

II. Armed conflict in North America and the Caribbean

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Two countries in North America and the Caribbean were the locations of armed conflict in 2021: Mexico and Haiti. Three non-international armed conflicts exist in Mexico: one between the government and the Sinaloa Cartel and another between the government and the Jalisco Cartel New Generation (Cártel Jalisco Nueva Generación, CJNG); and one between the two rival cartels. In addition, there are estimated to be hundreds of smaller gangs and factions involved in crime and violence, as well as continued state forces involvement in human rights violations, disappearances and violence. In Haiti the armed conflict is related to gang violence.

Violence and organized crime in Mexico

Mexico has numerous criminal gangs and groups. In 2019 the Mexican government identified 37 cartels or criminal groups operating in the country,¹ though this is viewed as a significant underestimate, with some sources conservatively estimating the existence of 463 groups between 2009 and 2019.² Many of these are factions of larger groups and, despite being small local actors, account for much of the violence affecting Mexico.³ Estimated conflict-related fatalities in the four-year period (2018–21) averaged just under 9000 per year (see table 3.2).

The homicide rate—another indicator of armed violence—continued to reach a high level in 2021: over 30 000 murders were registered, equating to a rate of 26 per 100 000 people. Nevertheless, this represented a 3 per cent decline from 2020, after hitting a record high in 2018.⁴ Despite the overall decline, femicides (the murder of women arising from gender-based violence) increased 2.7 per cent in 2021 to 1004.⁵

The main cartels

The Sinaloa Cartel, the most powerful drug trafficking organization in the western hemisphere, is headed by Ismael Zambada García (El Mayo) and the three sons of former leader Joaquín ‘El Chapo’ Guzmán, who in 2019 was imprisoned for life in the United States. In September 2021 the USA tripled

¹ Monroy, J., ‘Reconoce gobierno la operación de 37 cárteles del narco, en el país’ [Government acknowledges 37 drug cartels are operating in the country], *El Economista*, 19 May 2019.

² Esberg, J., ‘More than cartels: Counting Mexico’s crime rings’, International Crisis Group, 8 May 2020.

³ Esberg (note 2).

⁴ InSight Crime, ‘InSight Crime’s 2021 homicide round-up’, 1 Feb. 2022.

⁵ ‘Murders in Mexico fall 3.6% in 2021, but femicides rise’, Reuters, 21 Jan. 2022.

Table 3.2. Estimated conflict-related fatalities in Mexico, 2018–21

Event type	2018	2019	2020	2021
Battles	2 129	1 892	1 525	1 492
Explosions/remote violence	2	1	1	2
Protests, riots and strategic developments	112	83	63	50
Violence against civilians	7 558	7 385	6 818	6 736
Total	9 801	9 361	8 407	8 280

Note: The first available year for data on Mexico in the Armed Conflict Location & Event Data Project (ACLED) database is 2018. For definitions of event types, see ACLED, 'ACLED definitions of political violence and protest', 11 Apr. 2019.

Source: ACLED, 'Dashboard', accessed 15 Feb. 2022.

the reward offered for information leading to the arrest or conviction of the 75-year old Zambada to \$15 million.⁶ An internal power struggle between cells affiliated with Zambada and those affiliated with Guzmán's sons resulted in violent purges and struggles over turf.⁷

The rival CJNG, led by Nemesio Oseguera Cervantes, 'El Mencho', has aggressively expanded across the country. By 2021 Mexico's Financial Intelligence Unit identified CJNG as the cartel with the widest presence in the country, with operations in 27 out of 32 states.⁸ CJNG also has a growing presence outside of Mexico, having become a major source of drugs smuggled into the USA and expanded rapidly into Central and South America.⁹ Oseguera has evaded capture despite a \$10 million bounty offered by the US government in 2018. However, in November the Mexican military arrested Oseguera's wife, Rosalinda González Valencia, who is suspected of coordinating the CJNG's finances.¹⁰

Continuing high levels of violence and homicides occurred throughout 2021 due to the struggle between CJNG and the Sinaloa Cartel for control of certain territories, with CJNG seeking to expand its reach throughout the country and become the dominant cartel.¹¹ CJNG used commercially bought drones armed with explosives and shrapnel to attack targets such as state officials and rival gangs, a practice that is being copied by other criminal gangs. In response, the defence ministry announced plans to deploy an anti-drone system capable of monitoring and disabling them.¹²

⁶ US Department of State, 'Department of State offers reward for information to bring Mexican drug trafficking cartel leader to justice', press statement, 22 Sep. 2021.

