

# At the root of the violence

Eduardo Guerrero Gutiérrez<sup>1</sup>

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*Translation by Charlie Roberts*

Four-and-a-half years of war on organized crime. More than 40,000 dead. And the violence continues to escalate. The Government of Mexico – with the support of U.S. government intelligence – arrests or guns down prominent kingpins, splitting the cartels and fostering the rise of new and smaller criminal organizations. In so doing, the Mexican government achieves its purpose of “dismantling” the cartels. Yet that fragmentation of the larger organizations expands the violence to new regions. The violence is accompanied by mounting crime: extortion, kidnapping, human trafficking, retail-level drug-trafficking, car thefts and bank robberies.

Unlike the cartels, the smaller organizations do not have the contacts or logistical infrastructure to traffic drugs to the United States, which leads them to engage in less profitable illicit businesses. As Jaime López-Aranda has said, the large cartels have few incentives to diversify their activity to labor-intensive lines of business that are highly risky and have narrow profit margins compared to the enormous earnings they get from exporting drugs to the United States.<sup>2</sup>

The big question at this time is whether the Mexican government will also be able to dismantle the country’s three large criminal organizations: the Pacífico Cartel (also known as the Sinaloa Cartel), the Zetas, and the Golfo Cartel. The Pacífico Cartel experienced the breakaway of the Beltrán Leyva brothers and the Golfo Cartel lost its deadly armed wing, the Zetas, who have now become their worst enemy in several states of Mexico, particularly in Nuevo León and Tamaulipas. Even so, these three organizations, today with fewer rivals, appear to be in a position to continue administering the profitable business of trafficking drugs to the United States.

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<sup>1</sup> Consultant on matters of public policy. President of the Mexican Association of former Fulbright-García Robles fellows. I am grateful for the valuable support I received from Eunises Rosillo, Roberto Arnaud, and Roberto Valladares in writing this article.

<sup>2</sup> Jaime López-Aranda, “El mito de la diversificación criminal,” at <http://www.animalpolitico.com>

The dismantling of the Zetas and the Pacífico and Golfo Cartels is a difficult objective to reach in the immediate future for one basic reason: given the great demand for drugs in the United States, these organizations are willing to invest growing shares of their profits in more personnel, equipment, and arms to defend their big business. (The export of cocaine to the United States *requires* the existence of large criminal organizations; and today an estimated 90 percent of the cocaine consumed in the United States enters from Mexico.<sup>3</sup>) What Mexicans can and should aspire to in the immediate future is to reduce the violence, which has continued to grow and spread across the country.

Has the Mexican government's strategy in this regard been a success or a failure? It depends. On the one hand, the dismantling of some cartels has led the government to fail to meet its other initial objective, namely, to wrest public spaces from criminal control. On the other hand, Mexico's federal government is advancing toward turning a federal problem into essentially a state and local problem. In this case, the federal government's accomplishment is not having solved a problem, but having transformed its nature so as to transfer it to the jurisdiction of other authorities.<sup>4</sup> Federal officials repeat that the government is seeking to turn a "national security" problem into a "public security" problem. This largely means that organized crime should cease to be a threat to government action in the federal sphere, so as to constitute a threat only in the state and local spheres. Nonetheless, this analytical distinction is not always as clear-cut as presumed: often local threats become federal risks.

The fragmentation of criminal organizations has been followed by a process of geographic dispersion (and consequent expansion) of the violence, which poses new difficulties to contain or diminish it. This represents a formidable challenge to state and local governments, for federal forces will gradually withdraw from some states and municipalities where the cartels no longer pose a threat to national security, so as to focus their efforts on fighting the large organizations such as the Pacífico, Zetas, and Golfo Cartels. The withdrawal of the federal contingents could lead to a sudden and massive increase in common crime, given the weakness of state and local institutions in the areas of public security, law enforcement, and the judiciary. Accordingly, the future of Mexico's public security situation is worrisome.

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<sup>3</sup> U.S. Department of Justice, *National Drug Threat Assessment 2008*, at <http://www.justice.gov/ndic/pubs25/25921/cocaine.htm>

<sup>4</sup> Although formally a mayor should not be involved in issues concerned with fighting organized crime, in fact a mayor must cooperate frequently with federal and state authorities in "joint operations" and in other situations has to be involved given the absence of both federal and state authorities.

Is there any solution? In this article I suggest one of many: Bring about a change in criminal conduct by embracing a strategy of deterrence<sup>5</sup> instead of the punitive approach that has prevailed until now.

The change in strategy would entail: 1. That the government act based on priorities; 2. That the federal authorities considerably strengthen their intelligence capabilities and actively promote bolstering these same capabilities among the states and municipalities urgently in need of such support; 3. That the authorities identify a series of “deterrent levers” capable of changing criminal conduct to reduce the damage it causes; and 4. That police teams (and even military ones in some cases) be constituted with the capacity to carry out “deterrent operations” in several parts of the country.

The role of civil society in inducing this change in strategy is crucial: its indignation and displeasure should crystallize in a broad-based social demand in favor of reducing the violence. Finally, the Government of Mexico should assume political responsibility for the effects of its current strategy for taking on organized crime.

### **Fragmentation: From organized crime to disorganized crime**

As shown in Table 1, in 2006 there were six cartels in Mexico. The split of the Tijuana Cartel in 2007 and of the Pacífico Cartel in 2008 resulted in there being eight organizations by 2009. In 2010 the fragmentation accelerated considerably. As it was pursued by the government, the Beltrán Leyva brothers’ organization split into three regional organizations, while the Milenio Cartel split in two. In addition, an internal conflict culminated with the breakaway of the Zetas from the Golfo Cartel.

The regional organizations that appear in Table 1 coexist with a growing number of local-level criminal organizations. If we count the number of organizations that year after year sign messages in blogs, banners, and videos (available online) to send messages to their rivals or to the authorities, we realize how quickly they have proliferated. For example, as shown in Table 2, in Guerrero, the state with the largest number of local organizations, in 2007 there were

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<sup>5</sup> The strategy of deterrence described in this article borrows from the work of scholars such as Mark Kleiman, David Kennedy, Anthony Braga, Anne Piehl and Elin J. Waring. I also relied on several documents about anti-violence programs implemented in Baltimore, Boston, Pittsburgh, Chicago, Los Angeles and New Orleans. Key academic references on deterrence include: Franklin Zimring and Gordon Hawkins, *Deterrence: The Legal Threat in Crime Control* (Chicago: The University of Chicago Press, 1973); David Kennedy, *Deterrence and Crime Prevention: Reconsidering the Prospect of Sanction* (New York: Routledge, 2009); and Mark Kleiman, *When Brute Force Fails: How to Have Less Crime and Less Punishment* (Princeton: Princeton University Press, 2009).

messages from the Zetas and from the La Barredora organization. In 2010, messages were signed by the C.I.D.A. (Acapulco Independent Cartel), Ejército Popular de Liberación, El Nuevo Cártel de la Sierra, El Pueblo Unido, G-1, La Barbie, La Empresa, La Familia Michoacana, La Nueva Alianza de Guerrero, La Plaza, La Tejona, Zetas, Luzbel del Monte, and Pueblos Unidos (that is, four regional cartels and 10 local organizations).

**Table 1. Number of cartels in Mexico (2006-2010)**

2006	2007-2009	2010
	Pacífico Cartel	Pacífico Cartel
Pacífico Cartel	Cártel de los Beltrán Leyva	Pacífico Sur Cartel
		Acapulco Independent Cartel
		"La Barbie" Cartel
Juárez Cartel	Juárez Cartel	Juárez Cartel
Tijuana Cartel	Tijuana Cartel	Tijuana Cartel
	"El Teo" Faction	"El Teo" Faction
Golfo Cartel	Golfo Cartel-Zetas	Golfo Cartel Zetas
La Familia Michoacana	La Familia Michoacana	La Familia Michoacana
Milenio Cartel	Milenio Cartel	La Resistencia
		Jalisco Cartel -Nueva Generación
Six	Eight	Twelve

*Source:* Information compiled from national and state daily newspapers.

On occasion, as is also illustrated in Table 2, the messages are signed not by the cartels but by local organizations that work under them. For example, in Sinaloa the Pacífico Cartel did not sign any messages in 2010, yet their cells at the local level – El Diablo, El Ondeado, Gente Nueva, and La Empresa – did sign messages. In addition, a local gang associated with the Beltrán Leyva organization – La Limpia Mazatlan – signed messages. Finally, in Sinaloa there are local organizations such as BAE, La Plaza, Las Empanadas, and Los Chachines without apparent ties to larger organizations.

Nationwide, as illustrated in Table 2, the number of organizations signing messages almost tripled from 2007 to 2008, and more than doubled from 2009 to 2010.

