

CHAPTER IV

MEXICO'S FAILURE IN COMBATING THE DRUG WAR

Mexico's drug war has been going on for about five years since President Felipe Calderón announced in December 2006. Various attempts have been made by government to combat the cartels, but it seems the result is not maximized. In addition to the Mexican government efforts alone, aid has come from the United States. But unfortunately, this drug war never ended and the drug cartels in Mexico are still quite powerful.

Mexico's drug war has seized world attention, especially after the number of victims has risen year by year in this war. Government efforts to address the growing number of victims were not maximized. Even it resulted in a significant increase in killings, torture, and other abuses by security forces, which only make the climate of lawlessness and fear worse in many parts of the country. Mexico's National Human Rights Commission has reported that there are many human rights abuse committed by the military Mexico. There are more than 5,000 cases of human rights violations from 2007 to October 2011⁷⁵. So, in this chapter I will explain why Mexico is fail in combating the drug war even though it is assisted by the United States.

According to the theory I use in this thesis, I can classify Mexico into weak states. The weakness of Mexico can be measured in its governance, security, and law

⁷⁵ Human Rights Watch. Country Summary: Mexico. January 2012.

enforcement which are included in the political and security indicators. The raising number of casualties in this drug war and the increasing production of opium poppy and cannabis leaf indicated that Mexico is failed in combating the drug war even though it is already assisted by its neighbor country, the United States. The number of casualties, according to Mexican government, has reached 47,515 in only five years since the war declared in 2006.

Table 4.1

Reported deaths in Mexico from drug war violence

Year	Dec 2006	2007	2008	2009	2010	Jan-Sept 2011
The number of homicide	62	2,826	6,837	9,614	15,273	12,903

Source: Mexican government

The table shows the increasing number of victims during the drug war. This number is believed to be higher because of the investigative failures or the government that is not transparent. The most reliable figures come from the Mexican census agency,

which identified 67,050 homicides from 2007 through 2010⁷⁶, nearly double of the government's count for that period that reported only 34,637 homicides.

Another indicator of the failure is in the increasing number of cultivation of opium poppy and cannabis leaf in Mexico as well as the production of Methamphetamine. In 2006, the production of opium poppy was estimated to 5,000 hectares while in 2007 it was increased to 6,900 hectares. Nearly 15,000 hectares of opium poppy was cultivated in 2008 and it was also increased to 19,500 hectares in 2009⁷⁷. Meanwhile, cannabis leaf in 2006 was grown in 8,600 hectares land and increased to 8,900 hectares in 2008. According to CIA data, the cannabis cultivation in 2009 was increased highly to 17,500 hectares. According to *Centro Nacional de Planeacion, Analisis e informacion para el Combate a la Delincuencia* (CENAPI) and *Procurador General de la Republica* (PGR) the production of Methamphetamine in 2006 amounted to 753 kg and increased in 2007 to 805 kg. In 2008 it was decreased and amounted only 232 kg, but then increased again in 2009 up to 5,400 kg. These figures show that the number of illicit drug production in Mexico is increasing year by year even though government has tried to eradicate through something he called "drug war". The reason of government failure in combating the drug war will be explained as follow.

"Mexico Updates Death Toll in Drug War to 47,515, but Critics Dispute the Data". Retrieved from http://www.nytimes.com/2012/01/12/world/americas/mexico-updates-drug-war-death-toll-but-critics-dispute-data.html?_r=1 (April 20, 2012)

According to the data from US government, collected from various sources. The number could be higher according to Mexican government.

A. Governance

In the term of governance, Mexico is weak. According to the theory of weak states proposed by Susan E. Rice and Stewart Patrick, governance include in political indicator. Mexico is still fail to uphold the rule of law. The rule of law is important to protect the rights of all people in a country, because it will enhance national security. To enhance security, the state must protect individual rights against possible invasion by other private actors. During the process of democratization, many of the institutions that were created were meant to constrain the arbitrary power of the federal bureaucracies and the various public officials that operated in rather autocratic manners. New created institutions can improve the interaction between state and society. In the practice, Mexican DTOs, somehow, seem to control public opinion through media. Assessing the current situation, Committee to Protect Journalists (CPJ) Executive Director, Joel Simon, writes:

“Traffickers rely on media outlets they control to discredit their rivals, expose corrupt officials working for competing cartels, defend themselves against government allegations, and influence public opinion”⁷⁸.