⁷ 'Sinaloa Cartel's internal dispute extends into Sonora, Baja California', *Mexico News Daily*, 1 Dec. 2021.

⁸ Gándara, S. R. and InSight Crime, 'Mexico ablaze as Jalisco Cartel seeks criminal hegemony', InSight Crime, 5 Jan. 2022.

⁹ US Drug Enforcement Administration, *2020 National Drug Threat Assessment* (US Department of Justice: Washington, DC, Mar. 2021); and Chaparro, L., 'Mexico's powerful Jalisco cartel is flexing its muscles at opposite ends of Latin America', *Insider*, 19 Oct. 2021.

¹⁰ Spocchia, G., 'Wife of Mexican drug lord El Mencho arrested', *The Independent*, 16 Nov. 2021.

¹¹ Gándara and InSight Crime (note 8).

¹² Saito, H., 'Weaponized drones in Mexico: Game-changer or gimmick?', InSight Crime, 6 May 2021.

Mexico continued to suffer widespread disappearances, with a total of 18 533 people reported missing over the course of 2021, of whom 9573 were not subsequently located.¹³ This represents a decline from the previous year's figure of 21 226, and from the 2019 peak of 23 110.¹⁴ According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the number of disappeared children, adolescents and women underwent a 'notable increase' following the onset of the Covid-19 pandemic.¹⁵ In November the UN Committee on Enforced Disappearances drew attention to systemic impunity and impediments to access to justice in Mexico, calling on the state to provide the resources and political will to search for disappeared persons and investigate the circumstances of their disappearance.¹⁶

The run-up to the June mid-term elections saw clashes between rival cartels, criminal groups and security forces, as well as the assassination of several political candidates, signalling the persistent attention paid by criminal groups to gaining political influence. During the period September 2020–April 2021, 69 politicians, including 22 candidates, were assassinated.¹⁷ In addition to the cartels/criminal groups' efforts to influence the political sphere, the co-option and corruption of state institutions, particularly at a local level, remained rampant.¹⁸

Reporting on crime, corruption and violence has proven deadly in Mexico. In 2021, for the third consecutive year, Reporters Without Borders declared Mexico to be the world's most dangerous country for journalists, with at least 47 killed over the past five years and at least seven journalists killed in 2021.¹⁹

The role of the military in law enforcement

In 2020 President Andrés Manuel López Obrador issued a Presidential Agreement, assigning an array of public security functions to the armed forces until 2024.²⁰ The role of the military in law enforcement and in other

¹³ Government of Mexico, National Search Commission, 'Estadística del RNPNDNO por filtros' [RNPNDNO statistics by filters], accessed 30 Mar. 2022. Total figure includes all non-located and located people who disappeared.

¹⁴ Government of Mexico (note 13).

¹⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Press conference following the visit of the committee on Enforced Disappearances to Mexico', 26 Nov. 2021.

¹⁶ OHCHR (note 15).

¹⁷ Ernst, F., 'Violence erupts as Mexico's deadly gangs aim to cement power in largest ever elections', *The Guardian*, 29 Apr. 2021.

¹⁸ Ernst (note 17).

¹⁹ Reporters Without Borders, 'Mexique: RSF se mobilise pour la protection des journalistes et contre l'impunité à l'occasion d'une mission pour la liberté de la presse' [Mexico: RSF mobilizes for the protection of journalists and against impunity during a mission for press freedom], 24 Dec. 2021.