**Table 2. Number of cartels (C) and local organizations (LO) on record by state and year (2007-2010)**

State	2007		2008		2009		2010	
	C	LO	C	LO	C	LO	C	LO
Baja California				1		1		2
Campeche							1	
Coahuila				1		1	3	1
Colima							2	1
Chiapas						1		
Chihuahua		1	2	3	1	3	2	4
Distrito Federal			1		3		2	4
Durango	1		2		1	2	3	3
Guanajuato				1	4	1	2	4
Guerrero	1	1		1	4	5	4	10
Hidalgo							2	
Jalisco	1				1		5	3
México			2		2	2	3	5
Michoacán	1		1	2	3	1	3	4
Morelos					2		4	4
Nayarit				1			2	1
Nuevo León			1				2	2
Oaxaca		1	1	1			1	1
Puebla			1		2			
Quintana Roo		1		1		1	1	
San Luis Potosí			1				2	
Sinaloa			1	2	1	4		9
Sonora				1	1	2	1	2
Tabasco	1						2	
Tamaulipas	1				1		2	2
Veracruz		1	2		1	1	3	
Zacatecas					1			
Total	6	5	15	15	29	24	52	62
Grand Total		11		30		53		114

*Source:* Information compiled from 19 daily national and state newspapers, two weekly state publications, one weekly national publication, blogs, online videos, and various Internet sites.

### **Kingpins killed or captured and the impact on violence**

Mexico's federal government, in coordination with U.S. intelligence agencies, has succeeded in arresting and killing many high-profile drug traffickers. In 2007 there was only one arrest or killing of a high-level operative, in 2008 there were

five, in 2009 six, in 2010 there were 12, and as of April 2011 there had been six such arrests or killings. The arrests or killings of the highest-level leaders of a criminal organization tend to generate waves of violence – although in the case of leaders of groups of paid assassins, their arrest or killing may stem the violence temporarily in some municipalities.

In a recent article, Alejandro Poiré and María Teresa Martínez seek to show – based on a single case – that “the fall of kingpins does not cause the violence to multiply.”<sup>6</sup> Their analysis focuses on trends in homicides 22 weeks before and 22 weeks after the July 2010 killing of Ignacio Coronel (a kingpin of the Pacífico Cartel who operated in the state of Jalisco). They conclude that after the killing of Ignacio Coronel the trend of homicides in the area, though upward, diminished. This finding leads them to assert categorically that “the hypothesis that the fall of the leader of a criminal organization causes the violence to multiply is false.”

I have upheld the contrary thesis – that the *indiscriminate* policy of arrests and killings of kingpins has helped drive up the violence. I find three shortcomings in their analysis.

First, it is striking that the authors seek to uphold a general argument based on a single case. The article offers no greater justification for the selection of this case, beyond that I referred to it on a television program as an example (along with another case, the May 2010 arrest of Juan Nava Valencia, which they decide to ignore in their analysis). Absent such a justification, one necessarily thinks that the case was selected because it was the one that best fit the arguments they were seeking to defend in their article. Second, the authors only look at the change in trend over a very long period (44 weeks), thereby “suppressing” the sudden increase in violence in the days immediately after the killing, which is evident when we look at the absolute figures.

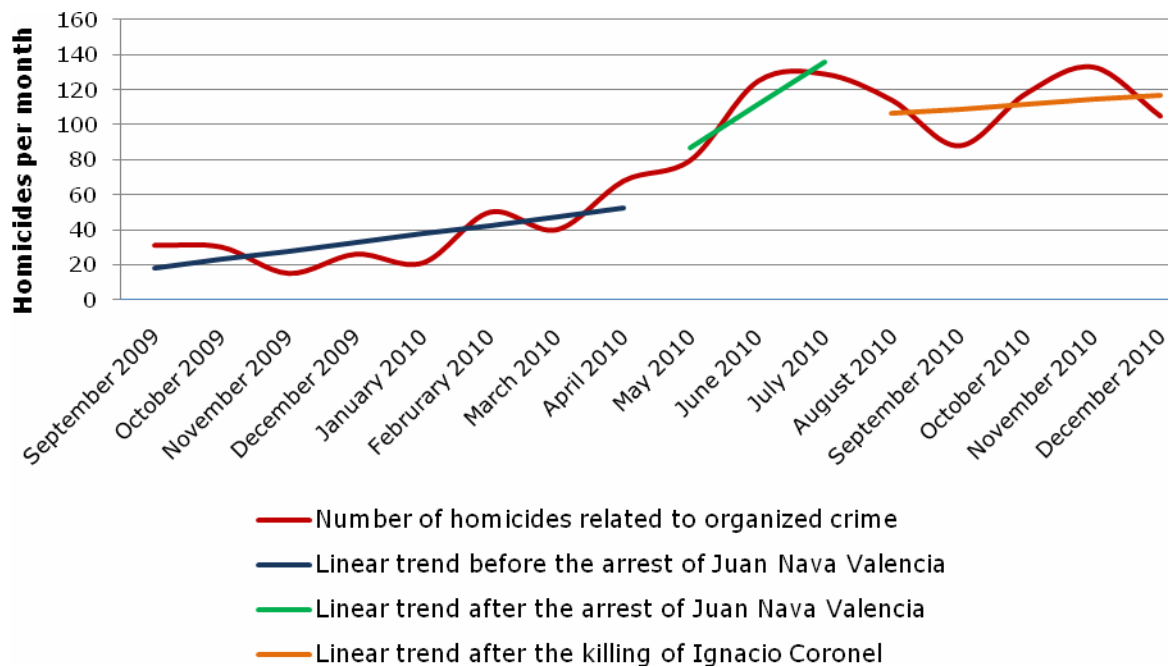
Yet the greatest shortcoming in their analysis is that even though the upward trend in executions grew at a slower pace after the killing of Ignacio Coronel, *it began at a higher floor than what had previously been recorded*, that is, after the death of Coronel there was an “escalation effect” of the violence in the zone. Graph 1 clearly shows that effect, which refers to the sharp increase in the “minimum or constant level” of violence in the area after the killing of Ignacio Coronel. Poiré and Martínez fail to mention it, but since the death of this kingpin the *minimum or constant level* of executions grew from 5.8 executions per week (from September 2009-April 2010) to 23.4 per week (from June 2010-December 2010); in other words, it increased more than 300 percent.

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<sup>6</sup> “La caída de los capos no multiplica la violencia. El caso de Nacho Coronel,” in *Nexos* 401, May 2011, pp. 24-26. Alejandro Poiré and María Teresa Martínez are staff members of Mexico’s National Security Council (Consejo de Seguridad Nacional).

The third shortcoming has to do with the circular explanation proposed by Poiré and Martínez to understand the increase in violence: the tensions within and conflicts among the criminal organizations generate violence, and the violence generates internal tensions within and conflicts among the cartels. In this case, the conflict within the cartel is reflected in events such as the kidnapping of the son and nephew of Ignacio Coronel by the Zetas. Even admitting that part of the criminal violence is generated endogenously (as a result of the periodic clashes within the organizations), this does not explain the systematic increase in violence in Mexico over the last three years, nor does it serve to release or insulate the government from its responsibility for the increased violence.

**Graph 1. Trends and minimum levels of violence in the states of Jalisco, Colima, and Nayarit (September 2009-December 2010)**

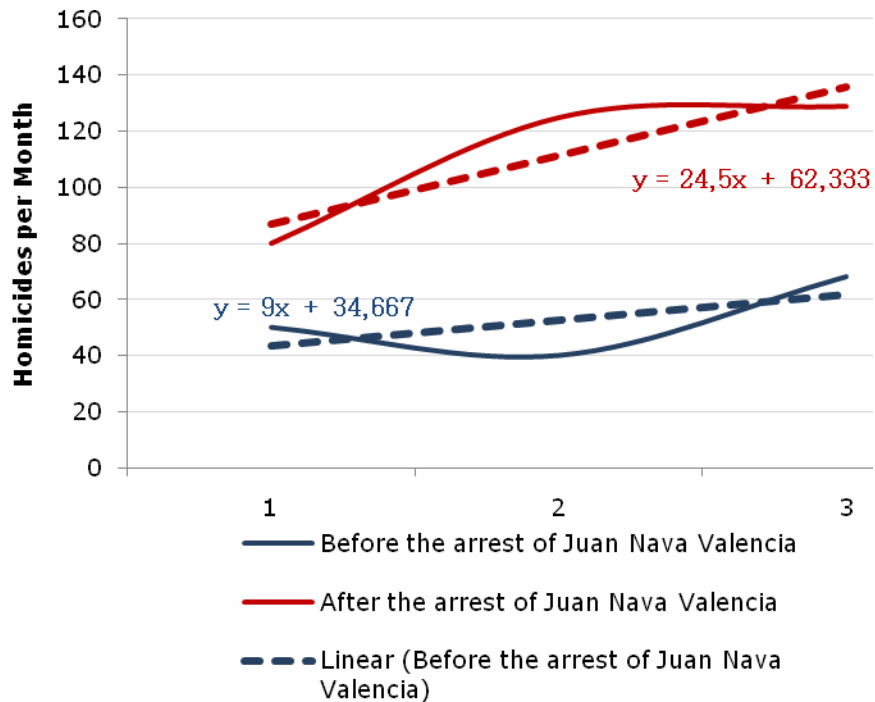


The cartels – with their multimillion-dollar businesses, frequent disagreements among them and internal betrayals – have existed in Mexico for some decades now. But under previous administrations these disagreements led to splits and disputes less often than is now the case and generated levels of violence far lower than those seen today. The cartels did not decide spontaneously and systematically to change their form of operation in 2008, fragment, and go to war. There were several factors that modified their conduct. The Mexican government’s policy of arrests was one factor, for it put an end to the stability and certainty that for years made it possible for the big kingpins to maintain firm control over their organizations and to tend to accord priority to negotiation over confrontation for settling their differences.