First thing showing the weakness of Mexico in term of governance can be seen in the judicial systems. It means the capacity of the judiciary to uphold, interpret, and enforce the principles and laws that assure the constitutionally prescribed functioning of government and protect individual rights and property in a

⁷⁸ Cited from http://blog.transparency.org/2010/10/26/cpi2010_reporting-on-corruption-at-a-price/ (March 1, 2012)

predictable yet equitable way, has far reaching developmental consequences⁷⁹. In Mexico, even after the transition to democracy, policemen behave like criminals; judges are not guardians of the law, but can be swayed by the highest bidder; and bureaucratic agents stall and block policy changes, in order to undermine their political enemies⁸⁰. This is why Mexican citizen become less confidence in their legal systems.

Table 4.2

Percent of Population with No Confidence in the Legal System

Country	1981	1990	1995-1997
Mexico	12.0%	15.6%	25.3%

Source: World Values Surveys for 1981, 1990, and 1995-1997.

Table 4.2 is the example to show the percentage of Mexican population who are no confidence in the country's legal system. According to the table, in 1981, 12.0% of Mexicans did not trust the legal system in the country. Then in 1990 it was increasing to 15.6% and in 1995-1997 became more than double the number of people who did not trust in 1981. It showed that Mexico has something to fix in its legal system. There are many efforts have been done by Mexican government, but also there are several things neglected by the government. For example, program for the protection of witnesses against criminal acts that is still weak. This kind of

⁷⁹ Robert Kossick. "The Rule of Law and Development in Mexico". *Arizona Journal of International & Comparative Law*. Vol 21, No. 3. 2004.

⁸⁰ *Ibid.*

program is very important in order to support the families of victims or witnesses to be able to stay alive. In 2011, only 20% of crimes are reported to authorities, and just 5% of those are ever brought before a judge, according to a report by ICESI, a Mexican University research group⁸¹. It was because the witness or victims of crime, especially related to the drug business, are too afraid to report or even bring it to justice. Also, the lack of judges protection program shows the weakness of Mexican judicial system. The judges who are being fair sometimes got threat or terror from the DTOs. Some of them even got killed. The practice of drug-related violence toward judges in the past was not as high as nowadays. One reason judges had not been targeted by drug traffickers very often was that they frequently were bought off. In a state, drug lords coldly offer public officials to take a bribe or take a bullet. Among these choices, of course, judges have tended to take the bribe in order to stay alive. Journalists are also the target of assassination and terror by the cartels who are disturbed over the news about them being reported by the media. Meanwhile, the government seems not able to protect the rights and safety of these journalists. That makes Mexico now considered to be the most dangerous country in the western hemisphere for journalists⁸².

In addition to the weakness of protection program, the practice of impunity in justice remains high. Mexico is said to have nearly 90% impunity rates, includes for government and military officials. While images of violence, lawlessness, and

⁸¹ Marisela Morales. "Drug war: Mexico's weak rule of law". April 18, 2011. Access from <http://articles.latimes.com/2011/apr/18/opinion/la-ed-graves-20110418> (March 12, 2012)

⁸² Helena Hyvönen. "Dying for the truth: drug cartels target journalists in Mexico". November 3, 2011. Retrieved from <http://www.journalism.co.uk/news-features/dying-for-the-truth-drug-cartels-target-journalists-in-mexico/s5/a546595/> (April 19, 2012)

official corruption are often greatly exaggerated in stereotypes and media portrayals, Mexico has indeed experienced exceptionally high levels of criminal impunity and weak protections for the rights of accused criminals⁸³. The United States government has provided Mexico with aids in order to support the drug war through the Merida Initiative and Beyond Merida, but there is still lack of transparency and prosecution in Mexico's judicial system. The aid given by the United States of course has conditions. One of them requires Mexican government to ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and International law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights⁸⁴. But unfortunately this condition is denied by some lawmakers in Mexico who believe that it is the part of the US efforts to disturb Mexican sovereignty. As the result, many of the region's courts still operate under old laws adopted from previous colonial regimes of Mexican government. This impunity among Military forces finally has led to the killing of innocent civilians during the drug war without bringing it into the court. So, if the practice of impunity is still high, there is no way Mexico can combat the drug war effectively and the number of victims will be increased. As David Perez said,

*"The only way to win is to defeat the forces of impunity. Mexico should invest in a modern criminal justice system"*⁸⁵

³ David A. Shrink. "JUSTICE REFORM IN MEXICO: CHANGE & CHALLENGES IN THE JUDICIAL SECTOR".