²⁰ Mexican Secretariat for Home Affairs, 'ACUERDO por el que se dispone de la Fuerza Armada permanente para llevar a cabo tareas de seguridad pública de manera extraordinaria, regulada, fiscalizada, subordinada y complementaria' [AGREEMENT whereby the permanent Armed Forces are available to carry out public security tasks in an extraordinary, regulated, supervised, subordinate and complementary manner], *Diario Oficial de la Federación*, 11 May 2020.

government services continued to expand under López Obrador in 2021. By February 2021 three-quarters of the over 100 000 members of the National Guard, which replaced the Federal Police when it was dissolved in 2018, were active members of the armed forces, commanded by a retired general.²¹ Moreover, over 90 per cent of the organization's personnel remained uncertified at the expiration of the two-year deadline set out in the May 2019 law establishing the National Guard.²²

In June 2021 López Obrador announced that jurisdiction of the National Guard (which is defined in the Constitution as a civilian police institution) would be moved from the civilian Ministry of Security and Citizen Protection to the Ministry of National Defence (Secretaría de la Defensa Nacional, SEDENA), the government department responsible for managing Mexico's army and the air force.²³ The announcement was viewed as formalizing SEDENA's de facto control over the National Guard's land, facilities, recruitment and state-level presence. In addition, the only remaining civilian element within the National Guard—consisting in late 2020 of around 26 000 former personnel from the Federal Police, decreasing to just over 23 000 by early 2022—were, according to a leaked official memo, to be replaced in a process beginning in September 2021 by military police, who would take over their duties supervising highways, ports and airports.²⁴

Military involvement in law enforcement has been strongly criticized due to the heavy-handed tactics that have been deployed in the fight against the drug trade and organized crime. These have resulted in widespread human rights violations, including continuing allegations of torture being used to obtain confessions and extract information. The involvement of the security forces in enforced disappearances since 2006 is also considered widespread.²⁵

Outlook

Despite reductions in the rates of homicides and disappearances in 2021, the outlook for public security in Mexico remains poor. Cartels continue to operate throughout the country and clash with their rivals to control territory, as seen most notably in the intense rivalry between the Sinaloa Cartel and the CJNG. The cartels and other criminal groups commit violent crime and extortion with impunity, and—as seen in the mid-term elections—are increasingly seeking to protect and expand their interests by

²¹ 'Mexico's president is giving the armed forces new powers', *The Economist*, 29 Apr. 2021.

²² Ford, A., 'Why Mexico's National Guard remains vastly unqualified', *InSight Crime*, 9 June 2021.

²³ 'AMLO va por reformas para que Guardia Nacional pase al Ejército y eliminar pluris' [AMLO pursues reforms to transfer the National Guard to the Army and eliminate duplication], *Animal Político*, 15 June 2021.

²⁴ Ángel, A., 'Aun sin reforma, Sedena ya controla bases, dirección y reclutamiento de la Guardia Nacional' [Even without reform, Sedena already controls the bases, direction and recruitment of the National Guard], *Animal Político*, 1 Sep. 2021.

²⁵ Human Rights Watch, 'Mexico: Events of 2020', *World Report 2021*.

interfering in who gains political office. Contrary to his election platform of demilitarizing public security, López Obrador has progressively inserted the army into key policing and public security roles, as well as other sectors of public administration. However, if systemic corruption and state capture by the cartels remains unaddressed, especially at the local and regional level, then substituting the military for other state officials is unlikely to improve the safety or security of Mexicans.

Haiti

Haiti experienced a precipitous deterioration throughout 2021, with the state rocked by the assassination of the president, a continuing constitutional crisis, a major natural disaster, rampant corruption, mismanagement of the economy, fuel shortages, chronic gang violence, and an epidemic of kidnapping for ransom that targeted rich and poor alike. Armed gangs have controlled parts of Haiti—especially the poorest districts of the capital Port-au-Prince—for many years, capitalizing on the chronic insecurity to build local support.²⁶ The main form of armed violence in Haiti involves conflicts between the gangs and state security forces. The Armed Conflict Location & Event Data Project (ACLED) recorded 579 conflict-related deaths in Haiti in 2021 (the third consecutive year of increase), up from 517 in 2020, of which 315 were battle-related deaths.²⁷