This is borne out when we perform an exploratory analysis of the impact of each one of the arrests or killings on the levels of violence. Yet prior to presenting the results on the impact of the arrests or killings on the levels of violence, it is worth examining the effect of the arrest of Juan Nava Valencia (arrested in Jalisco 11 weeks before Ignacio Coronel was killed) on the trend in homicides in the region, using the same methodology that Poiré and Martínez use.

In contrast to Poiré and Martínez, I analyze the trends of violence over a shorter period (three months), for it seems to me that in a highly unstable context a short period captures the effect of the event on levels of violence with greater precision. As reflected in Graph 2, both the rate of growth of violence and the minimum level of violence in the quarter after Nava’s arrest showed sharp increases over the previous quarter. This arrest was what unleashed the violence in the region, while the killing of Coronel reinforced it and maintained it for an additional period.

**Graph 2. Trends in violence before and after the arrest of Juan Nava Valencia (February-April 2010 and May-July 2010)**



This kind of analysis can be replicated for each of the arrests and killings of kingpins. Table 3 shows the impact of each event (arrest or killing of kingpins) on the levels of violence. The analysis presented incorporates the methodology proposed by Poiré and Martínez (compare the rate of growth of the trends), and supplements it by comparing absolute figures before and after the event,



comparing them with the minimum levels between periods (“escalation effect”). In all the cases the impact is measured for three months after the event.

The first criterion for analysis is simply to compare the figures for homicides before and after the arrest or killing. The advantage of this method is that it neatly captures the “wave” of violence generated after the event, if it has taken place. One disadvantage of this method is that it may spuriously attribute an effect to the event in cases where there was already an upward trend that continued after the event. The second and third methods indicated in Table 3 explore the effect of the arrest or killing in shorter time frames. The rate of growth allows us to determine whether the event accelerates or decelerates the violent dynamic and the “escalation effect” indicates whether the minimum and constant level of executions increased in the period after the event. The results obtained using the three methods are shown in Table 3, which includes 25 arrests and 3 killings.

As can be observed, in absolute figures in 22 of the 28 cases analyzed there was an increase in violence, that is, in 78.5 percent of the cases the violence increased after the event. When comparing the rates of increase before and after the event, we find that in 19 of the 28 cases the rate of increase climbed, that is, in 67.9 percent of the cases. Finally, as regards the “escalation effect,” that is, the change in the “minimum and constant level” of violence in the area after the event, it is seen in 15 of the 28 cases, i.e. 53.6 percent. One interesting result of the analysis is that *in all those cases in which there was not an increase in the rate of growth of the violence, there was an escalation in the minimum and constant level of violence in the area.*

**Table 3. Impact of Arrests and Killings of Kingpins on the Levels of Violence in their Areas of Influence**

Cartel	Name	Position	Date	Area of Influence	Methods of Comparison <sup>3</sup>			Escalation Effect <sup>5</sup>
					Absolute figures		Variation in the Rate of Increase <sup>4</sup>	
					Increase / Decrease	Rate (%)		
Pacífico	Sandra Ávila Beltrán	Financial operator	September 28, 2007	Chihuahua, Durango, Sinaloa, Sonora	↑	<50	↑	No
Beltrán Leyva	Alfredo Beltrán Leyva “El Mochomo”	Kingpin	January 20, 2008	Sonora, Sinaloa, Durango, Nayarit	↑	<50	↑	No
Pacífico	Jesús Zambada García	Kingpin	October 22, 2008	Chihuahua, Durango, Sinaloa, Sonora	↑	<50	↓	Yes

Tijuana	Eduardo Arellano Félix	Kingpin	October 26, 2008	Baja California and Baja California Sur	↑	>300	↓	Yes
Zetas	Jaime González Durán "El Hummer"	Kingpin	November 7, 2008	Tamaulipas	↓	<20	↑	No
La Familia Michoacana	Alberto Espinoza Barrón "El Fresa"	Kingpin	December 30, 2008	Michoacán	↑	<50	↑	No
Pacífico	Vicente Zambada Niebla "El Vicentillo"	Son of Mayo Zambada	March 18, 2009	DF, state of México and Morelos	↑	<50	↓	Yes
Juárez	Vicente Carrillo Leyva	Financial operator	April 2, 2009	Chihuahua	↑	<50	↑	No
La Familia Michoacana	Rafael Cedeño Hernández	Area leader	April 20, 2009	Michoacán and Guerrero	↑	<100	↓	Yes
La Familia Michoacana	Arnoldo Rueda Medina "La Minsa"	Kingpin	July 11, 2009	Michoacán, state of México, Guanajuato	↓	<50	↑	No
Beltrán Leyva	Arturo Beltrán Leyva "El Jefe de Jefes"*	Kingpin	December 16, 2009	Sonora, Sinaloa, Durango, Nayarit	↑	<100	↓	Yes
				DF, Guerrero, state of México and Morelos	↑	<50	↑	No
Beltrán Leyva	Carlos Beltrán Leyva	Kingpin	December 30, 2009	Sonora, Sinaloa, Durango, Nayarit	↑	<100	↓	Yes
				DF, Guerrero, state of México and Morelos	↑	<50	↑	No
Tijuana	Teodoro García Simental "El Teo"	Chief of hit men	January 12, 2010	Baja California and Baja California Sur	↓	<20	↓	Yes
Tijuana	Manuel García Simental "El Chiquilín"	Successor to "El Teo"	February 7, 2010	Baja California and Baja California Sur	↓	<50	↓	Yes
Beltrán Leyva	Gerardo Álvarez Vázquez "El Indio"	Kingpin	April 21, 2010	Guerrero, state of México	↑	<50	↓	Yes
Milenio	Juan Nava Valencia	Kingpin	May 10, 2010	Colima, Jalisco and Nayarit	↑	>100	↑	Yes
Pacífico	Ignacio Coronel Villarreal "Nacho"	Kingpin	July 29, 2010	Colima, Jalisco and Nayarit	↑	<50	↓	Yes
Beltrán Leyva	Édgar Valdez Villarreal "La Barbie"	Kingpin	August 30, 2010	DF, Guerrero, state of México and Morelos	↑	<50	↑	No
				Acapulco	↑	>300	↑	No

Beltrán Leyva	Enrique Villareal Barragán "El Grande"	Kingpin	September 12, 2010	DF, Guerrero, state of México and Morelos	↑	<50	↑	No
				Acapulco	↑	>200	↑	No
Pacífico	Margarito Soto Reyes "El Tigre"	Successor to Nacho Coronel	September 26, 2010	Colima and Jalisco	↑	<10	↓	Yes
La Familia Michoacana	Ignacio López Medina	Principal financial operator	October 13, 2010	Michoacán	↑	<50	↓	Yes
Zetas	Óscar Manuel Bernal "Spider"	Chief of hit men and area leader	October 22, 2010	Nuevo León	↓	<50	↑	No
Golfo	Antonio Ezequiel Cárdenas Guillén "Tony Tormenta"*	Kingpin	November 5, 2010	Tamaulipas	↓	<50	↑	No
La Familia Michoacana	Nazario Moreno "El más Loco"*	Kingpin	December 10, 2010	Michoacán, state of México, Guerrero	↑	<50	↑	No
Zetas	Flavio Méndez Santiago "El Amarillo"	Founder of Zetas and area leader	January 17, 2011	Oaxaca, Chiapas, Veracruz	↑	<50	↑	Yes
Acapulco Independent Cartel	José Lozano Martínez	Kingpin	January 24, 2011	Acapulco	↑	<50	↑	No
Zetas	"Comandante Lino"	Chief of hit men and area leader	January 24, 2011	Nuevo León	↑	>100	↓	Yes
Acapulco Independent Cartel	Miguel Gómez Vázquez	Kingpin	February 1, 2011	Acapulco	↑	<50	↑	No

Source: Compiled by the author, with figures from the *Base de Datos de Fallecimientos Ocurridos por Presunta Rivalidad Delincuencial*. (December 2006 to December 2010). Presidency of the Republic. <http://www.presidencia.gob.mx/>. Figures from January 2011 to March 2011 were collected from 19 national and state daily newspapers.