⁴ Kristin Bricker. "Military Justice and Impunity in Mexico's Drug War". SSR Issue Paper No. 3. September 2011.

⁵ David A. Perez. "Mexico's War on Impunity" on June 22, 2010. Cited from http://www.huffingtonpost.com/david-perez/mexicos-war-on-impunity_b_620494.html (March 29, 2012)

The United States role in promoting rule of law in Mexico can help to fight organized crime such DTO more effectively and to improve security in both countries as well. It is said that the greatest threats to U.S. interest at home and abroad stem not from conquering states, but from failing ones⁸⁶. It means that in order to make the United States prosper and secure, other states must prosper and be secure as well and supporting the rule of law is one way to make it happen.

Previously, Mexico's public confidence in its criminal justice system had decreased and it has become major constraint to continue democratic transition and future economic growth. USAID assistance has come to Mexico and helped Mexican government to transform the Mexican criminal justice system. But it seems ineffective because the corruption in government institutions has made the war become worse. The judges, prosecutors, defenders, and court administrators somehow are easily bribed. The aim of this rule of law should be to build transparency and equality between state and society in order to protect human rights for ordinary society. According to a corruption and crime study by Center for Strategic and International Studies, a corrupt or inefficient justice sector can slow economic development, undermine the strength and credibility of democratic institutions, and erode the social capital necessary for development⁸⁷.

⁸⁶ "USAID promotes the Rule of Law in Latin America and Caribbean Democracies". Downloaded from http://www.usaid.gov/locations/latin_america_caribbean/pdf/dg_ruleoflaw.pdf (March 7, 2012)

⁸⁷ Prillaman, William C. "Crime , Democracy, and Development in Latin America." Policy Papers on the Americas. Volume XIV. Study 6. CSIS: Washington D.C. June 2003.

Second thing showing that Mexico is a weak state in term of governance can be seen in the number of government officials who work for the cartels. For example, the head of Chihuahua State Police intelligence was working for the Sinaloa Federation and also Mexico's Federal Investigative Agency (*Agencia Federal de Investigación*, AFI). AFI is a government institution directed by the PGR to investigate and prosecuting responsible for committing federal crimes and those who remain under local jurisdiction affect national security or are attracted to the federal level. Some agents of AFI are believed to work as enforcers for the Sinaloa cartel. In December 2005, PGR, reported that one-fifth of its officers are under investigation for criminal activity⁸⁸, include these "double agent" who work both for government and cartels. Even the "Godfather" of Mexico's drug cartels who controlled Mexico's drug trade in the 1980s and created the DTO was a former Mexican police agent. Mexico's own corrupt police officers often hinder the country's fight against drug gangs and organised crime. More than 5,000 federal police and soldiers have been reported to have links to the drug cartels⁸⁹. A recent Federal Police report has revealed that one of Mexico's drug cartels, La Familia Michoacána, received assistance from state police commanders. The report said the operatives were able to use "patrol cars to block streets so that hitmen could get away"⁹⁰. It means the cartel members have access to use patrol cars, radio

⁸⁸ Colleen W. Cook. "Mexico's Drug Cartels". CRS Report for Congress. October 16, 2007.

⁸⁹ Mark Orchard. 'Corrupt' police in Mexico drug war. Al Jazeera English. August 9, 2010. Retrieved March 17, 2012, from <http://www.youtube.com/watch?v=HM0gqTf4KNM>

⁹⁰ "Police helped Mexican drug cartel". June 29, 2011. Retrieved from <http://www.presstv.ir/detail/186821.html>

frequencies and uniforms that are provided by various Michoacán state police departments.