In February 2021 mass protests took place demanding the resignation of President Jovenel Moïse, amid accusations he was holding onto power illegitimately after having dissolved parliament and continued to rule by presidential decree. While the judiciary sided with the opposition, Moïse enjoyed the support of both the USA and—allegedly—the gangs that have come to dominate the country.²⁸ In July the situation deteriorated further when Moïse was assassinated at his home in mysterious circumstances by a group of mercenaries.²⁹

A constitutional crisis ensued. Although Ariel Henry was appointed acting prime minister on 21 July, he faced resistance from criminal groups and political leaders.³⁰ Other figures called for the USA or the UN to help stabilize

²⁶ Insecurity Insight, 'Haiti: Situation report—Gangs and the Haitian State', 12 Nov. 2021.

²⁷ Armed Conflict Location & Event Data Project (ACLED), 'Dashboard', accessed 25 Mar. 2022.

²⁸ "Down with the dictatorship": Protests continue in Haiti', Al Jazeera, 15 Feb. 2021; and Isaac, H., Paultre, A. and Abi-Habib, M., 'Haiti braces for unrest as a defiant president refuses to step down', *New York Times*, 7 Feb. 2021 (updated 7 July 2021).

²⁹ Tharoor, I., 'The spiraling chaos of Haiti's crisis', *Washington Post*, 12 July 2021; and 'Haiti president's assassination: What we know so far', BBC News, 20 Jan. 2022.

³⁰ 'Haiti appoints Ariel Henry as new prime minister after president's assassination', France 24, 21 July 2021.

the country, although many civil society actors opposed foreign intervention given Haiti's long history of destructive foreign interference.³¹

In August a 7.2 magnitude earthquake devastated the south of the country, with humanitarian relief efforts impeded by gang violence.³² Gang activity, including kidnappings and inter-gang rivalry, remained rampant, enabled by police corruption, a weak judicial system and the highest rate of poverty in the Americas.³³

In early November the 'G9 an famni' criminal alliance blocked access to the Varreux oil terminal outside Port-au-Prince in order to destabilize the government, demanding Ariel Henry's resignation and the withdrawal of state security forces from the area. While a negotiated agreement on unknown terms resulted in the lifting of the blockade several weeks later, the crisis demonstrated the extent to which Haiti's gangs wield power.³⁴ Unrest and upheaval continued to spur migration, mostly towards the USA. However, since taking office the Biden administration has used Trump-era public health measures to authorize the expulsion of thousands of asylum-seekers, either directly to Haiti or back across the border to Mexico, which has largely failed to register asylum-seekers.³⁵

The UN Integrated Office in Haiti continued to advise the Haitian government on promoting political stability and good governance, advancing a peaceful and stable environment, and protecting and promoting human rights. It also provided guidance on dialogue and reforms, elections, police professionalism, community violence reduction and gang violence, justice reform, and human rights protection and accountability.³⁶ In view of the series of shocks experienced by Haiti in 2021, in October the UN Security Council requested a review of the mission's mandate, with the aim of enabling it to more effectively promote the rule of law, human rights, and engagement between the authorities and civil society.³⁷

³¹ "'We have the moral high ground': A civil society-led vision for Haiti's future', *World Politics Review*, 27 Aug. 2021.

³² Perlmutter, L., 'A gang war is messing up earthquake relief in Haiti', *Vice*, 16 Aug. 2021.

³³ Porter, C. and Kitroeff, N., "'It's terror': In Haiti, gangs gain power as security vacuum grows', *New York Times*, 21 Oct. 2021 (updated 27 Oct. 2021).

³⁴ Wilson, M., 'A Faustian bargain: The cost of restoring Haiti's fuel supply', *InSight Crime*, 18 Nov. 2021.

³⁵ Borger, J., 'Senior state department official calls Biden's deportation of Haitians illegal', *The Guardian*, 4 Oct. 2021.

³⁶ UN Security Council Resolution 2476, 25 June 2019.

³⁷ UN Security Council Resolution 2600, 15 Oct. 2021.