Note 1: \*Killings.

Note 2: The calculation of the rate of increase or decrease is based on the sum of the number of homicides related to organized crime on record in the three months prior to the month in which the arrest or killing occurred and the sum of such homicides for the three months subsequent to that event.

Note 3: The trends are calculated for the number of homicides in each of the three months prior to the month in which the arrest or killing occurred and for the number of homicides of each of the three months subsequent to that event. The trends are linear and use the least squares method.

Note 4: The rate of increase is the slope of the linear trend, that is, the extent to which there is an increase in homicides as the number of months of increases.

*Note 5:* The “escalation effect” refers to an increase observed in the minimum level of homicides from one period to the next.

In summary, from any of these three angles, the arrests and killings of the leaders of the criminal organizations mostly have the effect of escalating the violence. Why is this so? In addition to fostering the well-known disputes over succession within the criminal organizations and the opportunistic behavior of rival organizations that attack a cartel that has lost its top leader or leaders, the strategy intense in high-level arrests has undermined the relative certainty that existed before as to the stability of the leaders in each cartel. The various criminal factions thus have fewer incentives to carry out agreements: nothing guarantees them that the next individual to head up the organization will respect them. In addition, the current highly conflictive context (both with the authorities and among the cartels) has forced the cartels to adjust their internal structures, which may also generate frictions. For example, due to the need to increase their capacity for combat, the groups of hit men or armed wings have become relatively more important. These groups may demand more participation in earnings, or even try to supplant the cartel’s traditional leadership (as in the case of Zetas).

This analysis, it should be noted, is descriptive, and cannot be used to determine cause-and-effect relationships. As soon as possible a more refined statistical study should be done, for which it would be very useful for the government to make transparent and to update in a timely fashion all the relevant information on the war on organized crime. For example, the analysis by Poiré and Martínez is based on information on homicides broken down *weekly*, when the publicly available information is only *by month*. Given the analytic utility of having more detailed information, confirmed with the careful analysis done by both officials, it would be desirable for any interested citizen to also have the opportunity (and the right) to gain access to more specific information on homicides associated with organized crime.

### **The dispersion of the violence**

The government of Mexico has noted repeatedly that Mexican violence associated with organized crime is a concentrated problem, that is, a problem circumscribed to a handful of municipalities along the northern border and in the Pacific coast region. Nonetheless, the fragmentation of the cartels has been followed by a process of dispersion of the violence. As illustrated in the left-hand column of Table 4 (which shows the 20 municipalities in which the violence increased or decreased the most from 2009 to 2010), the violence has seen the most rapid recent growth in municipalities in which violence was at low levels or non-existent in 2009. For example, whereas the endemic violence in the cities of Juárez, Chihuahua, Culiacán, and Tijuana grew at a rate of 27 percent from 2009

to 2010, the rate of increase of the violence in the remaining 16 municipalities was 170 percent from 2009 to 2010.

The right-hand column of Table 4 shows the municipalities that saw the sharpest decrease in violence. As can be observed, they are mostly in Guerrero (5), Chihuahua (3), Durango (3), and Michoacán (3).

**Table 4. The 20 municipalities with the greatest annual change in executions  
(absolute figures, 2009-2010)**

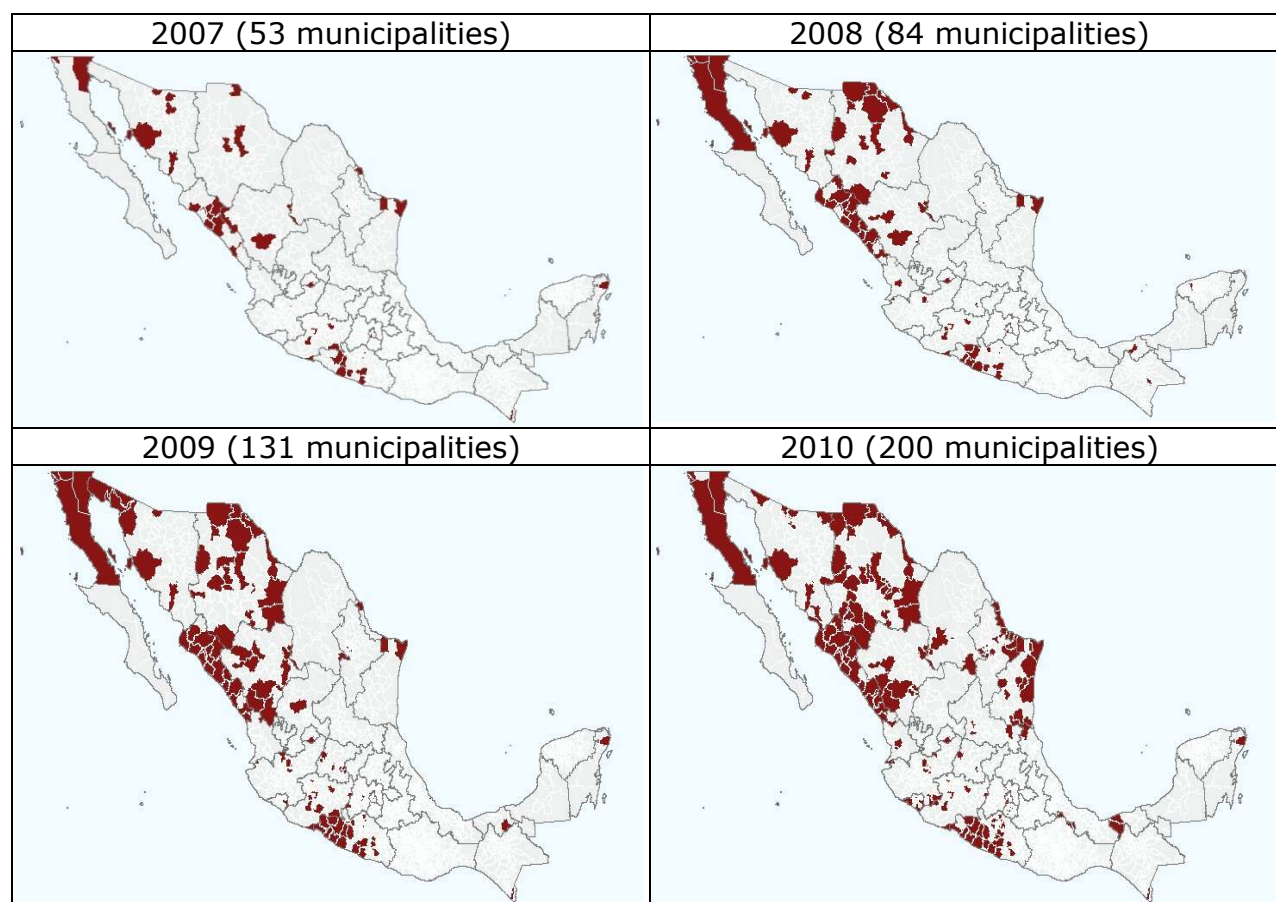
Municipalities with the greatest increase				Municipalities with the greatest decrease			
Municipality	2009	2010	Difference	Municipality	2009	2010	Difference
Juárez, Chihuahua	2,231	2,737	506	Uruapan, Michoacán	80	37	-43
Chihuahua, Chihuahua	410	667	257	Zihuatanejo de Azueta, Guerrero	52	16	-36
Mazatlán, Sinaloa	98	322	224	Pueblo Nuevo, Durango	78	44	-34
Tepic, Nayarit	11	228	217	Caborca, Sonora	36	6	-30
Acapulco, Guerrero	158	370	212	Petatlán, Guerrero	59	32	-27
Torreón, Coahuila	135	316	181	Lázaro Cárdenas, Michoacán	47	21	-26
San Fernando, Tamaulipas	2	169	167	La Huacana, Michoacán	27	4	-23
Monterrey, Nuevo León	22	178	156	Pungarabato, Guerrero	65	44	-21
Ahome, Sinaloa	47	196	149	Nuevo Casas Grandes, Chihuahua	49	29	-20
Reynosa, Tamaulipas	25	146	121	Tlapehuala, Guerrero	23	3	-20
Cuernavaca, Morelos	23	135	112	Veracruz, Veracruz	29	9	-20
Miguel Alemán, Tamaulipas	0	110	110	Arteaga, Coahuila	19	0	-19
Culiacán, Sinaloa	476	583	107	El Oro, Durango	25	7	-18
Nuevo Laredo, Tamaulipas	12	113	101	Apaseo el Alto, Guanajuato	20	2	-18
Tijuana, Baja California	401	472	71	Tequila, Jalisco	21	3	-18
Nogales, Sonora	124	195	71	Ahumada, Chihuahua	26	9	-17
Gómez Palacio, Durango	230	279	49	Guadalupe, Chihuahua	72	55	-17
Navolato, Sinaloa	118	164	46	Arcelia, Guerrero	22	6	-16
Ecatepec, México	60	104	44	Boca del Río, Veracruz	18	2	-16
Durango, Durango	111	148	37	Cuencame, Durango	23	8	-15

Source: Compiled by author based on figures from the *Base de Datos de Fallecimientos Ocurridos por Presunta Rivalidad Delincuencial*. Presidency of the Republic, at <http://www.presidencia.gob.mx/>

Perhaps the best way to take stock of the greater dispersion of the violence is to observe, year after year, the municipalities that have recorded *at least* one monthly execution on average since the outset of the current administration. This is what Graph 3 shows. In 2007, only 53 municipalities had at least one execution per month on average. In 2008 the figure increased to 84, and in 2009 to 131.