The law has been made in combating the corruption and many government officials have been arrested during President Felipe Calderón's admission, but there is still weakness in the law. For example on May 5, 2011, the Mexican Senate approved President Felipe Calderon's Federal Anti-Corruption in Government Contracting initiative⁹¹, but the law applies only at federal level of the country. Other than in the country, the law still cannot be applied beyond the Mexican territory, in order to cover irregular activities by national companies or individuals in international commercial transactions where a foreign official is involved. It finally comes to the impunity because the law is considered still weak.

Not just a problem of weak judicial system and corrupt officials, but in fact Mexican government is still unable to cover the lack of economic opportunities that in the end bring Mexican into drug business. More than 7 million young Mexicans between the age of 15 and 29 are jobless. The majority of those students who graduated from university don't have anywhere to get a full time job⁹². According to Organisation for Economic Co-operation and Development (OECD), an international economic organization, some 18.4% of 15 to 19 year-olds and 30% of 25 to 29 year-olds in Mexico are not in education, are unemployed or are not in the

⁹¹ Gabriel Colwell. "Mexican Senate Approves Anti-Corruption Law". May 9, 2011. Retrieved from <http://www.anticorruptionblog.com/mexico/mexican-senate-approves-anti-corruption-law/> (March 17, 2012)

⁹² Adam Raney. "Mexican youth struggle to find jobs". Al Jazeera English. January 29, 2012. Retrieved March 24, 2012, from <http://www.youtube.com/watch?v=cDTbancFORk>

labor force⁹³. It seems that there is very little hope of finding job in Mexico. If they do not get the job, some of them are going to work in informal sectors, selling food or clothes on the street. Some people even choose to get involved in drug industry.

According to Ms. Rios:

*“drug traffic cash flows are in fact helping some Mexican communities to somehow alleviate a grinding stage of poverty and underdevelopment. In fact, for almost all drug-producing communities, the drug traffic industry seems to be the only source of income.”*⁹⁴

This is partly due to the nature of drug cultivation, which is also similar to farming. Everyone seems to be able to cultivate opium poppies or marijuana easily, especially in remote areas where government cannot reach. As of the late 1990's, roughly 300,000 peasants were employed in drug production. This dependence on drug cultivation, especially on the labor-intensive process of processing poppy gum, still exists today⁹⁵. Mexican farmers switched from planting vegetables to opium poppy and cannabis leaf that have much higher price value than the vegetables. Somehow Mexican economy is, in many ways, dependent on drug industry. Economists estimate that the industry brings in between U\$25 billion and U\$50 billion every year. In 2009, Mexico probably made more money in the drug trade than it did in its single largest export industry, which is oil. One study, noted by Global Envision, reported that the loss of the drug business would shrink Mexico's economy by 63 percent. Others attribute as much as 20% of Mexico's GDP to this

⁹³ Data available on <http://www.oecd.org/dataoecd/32/9/48667287.pdf> (March 24, 2012)

⁹⁴ Colin Gray. *The Hidden Cost of the War on Drugs*. May, 2010. Retrieved from Stanford Progressive <http://www.stanford.edu/group/progressive/cgi-bin/?p=521> (March 24, 2012)

⁹⁵ Ibid.

industry. Mexican journalist Carlos Loret de Mola claims that cartels make three times as many profits as Mexico's 500 largest companies combined⁹⁶. The Mexican government estimates that the jump in violence resulting from its crackdown on drugs has taken a percentage point off the country's economic growth⁹⁷. That shows the present of government to foster economic environment for the sustainable economic growth sometimes is ignored. Whereas, the greater economic opportunities for citizen, the better government presence. As Andres Manuel Lopez Obrador, the candidate-in-waiting from Democratic Revolution Party (PRD), said that he would end the drug war if he is elected to be president in the upcoming 2012 Mexican elections. He said his government would instead concentrate on creating jobs and fighting corruption⁹⁸.

If there is still low opportunity in finding jobs, the number of poverty will be higher. Nearly half the population of Mexico lives in poverty. The number of Mexicans living in poverty is greater than the entire population of Colombia (in 2012 it is estimated to 46.432.508⁹⁹). The measurements, based on a 2008 survey, show that 36 million Mexicans (33.7%) live in moderate poverty, and 11.2 million (10.5%) live in extreme poverty. According the UN's Human Development Report, 17.6% of Mexicans live below Mexico's own poverty line. In this, Mexico ranks behind Bulgaria (12.8%), Thailand (13.6%), and Kazakhstan (15.4%). Poverty may, in fact, be part of the

⁹⁶ Ibid.

