over 1 million people were internally displaced between 2017 and 2018, moving to protect themselves from crime in Mexico.¹⁶ Additionally, unprecedented numbers of US-bound migrants transited Mexico. The migrant flows featured many women and children, largely fleeing high levels of violence in Guatemala and Honduras, moving individually and later in caravans. Initially vowing to assist the migrants and grant them humanitarian visas, President López Obrador bowed to pressure by US President Donald J. Trump to impose damaging tariffs on Mexican imports if Mexico did not crack down on migrants arriving at the US border.

After reaching agreement with the USA in June to control migration from Central America in order to avert escalating import tariffs on Mexican goods, President López Obrador ordered the deployment of 6000 members of the newly established National Guard to the southern border with Guatemala, with some 20 000 becoming tasked in 2019 with migration enforcement.¹⁷ By December Mexico's migration control efforts had contributed to reducing migrant arrests at the US border by 75 per cent.¹⁸

The role and structure of the National Guard is controversial: established under the Secretariat of Security and Civilian Protection to prevent and combat crime, it is ostensibly under civilian control. Over 100 000 personnel were to be recruited by the end of 2019, drawn from the army, navy and federal police. However, it is a militarized body in that it is composed predominantly of military and naval personnel, who retain their military status, and is led by military officers.¹⁹ The end target is 150 000 personnel, to be achieved by 2023, in an organization that, according to the National Plan for Peace and Security, 'will follow with the discipline, hierarchy and rank of the armed forces'.²⁰ By October 80 per cent of its personnel was military, growing primarily through the transfer of military personnel rather than civilian recruitment.²¹

¹⁶ Telesur, 'México reporta 1.13 millones de desplazados por la violencia' [Mexico reports 1.13 million displaced by violence], 23 Apr. 2019; and Díaz Pérez, M. C. and Viramontes, R. M., *La violencia como causa de desplazamiento interno forzado. Aproximaciones a su análisis en México* [Violence as a Cause of Forced Internal Displacement. Approaches to its Analysis in Mexico] (Consejo Nacional de Población: Mar. 2019).

¹⁷ Cabezas, J., 'Mexico says National Guard deployment to southern border starts on Wednesday', Reuters, 12 June 2019; and Beittel, J. S., 'Mexico: Organized crime and drug trafficking organizations', Congressional Research Service R41576, 20 Dec. 2019, p. 7.

¹⁸ Webber, J., 'Amlo bows to Trump in a relationship of unequals', *Financial Times*, 18 Dec. 2019.

¹⁹ Moyano, I. G., *Mexico's National Guard: When Police are Not Enough* (Wilson Center: Jan. 2020).

²⁰ Melimopolous, E., 'Mexico's National Guard: What, who and when', *Al Jazeera*, 30 June 2019.

²¹ Wilson Center Mexico Institute, 'Comments of Alejandro Hope, Eighth Annual US-Mexico Security Conference: Taking stock of Mexico's security landscape one year on', 15 Jan. 2020.