The year 2010 ended with 200 municipalities meeting this condition, for an increase of 277 percent from 2007 to 2010.<sup>7</sup>

**Graph 3. Municipalities with 12 or more executions annually (2007-2010)**



The spread of violence is the result of the fragmentation of the criminal organizations, which results in part from their highly unstable leadership structures. The cartels are illegal organizations that do not have formal mechanisms to institutionalize their operations and arbitrate conflict, beyond personal relations. For that reason, the federal government’s aggressive policy of arresting and killing kingpins has led to an increase in the splits or “desertions” of factions or cells of variable size that were part of a larger cartel.

<sup>7</sup> Two metrics confirm the reduced concentration of violence in the municipalities in 2010 compared to 2008 and 2009. The *Herfindahl-Hirschman Index* is an economics tool used to determine to what extent a small group of firms do or do not exercise control over large shares of a market. Where 1 corresponds to total concentration in a single firm, we find that from 2008 to 2010 the concentration of the violence in the municipalities dropped from 0.06 to 0.04. The *Laakso-Taagepera Index* (a political science tool used to determine the number of parties that effectively compete, in contrast to the nominal number of parties), shows that the violence shifted from being concentrated in 17 municipalities in 2008 to 24 municipalities in 2010.

Initially, from April to October 2008, when homicides associated with organized crime tripled, these splits occurred fundamentally at the top of the cartels. The most important case was the split of the Beltrán Leyva brothers from the Pacífico Cartel. These ruptures at the top led to conflicts and an escalation of the violence focused in those zones or territories that are most important for the criminal organizations.

Nonetheless, the fragmentation didn't stop at the top. Ever since the status quo that maintained the hierarchy and discipline under the control of the big kingpins was altered, the cartels have continued fragmenting into ever smaller organizations. Many of them no longer have the capacity to continue participating in the international drug-trafficking market. Yet, given their experience in illicit businesses and their enormous capacity to use violence, these organizations are getting into other illegal activities. As illustrated by Graph 4, crimes such as extortion, kidnapping, bank robberies, and car theft with violence increased significantly from 2007 to 2010.

So the wars among the cartels are no longer limited to areas strategic for drug-trafficking to the United States (e.g., Ciudad Juárez and Tijuana) or to "enclaves" of production and distribution in which the drug-traffickers and their families traditionally reside (e.g., Culiacán and Uruapan). In all the municipalities where organized crime has found conditions propitious for moving in (urban areas with weak local governments, petty criminal networks, and areas with illicit crops), and in which there is no single cartel that predominates, the small organizations at this time are disputing control over a wide variety of illicit businesses. These "second-generation" splits, illustrated in Table 2, were, along with the break between the Zetas and the Golfo Cartel, the main factor behind the increase and geographic spread of the violence throughout 2010.

The Zetas are an exceptional case among the Mexican cartels, for this organization has played a key role in the growth and geographic spread of the violence, without it being clear that it has undergone a process of fragmenting into small cells. The Zetas are one of the most powerful organizations in Mexico, second in importance to the Pacífico Cartel, based on their share of the drug-trafficking market. In addition, the Zetas are characterized by their proclivity for violence, and have displayed a capacity to participate in a wide variety of illicit activities. Finally, the Zetas stand out for being ubiquitous, as they have cells that have participated in practically all the drug-trafficking "wars" and seek to control criminal activities in a very large number of states: they can be found in their bastions of Tamaulipas, Veracruz, Hidalgo, and San Luis Potosí, as well as in Durango, Guanajuato, Jalisco, Michoacán, Nayarit, Oaxaca, Quintana Roo, and Mexico City metropolitan area. It is possible that some of these cells are deserters or "pirate" criminal bands that seek to take advantage of Zetas' reputation. Nonetheless, one mustn't discard the possibility that the Zetas have developed an

operational model that is unique among the Mexican cartels that enables them to expand geographically very quickly without taking a toll on their internal cohesion.

The main consequence of the geographic dispersion of the violence is that fighting organized crime will become fundamentally a problem for the states and municipalities. The armed forces and federal police do not have the capacity to deploy and carry out public security activities nationwide. This may be observed in the joint operations, which are less and less effective. It has not been possible to replicate the relative success of the first operations, due to the limited human resources and capability of the federal forces, plus the fact that they will now more commonly face small criminal cells that are highly elusive, well-coordinated, with considerable firepower, and rooted in the municipalities.

Given the current dynamic of fragmentation of organized crime this last point is especially relevant: the small organizations that are generating violence in a large number of municipalities of Mexico will gradually cease to be targets of the federal government. The armed forces and federal police will focus solely on the larger organizations, which are the only ones that individually can represent a threat to national security (though collectively the many small organizations also pose a formidable challenge to public security in Mexico).

A second consequence of the geographic dispersion of the violence is political in nature. For broad sectors of society, the violence had been a problem that seemed far-off. To the extent that the violence is no longer concentrated in just a few regions, we will observe a growing social mobilization and the issue will come to play a key part in the political party agendas in the electoral context. As the state and local authorities will be the main ones responsible for addressing the challenge of the spreading violence, the growing social demand may well have the positive effect of spurring on real progress in the professionalization of local security institutions, law enforcement agencies, and judicial organs; and rescuing the state and local prisons from criminal control.

### **“Collateral damage”**

In a context of criminal fragmentation, the “collateral damage” of a war such as that one currently being waged by the Mexican government against criminal organizations may suddenly increase, due to two main factors.

The first is the worsening of the “identification problem,” which involves the combatants on all sides being unable to distinguish between “friends and enemies.”<sup>8</sup> In the war on organized crime the criminals have any number of

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<sup>8</sup> I take the concept of the “identification problem” from Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York, Cambridge University Press, 2006).



agents hidden among the civilian population. One example are the so-called “hawks” (“*halcones*”), persons dedicated to surveillance of public spaces to advise a criminal group of the presence of security forces or an adversary criminal group. So a major problem for the authorities is to isolate the criminals from the innocent. The criminals also face acute problems of identification. First, when they do not enjoy social support, the communities in which they are hidden report them or turn them in to the authorities. In addition, in their work of securing and maintaining territorial control, the criminal organizations may easily confuse groups of citizens with forces of a rival criminal organization.

In a context of fragmentation of criminal activity, it is likely that the identification problem will worsen, with respect to both the criminal and government adversaries, which could give rise to an increase in the number of innocent civilians killed. In a series of recent assassinations and massacres the problem of identification apparently played a crucial role. For example, in Acapulco 20 persons originally from Michoacán were executed “by mistake” on September 30, 2010. The “La Barbie” Cartel confused them with members of La Familia Michoacana cartel. A similar incident occurred on December 4, 2010, in Zacatecas, when 10 hunters were attacked and eight killed by a group of hit men. They thought they belonged to another criminal organization because of their hunting gear. In addition, the government authorities have committed mistakes of this sort. On October 30, 2010, for example, the army killed a young architect and wounded two others, as they were mistaken for hit men.