⁹⁷ Mexico's War on Drugs: A War on the Economy?". Retrieved from <http://www.globalenvision.org/2008/09/08/mexicos-war-drugs-war-economy> (March 24, 2012)

⁹⁸ "Mexico Presidential Candidate Vows to End Drug War". Retrieved from http://stopthedrugwar.org/chronicle/2012/mar/19/mexico_presidential_candidate_vo (March 31, 2012)

⁹⁹ Retrieved from http://www.dane.gov.co/reloj/reloj_animado.php (March 20, 2012)

reason for a country's poor growth performance that also creates Mexican drug industry. This more elaborated view of the development process opens the door to the existence of vicious circles in which low growth results in high poverty and high poverty in turn results in low growth¹⁰⁰.

It, somehow, also relates to the lack of social cohesion. A community with a high degree of social cohesion has the elements needed for growth. Social cohesion will strengthen its competitiveness, increase its resilience to economic shocks, increases their potential for technological innovation and improve democratic governance. On the other hand, country that has low social cohesion limits their growth capacity. It can create injustice, violence and conflict and governance problems, all of which promotes instability, lack of direction and lack of development. A lack of social cohesion will contribute to a weakening of democracy where cultural, social, and economic rights are ignored, with the obvious threat to social and political stability and to democratic governance generally¹⁰¹.

There are five pillars of social cohesion, in order to promote a community to increase its development potential¹⁰².

- The first pillar is education. It means not only the number of students enrolled in the system, but also the quality of that education, as it provides the tools for the competitiveness of the company.

¹⁰⁰ Guillermo E. Perry et al.. "Poverty Reduction and Growth: Virtuous and Vicious Circles". 2006. Washington D.C.: The World Bank.

¹⁰¹ Dr. Maria de Lourdes Dieck Assad. "Social Cohesion as the First Item in the Human Rights Agenda: Mexico's Performance". University of St. Thomas Law of Journal. Vol. 5:3.

¹⁰² Retrieved from <http://www.informador.com.mx/mexico/2010/258979/6/la-cohesion-social-en-mexico.htm> (March 20, 2012)

- The second pillar is health. In here we do not talk only about access to health care but also food, healthy hygiene practices, and in general the capacity of a society to live a healthy life.
- The third pillar is employment. It is an important mechanism of social integration in the societies. It not only generates access to resources also decent working conditions favor the referral networks and social protection.
- The fourth pillar is an administration of justice responsive, independence, efficiency and sensitivity to traditionally disadvantaged groups for achieving cohesion in a society.
- The fifth element is taxation sufficient. If the state does not have enough income to finance social investment in an effective manner, it would not be able to bring the social welfare.

These five pillars of social cohesion are key sectors from the causes of Mexican problems in its sustainable growth and development that finally created Mexican DTOs that lead to the drug war. According to the theory of weak states that I used in this research, I could explain the lack of social cohesion in Mexico also impacted the weak of governance. The development of Mexican drug cartels can be resulted from the lack of these pillars. For example, the existence of La Familia Michoacana as Mexican “Robin Hood” that created social cohesion in Michoacán and surrounding area. By most standards, Michoacán ranks among Mexico's poorer states: bad roads, low income, high illiteracy, soaring unemployment¹⁰³. The drug

¹⁰³ Cited from http://articles.latimes.com/1995-11-11/news/mn-1931_1_political-parties (March 30, 2012)

cartel has successfully created a base of social support through various programs and projects for the development in the region. But unfortunately, they got the money from illegal market such illegal drug business. Government is still unable to provide some regions, especially rural areas, with these development programs. As the consequences, many poor families moved to jump in illegal drugs business, since this kind of business earns large profit. In the end, the people's support for the drug war declared by government was becoming less. They tend to support the cartel that is, in fact, able to give them welfare. This minimal presence of government in rural areas continues to show Mexico as a weak state.