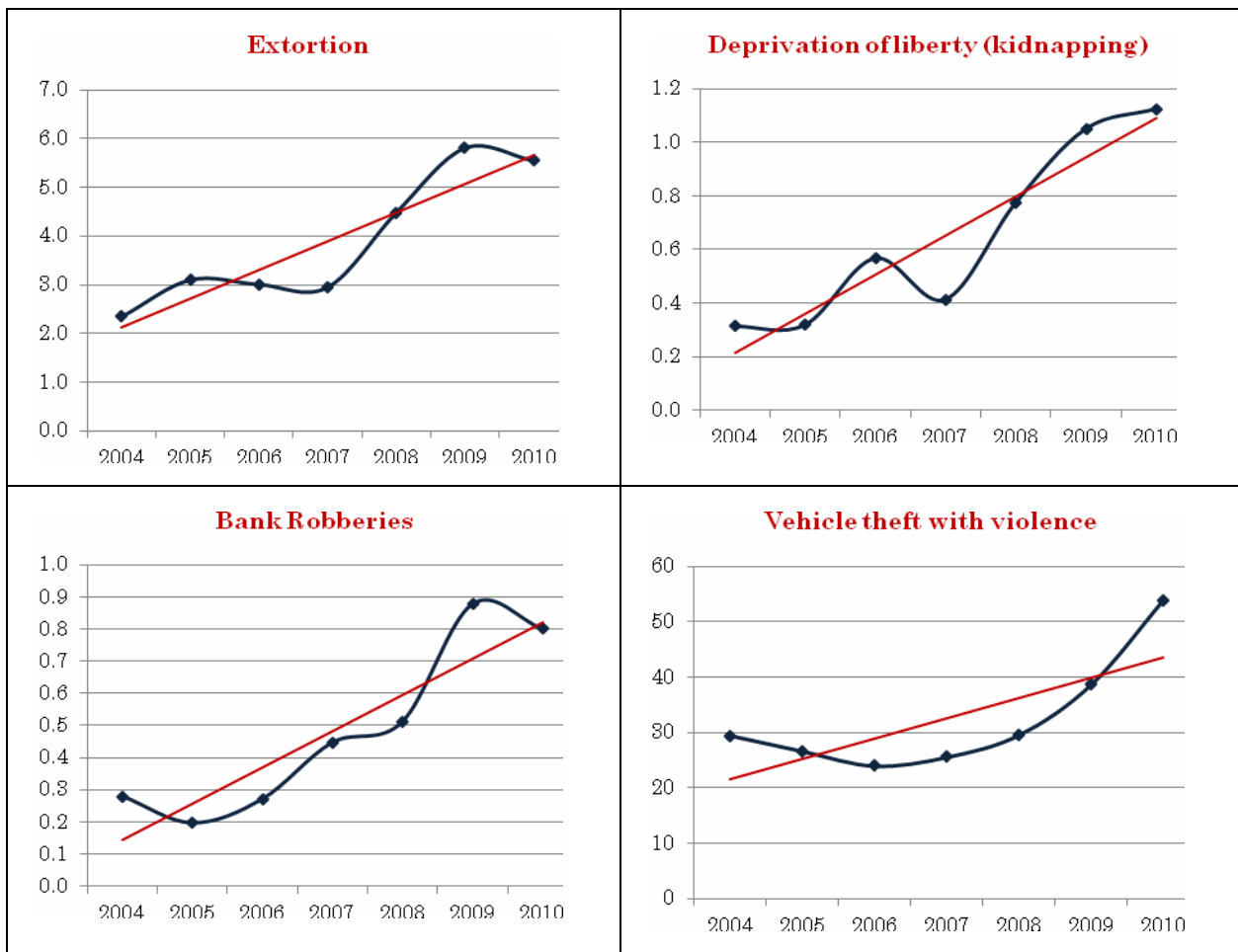
The second factor that can increase the “collateral costs” in a context of criminal fragmentation has to do with the increased number and scale of actions to retaliate against or punish criminal cells or individuals who split off from or “desert” the larger organization. Frequent and massive desertions are part of the phenomenon of criminal fragmentation. When the organization cannot directly “punish” its deserters for their “betrayal,” it directs its punitive actions at the circle of closest family or friends, who often have no connection whatsoever to organized crime.

### **Insecurity: The coming wave**

As I mentioned earlier, one of the most fearful consequences of criminal fragmentation is the sudden proliferation of small criminal cells engaged in a wide variety of illicit activity. Indeed, the figures on crime for the last four years show an ascending spiral, especially of those crimes in which organized crime is generally involved. Graph 4 records common law offenses (*delitos del fuero común*) per 100,000 population from 2007 to 2010. Bank robberies increased 90 percent, extortion 100 percent, car theft with violence 108 percent, and kidnappings 188 percent.

In the context of criminal fragmentation, these trends – in themselves worrisome – could be further accentuated. Blocked from participating in the drug export market, the new and small organizations could seek involvement in a wide variety of illicit activities at the state and local levels. This factor, on the one hand, and the anemia of the state and local police forces, on the other, could contribute decisively to several states in the country experiencing a severe public security crisis in the coming years.

**Graph 4. National trend for four common law offenses per 100,000 population (2004-2010)**



Source: Incidencia Delictiva Nacional, fuero común. Executive Secretariat, National Public Security System, at [http://www.secretariadoejecutivosnsp.gob.mx/work/models/SecretariadoEjecutivo/Resource/131/1/images/CIEISP2010\\_Dic\\_30MARZO11\\_Completo.pdf](http://www.secretariadoejecutivosnsp.gob.mx/work/models/SecretariadoEjecutivo/Resource/131/1/images/CIEISP2010_Dic_30MARZO11_Completo.pdf)

To provide a sense of how serious the crisis of police institutions is at the state level, and the scant will on the part of most state governments to alleviate it, in Table 4, I present two types of information.

First, there is a section on the number of members of the police in each state in 2009 and 2010, the average number of police per 1,000 population in each state (to see whether it's above or below the minimum standard established by the United Nations of 2.8 police per 1,000 population), and the number of police lacking or in surplus, based on the UN standard.

Second, I present in Table 5 a calculation of the size of the security force required based on a metric that takes into account the casualties among police and military forces, the current security force in the states (adding up members of the federal police and military forces), and, finally, the shortfall in the security forces, based on the metric mentioned.

**Table 5. The police forces in the states and additional forces required in each state based on two criteria**

State	State and Municipal Police			State and Municipal Police per 1,000 population	Deficit or Surplus of Police based on the UN standard (2.8 per 1,000 pop.)	Security Force Required (based on Military and Police Casualties in 2010)		Security Force present in the state (Military and Police)	Deficit or Surplus of Military and Police Forces in the State (taking into account military and police casualties)
	2009	2010	Percentage change			Per 1,000 population	Total		
Aguascalientes	2,632	2,768	5.2	2.4	-478	13.5	15,639	2,768	-12,871
Baja California	6,975	7,351	5.4	2.3	-1,757	6.3	20,534	11,697	-8,837
Baja California Sur	2,020	2,645	30.9	4.6	1,023	2.8	1,622	2,745	1,123
Campeche	1,859	1,786	-3.9	2.2	-469	2.8	2,255	1,786	-469
Coahuila	4,705	4,376	-7.0	1.6	-3,059	18.4	48,854	4,696	-44,158
Colima	1,757	2,035	15.8	3.3	331	2.8	1,704	2,335	631
Chiapas	11,688	11,625	-0.5	2.6	-1,124	6.9	31,583	11,625	-19,958
Chihuahua	5,699	8,435	48.0	2.5	-1,147	19.0	65,029	17,489	-47,540
Distrito Federal	80,803	83,973	3.9	9.5	59,202	4.5	39,996	84,003	44,007
Durango	2,850	2,948	3.4	1.9	-1,408	13.9	21,548	13,410	-8,138
Guanajuato	10,035	10,531	4.9	2.1	-3,657	6.9	35,071	10,531	-24,540
Guerrero	9,280	12,978	39.8	4.1	4,202	14.2	44,377	20,578	-23,799
Hidalgo	6,206	6,206	0.0	2.6	-608	2.8	6,814	7,806	992
Jalisco	18,866	19,422	2.9	2.7	-376	10.9	76,757	19,572	-57,185
México	58,017	59,831	3.1	4.0	17,742	4.0	59,455	59,931	476
Michoacán	8,294	9,230	11.3	2.3	-1,828	16.2	64,031	14,230	-49,801
Morelos	5,201	5,389	3.6	3.2	664	9.9	16,690	9,469	-7,221
Nayarit	1,876	2,211	17.9	2.3	-510	33.5	32,592	2,211	-30,381
Nuevo León	10,127	10,073	-0.5	2.2	-2,533	11.0	49,711	12,703	-37,008
Oaxaca	10,697	10,697	0.0	3.0	761	2.8	9,936	10,697	761
Puebla	13,170	13,172	0.0	2.3	-2,803	7.6	43,463	13,222	-30,241
Querétaro	3,077	3,077	0.0	1.8	-1,826	11.0	19,215	3,327	-15,888
Quintana Roo	3,827	4,588	19.9	3.4	775	2.8	3,813	4,588	775

San Luis Potosí	7,122	7,112	-0.1	2.8	125	13.9	34,659	7,112	-27,547
Sinaloa	7,447	7,447	0.0	2.8	10	13.5	35,847	13,270	-22,577
Sonora	5,496	5,329	-3.0	2.1	-1,762	8.4	21,275	5,329	-15,946
Tabasco	9,180	8,127	-11.5	3.9	2,357	2.8	5,770	8,127	2,357
Tamaulipas	7,241	7,045	-2.7	2.2	-2,000	24.8	80,075	8,000	-72,075
Tlaxcala	3,411	3,783	10.9	3.3	564	2.8	3,219	3,783	564
Veracruz	17,739	17,564	-1.0	2.4	-2,862	6.1	44,754	17,564	-27,190
Yucatán	6,540	6,540	0.0	3.4	1,092	2.8	5,448	6,540	1,092
Zacatecas	2,637	2,839	7.7	2.1	-1,019	12.6	17,330	2,839	-14,491

Source: Compiled by author with information from the *Reporte de Elementos Activos del Personal de Seguridad Pública y Privada*, SNSP-CON (National Public Security System, Liaison Unit of the Ministry of Public Security), 2009 and 2010.

As can be observed, 19 of the 32 states are below the minimum requirement of police presence established by the United Nations. From 2009 to 2010 only Guerrero, Chihuahua, Baja California Sur, and Quintana Roo significantly increased the number of (state and municipal) police forces. Worrisome cases include Tamaulipas, Nuevo León, Coahuila, and Veracruz; these states are highly vulnerable to the violent presence of organized crime, as they maintain a relatively high deficit of police. A case in contrast is Mexico City (Distrito Federal), where there are plenty of police, as the capital has 3.4 times the minimum number of police recommended by the United Nations in peacetime.

Table 5 shows the results of a formula proposed by Steven Goode, an analyst with the U.S. Department of Defense. According to Goode's formula, the more intense the "insurgency" (understood as an uprising against established authority), the greater the force that will be required to turn back the increase in violence. Goode measures the intensity of the insurgency by the number of casualties among the military and police forces.<sup>9</sup> Applying this criterion to Mexico, there are several surprising results. Among the 10 states that need to drastically boost the number of military and police forces are Jalisco, Coahuila, Nayarit, Puebla, San Luis Potosí and Veracruz. According to the criterion of police and military casualties, these states need more security forces than Guerrero, Sinaloa, Baja California, and Durango. Other striking results are that "tranquil" Querétaro is in 16<sup>th</sup> place (with a security force deficit of nearly 16,000 personnel), and that the state of México needs a minimal investment in this category. Certainly, based on Goode's criterion, Mexico City appears to have far more police than needed, with a surplus of 44,007.

<sup>9</sup> Steven M. Goode, "A Historical Basis for Force Requirements in Counterinsurgency," in *Parameters*, Winter 2009-2010, pp. 45-57. Goode's formula is as follows:  $[1.2 (\text{Number of deaths of members of the security forces per million population} / \text{Proportion of security forces located in the region})^{0.45}] + 2.8$ .

Having an adequate number of security forces is a necessary but not sufficient condition for more effectively fighting organized crime and reducing violence. Goode's formula has clear limitations, since it does not take into account variables that go into the efficacy of the military and police forces, such as levels of corruption, quality of training, and equipment, among others. Nonetheless, it is a useful exercise for gauging the level of violent resistance to the actions of the security forces, and the size the security forces require in order to contain it.

For example, one can observe that the level required in Chihuahua (19.0 per 1,000 population) is less than in Nayarit (33.5 per 1,000). This is because even though the proportion of casualties of security force members per million population is greater in Chihuahua than in Nayarit, the scale of forces currently in Chihuahua (17,489 personnel) is much larger than in Nayarit (2,211 personnel). There are states where the proportion or number of casualties of security force members is zero, thus the required level is the minimum level, equal to 2.8 police per 1,000 population, which coincides with the United Nations standard in peacetime.

**Table 6. State Per Capita Budget in Public Security and Law Enforcement**

State	2010		Sum (per capita)
	Budget Ministry of Public Security (per capita)	Budget Office of the Attorney General (per capita)	
Aguascalientes	396.6	199.5	596.2
Baja California	426.3	345.6	771.9
Baja California Sur	541.0	224.1	765.2
Campeche	398.8	219.5	618.3
Chiapas	182.1	161.9	344.0
Chihuahua	309.2	261.9	571.2
Coahuila <sup>(1)</sup>	0.0	423.7	423.7
Colima	541.9	243.5	785.3
Distrito Federal	1376.8	508.3	1885.1
Durango	157.8	163.5	321.3
Guanajuato	195.3	238.7	433.9
Guerrero	310.8	145.2	455.9
Hidalgo	168.2	70.4	238.6
Jalisco	327.0	159.8	486.8
México	256.0	145.2	401.1
Michoacán	435.4	124.0	559.4
Morelos	188.9	147.8	336.7

Nayarit	149.2	352.6	501.7
Nuevo León	240.0	169.5	409.6
Oaxaca	345.9	85.3	431.2
Puebla	266.8	90.4	357.2
Querétaro	146.1	211.2	357.3
Quintana Roo	405.0	240.6	645.6
San Luis Potosí	111.5	17.2	128.7
Sinaloa	366.3	236.2	602.4
Sonora	418.7	243.6	662.3
Tabasco	664.8	475.9	1140.8
Tamaulipas	232.0	156.0	388.1
Tlaxcala	283.2	72.5	355.7
Veracruz	185.5	86.2	271.7
Yucatán	313.5	108.4	421.9
Zacatecas <sup>(2)</sup>	-	-	518.0

*Source:* Compiled by author based on 2010 state budget data.

<sup>(1)</sup> In the Expenditures Budget of the state of Coahuila, for fiscal year 2010 zero pesos are allocated to the Ministry of Public Security and Citizen Protection in the classification by branch and office. Accordingly, the amount used corresponds to the Program for Law Enforcement and Public Security, situated in the Classification by Program of the Executive Branch, at [http://www.congresocoahuila.gob.mx/index.cfm/mod.legislacion\\_archivo/dir.LeyesEstatalesVigentes/index.coah](http://www.congresocoahuila.gob.mx/index.cfm/mod.legislacion_archivo/dir.LeyesEstatalesVigentes/index.coah)

<sup>(2)</sup> In the Expenditures Budget of the state of Zacatecas, for fiscal year 2010 Public Security and Law Enforcement appear together as a single administrative area.

Regarding the budgets the states allocate to public security and law enforcement, the data are disconcerting. In Guerrero and Chihuahua, states besieged by violence and organized crime, the per capita budget for public security is barely above the national average, which is 289.2 pesos.<sup>10</sup> And in the area of law enforcement, Guerrero's per capita budget is far below the national average, which is 187.7 pesos. Combining both categories, Chihuahua and Guerrero are in 15<sup>th</sup> and 16<sup>th</sup> place, respectively. Nuevo León and Tamaulipas are two other worrisome cases – they are 20<sup>th</sup> and 21<sup>st</sup>, respectively, in per capita public security budget. Finally, Durango, Nayarit, and San Luis Potosí, three states above the national average in terms of violence, are in the last places for public security budgeting. Regarding the per capita budget for law enforcement, Nuevo León is

<sup>10</sup> When this average was calculated, Mexico City was excluded, so as not to distort the figure. In relation to the states, Mexico City is an extraordinary case due to the large amount earmarked to public security.

16<sup>th</sup>, Durango 17<sup>th</sup>, Jalisco 19<sup>th</sup>, Tamaulipas 20<sup>th</sup>, Morelos 21<sup>st</sup>, Guerrero 23<sup>rd</sup>, Michoacán 24<sup>th</sup>, and San Luis Potosí 32<sup>nd</sup> (last place).

**One option: The deterrence strategy**

In a context of scarce resources and limited capabilities, and given the risk that homicide and other crimes associated with organized crime may continue to rise in coming years, it is imperative that Mexico’s federal government authorities as well as the state and local governments familiarize themselves with the objectives, assumptions, and actions typical of anti-crime programs designed for deterrence. Following is a table showing the objectives and actions of “punitive” anti-crime strategies (such as the one currently being implemented by the Mexican government) and deterrence strategies (such as those often used by the three levels of government in the United States).

**Table 7. Comparison of punitive and deterrence strategies**

Punitive strategy	Deterrence strategy
Objectives and assumptions	
<ul style="list-style-type: none"> <li>• Dismantle criminal organizations and eradicate drug trafficking.</li> <li>• All illegal actions are pursued, without establishing priorities.</li> <li>• One seeks to punish the largest possible number of criminals.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce violence and crime.</li> <li>• Select priorities for focusing resources and capacities.</li> <li>• One seeks to maximize the effect of each punishment in terms of modifying criminal conduct.</li> </ul>
Actions	
<ul style="list-style-type: none"> <li>• Indiscriminate arrests and seizures against all criminal organizations.</li> <li>• Simultaneous operations in several parts of the country.</li> <li>• One always seeks to impose the most severe punishment on criminals.</li> <li>• Investment in greater firepower to fight all criminal organizations head on.</li> </ul>	<ul style="list-style-type: none"> <li>• Selective arrests based on the conduct of the criminal organizations.</li> <li>• Sequential deployment of government forces in different territories based on an order by importance and urgency of local challenges.</li> <li>• Swift punishments are imposed, minimizing the time between the violation of the law and the application of sanctions.</li> <li>• Investment in intelligence capabilities to collect information and act selectively.</li> </ul>

The punitive strategy is focused on punishing the largest number of criminal organizations by arresting or killing their members without heeding the effects these actions will have on the levels of violence. By contrast, a deterrence strategy is focused on sending messages to the criminal organizations to discourage their violent behavior and their actions that have greater costs in terms of human lives and social well-being. The punitive strategy, as it seeks to punish the largest

number of criminals, tends to foster widespread impunity due to the dispersion of limited capabilities and resources in the judicial branch and law enforcement.

Alternatively, a deterrence strategy, focusing its efforts on those actions that cause most harm to society, seeks to bolster the capability of the criminal justice system to deal with the most urgent and important cases. Finally, as it pursues a punitive strategy the government is unable to administer its resources and capabilities efficiently, for it applies them in a dispersed manner, without clear objectives or priorities. Hence the actions that stem from this strategy are often weak and lack impact. In the case of a deterrence strategy, the resources are focused and they are administered in keeping with a clear hierarchy of objectives and goals, thus the impacts are more compelling.

The deterrence strategy does not imply any "pact" with the criminal organizations. By definition, a pact presupposes obligations to those who subscribe to it. A deterrence strategy does not entail any obligation by the state, for it never renounces or compromises any of its capabilities or powers. The state always reserves the right to act at any time as it considers best suits the public interest. In a deterrence strategy the state maintains full sovereignty over the legal use of violence and administers it strategically to pursue crimes based on their importance and urgency. The state reserves for itself the right to pursue all crime, including criminal conduct it decides not to pursue systematically.

The Mexican federal government's current strategy for fighting organized crime is fundamentally punitive, because it prioritizes, in both its actions and its discourse, dismantling all the criminal organizations by arresting or killing their leaders. This strategy of confrontation pushes the criminal organizations to escalate their firepower and to use it against both the government and the new rival organizations that are appearing on the scene as a result of the fragmentation of the larger organizations. The criminal organizations know that independent of the degree of violence they wield they are targets of the federal government's punitive strategy.

In this context of uncertainty, the criminals have no incentives to desist from their use of violence. To the contrary, as the facts show, the violence generated by organized crime has increased and spread. While the punitive strategy has been successful in disarticulating the criminal organizations, the spaces left by the fragmented organizations have been quickly filled by a larger number of smaller and more violent organizations. Therefore, far from having recovered public spaces, the current strategy has resulted in less security and freedom of movement in ever larger areas. This process of expansion of the areas of influence of organized crime accelerated dramatically as of 2008.



The punitive strategy shows clear signs of having run its course. The current saturation of the federal security forces, dispersed on several fronts, has ended up diminishing their effectiveness. This has driven the authorities to operate with greater brutality and less precision, increasing the deaths of innocent persons and eroding the reputation of the federal security forces in the eyes of public opinion. In response to this situation, there is a need to reformulate the strategy and gear it toward reducing the violence, which implies selectively dismantling the organizations based on the criteria of the harm they cause society. Such a strategy would be focused on pursuing the most violent organizations sequentially, with the idea of discouraging the others from engaging in this type of conduct. The key to the success of such a strategy is to ensure that the government's punishment corresponds to the criminal conduct. And this connection, in the form of a threat, is what should be communicated effectively to the criminal organizations before the security forces go into action.

One additional benefit of the deterrence strategy is that the federal security forces will be less exposed because they will focus on selectively fighting a smaller number of criminal organizations. In this way they could act with greater adherence to the rule of law, minimizing the risks to society.

The government of the United States has often used to deterrent actions to change the conduct of criminal organizations. One of the most recent had to do with the murder of an immigration and customs agent on February 16, 2011. Eight days after the American agent suffered the attack that caused his death, the DEA launched operation "Fallen Hero" in 150 U.S. cities to fight the operations of the Mexican cartels. The operation was swift and hard-hitting: it lasted only three days and resulted in the arrests of 676 persons, the seizure of US\$ 12 million in cash, 17 tons of marijuana, 1047 pounds of cocaine, 64 pounds of methamphetamines, 21 pounds of pure heroin, 280 weapons, and 94 vehicles. The operation only generated one violent act, in Houston, Texas, where an officer suffered a bullet wound. With this action, the U.S. government put out a clear message to the Mexican cartels: they will pay very dearly for their attacks on U.S. authorities in Mexican territory. Given the high cost they had to pay on this occasion, it is unlikely that the Mexican cartels will carry out another attack against a U.S. agent.

### **Conditions for a change in strategy**

Three factors will build impetus for a new strategy for fighting organized crime:

First, developing intelligence capabilities that enable the government to act independent of the United States: The two countries' priorities are not identical. While the policy of dismantling the large criminal organizations is consistent with the interest of the U.S. government in restricting the supply of drugs in its

territory, Mexico now needs to focus its efforts on reducing violence, even if this implies devoting fewer resources to fighting international drug trafficking. The current dependence on the United States in several security-related aspects could make it difficult to adopt a new strategy aligned with Mexico's national interest.

Second, one should identify what actions the authorities can take that are most effective for *detering* the criminal violence and develop institutional capabilities to this end. This should be done at all three levels of government. In recent years the public security forces have developed operational practices that correspond to a context of direct confrontation (for example, practices identifying targets and pursuit with no holds barred) that would make it difficult for the government to effectively transmit the message that it is in the interest of the criminals to renounce some forms of violence. In this category, the orientation and advice of the U.S. government, based on the Mérida Initiative, could be fundamental, since the Americans have experience in the design and implementation of successful anti-violence programs, such as those carried out in Baltimore, Boston, Chicago, Los Angeles, New Orleans, and Pittsburgh.

Third, a broader and better articulated social demand should be consolidated for putting an end to the violence. The citizen demand to reduce the violence had been relatively lukewarm until now. With the geographic dispersion of the violence more Mexicans are becoming aware of the seriousness of this phenomenon. This growing awareness was reflected in the marches against violence held on April 6, 2011, which brought together approximately 34,000 persons in 21 cities of Mexico.<sup>11</sup> It is important that social indignation and discontent crystallize in a broad and articulated social demand, because a change in strategy will be more likely if whoever becomes President of Mexico in 2012 is firmly committed to reducing the violence.

### **The political responsibility of the government**

Of late a debate has gained traction in the media on the responsibility of the executive branch for the violence that has resulted from the fight against organized crime. One sector, dominated by persons close to innocent victims, has held the government responsible for this violence. Another sector has said that the only guilty ones are the criminals, based on two arguments: first, that the government didn't know that the criminals' response would be of such magnitude;

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<sup>11</sup> The figures reported by the national and state daily papers are as follows: Aguascalientes (200), Cancún (70), Chihuahua (3,000), Ciudad Juárez (60), Colima (64), Cuernavaca (20,000), Culiacán (200), Distrito Federal (7,500), Durango (17), Guadalajara (600), Mérida (100), Monterrey (300), Morelia (60), Oaxaca (150), Pachuca (150), Saltillo (150), San Luis Potosí (300), Tlaxcala (30), Torreón (150), Jalapa (1,000), and Veracruz (50). No data were found for Guanajuato, Manzanillo, Puebla, Querétaro, Reynosa, and Tuxtla Gutiérrez, where it was also reported that marches were held.

and second and more important, that this violence is an undesired consequence – perhaps a necessary evil – that results from the conflicts among cartels, that is, violence at the hands of others. Both arguments are plagued by weaknesses.

As for the first argument, not knowing the consequences of an act does not release one from responsibility. Every person with the capacity to reason and who is morally accountable (and who more than a popularly-elected government can be considered morally accountable?) must weigh the consequences of his or her decisions. Not doing so before taking action is a form of negligence. Therefore, the federal executive is responsible for the violence that has been set off by the war on organized crime, both if it identified the risks associated with its strategy, in which case it must assume political responsibility for its decisions; and if it acted without considering the possible consequences, in which case it acted negligently.

With respect to the second argument, the fact that the consequences of an act are involuntary or result from the reactions of third persons does not relieve one of responsibility. As I have described elsewhere, the violence associated with organized crime has increased largely as a result of the splits and disputes among cartels, which in turn are caused by the arrests of kingpins and in some cases by massive seizures. In these cases the Mexico's federal government is responsible – not, of course, as the direct perpetrators of the crimes – but for bringing about conditions that favored an escalation of the violence without implementing the deterrent measures necessary to contain it.

The federal executive is not guilty of particular acts, for no government can guarantee that its citizens, without exception, respect the law or conduct themselves peacefully. Nonetheless, the federal executive must assume its responsibility for the acts (or omissions) that led to the drastic upturn in violence since 2008 and continuing to this day. Recognition of this responsibility does not necessarily imply that the government has acted improperly. At times, to protect the collective interest, governments must make decisions that entail high social costs. Nonetheless, the government has yet to articulate a convincing justification for its aggressive security policy.

To explain the decision, for example, to launch the so-called “joint operations” it is not enough to say generally that organized crime has wrested control of part of the national territory from the State. One must show the specific risks to national security, as well as the tangible results one expects to obtain from the operations. The government must also explain what would have happened in the event that it had postponed its offensive long enough to make progress on the tasks of institutional reconstruction, and why it opened so many fronts in such a short time.

These explanations are necessary, and the citizens calling for accountability and public scrutiny of the authorities are neither weakening the State nor acting as “dupes” for organized crime. To the contrary, their demands contribute to the construction of effective institutions that are indispensable for strengthening public security and Mexico’s national security.