B. Security

In the term of security, the failure of Mexico in combating the drug war even though already assisted by the United States can also be explained by its weakness. According to the theory, security indicator can be measured through the ability of country to provide physical security for its citizens by measuring the intensity of violent conflict as well as its impact on the people. In this case, Mexico cannot provide the security for its citizen. Many civilians have been killed in this war. They are journalists, teachers, children, and even just ordinary people who have no relations with the drug cartels. Since the Mexico's drug war happens, some of Mexican teachers are affected violence from the DTOs. For example in Acapulco, they face death threat from criminals trying to turn over half their wages.

Consequently, teachers from at least 80 schools have decided to stop working, just as the new school year was getting underway¹⁰⁴.

Children are also increasingly targeted in the drug war. The children's rights group estimates that 994 people younger than 18 were killed in drug-related violence between late 2006 and late 2010, based on media accounts, which are incomplete because newspapers are often too intimidated to report drug-related crimes. Government figures include all homicides of people younger than 17, capturing victims whose slayings might not have been related to drugs or organized crime. In 2009, the last year for which there is data, 1,180 children were killed, half in shootings¹⁰⁵. Meanwhile, the United Nations estimates that between 2006 and 2010, around 1,000 children have died in violence related to the ongoing conflict between government and the drug cartels in the drug war. It is, of course, bring insecurities to the people. Government weakness in providing security for its citizen as the result of the drug war happens in Mexico explained why the war is failed.

Mexican government is also unable to provide security for its citizen from the escaped-prisoners because of the weak security in the prison. Some members of drug cartels have successfully escaped even from the maximum-security prison. For example what happened in Apodaca. The violence happened in a prison there served as cover for a massive jailbreak by members of the country's deadliest criminal gang, Los Zetas. Los Zetas is a DTO that is responsible for the drug trade as well as

¹⁰⁴ Franc Contreras. "Mexican gangs threaten school teachers". Al Jazeera English. September 2, 2011. Retrieved March 24, 2012, from <http://www.youtube.com/watch?v=Wob43lm2l3k>

¹⁰⁵ Anne-Marie O'Connor and William Booth. "Children increasingly targeted in Mexico drug war". April 17, 2011. Retrieved from <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/04/16/MN8I1ITPSA.DTL> (April 20, 2012)

the high crime rates in Mexico. Mexican authorities revealed that 30 Zetas henchmen escaped from Apodaca during the fray with the complicity of guards and possibly other top officials. The deadly violence underscored the abysmal condition of Mexican prisons, which are woefully overcrowded, rife with corruption and prone to high-profile escapes¹⁰⁶. Authorities make some effort to separate gangs within a prison, but divisions are easily breached. Finally, drug traffickers are still able to do their business even in the prison.

Another example of weak security in prison can be seen in a prison in Gomez Palacio that was proved far from safe. It is believed that the guards and officials are paid regularly to assist major drug traffickers to escape. For example, the escape of Joaquin "El Chapo" Guzman, the head of the Sinaloa drug cartel. He was arrested in 1993, but he successfully escaped from prison in a laundry truck in 2001. Since that day, he has been the most wanted man as U.S. government calls him "the most powerful drug trafficker in the world"¹⁰⁷. The prison systems have proved themselves notoriously porous. In 2009, guards were caught on camera calmly watching as 53 inmates walked out of a prison in the central state of Zacatecas. In December 2010, 140 inmates escaped from a prison in violent Tamaulipas state and the warden vanished. And in August of the same year, the

¹⁰⁶ Tracy Wilkinson. "Mexico prison riot was cover for jailbreak, officials say". February 21, 2012. Retrieved from <http://articles.latimes.com/2012/feb/21/world/la-fg-mexico-prison-break-20120221> (April 9, 2012)

¹⁰⁷ US: Mexico kingpin Guzman 'world's most powerful drug trafficker'. January 10, 2012. Retrieved from <http://www.foxnews.com/world/2012/01/10/us-mexico-kingpin-guzman-worlds-most-powerful-drug-trafficker/> (April 20, 2012)

warden of a prison in Gomez Palacio was jailed for allowing inmates to borrow guns from the guards, leave at night and go on to kill their cartel's rivals.

C. Law Enforcement

Mexico's weakness in term of law enforcement continues to be the reason why Mexico failed in combating the drug war. Since the existence of the DTOs is detected by government, they started to find new way to distribute illegal drugs. They recruited children to become members. According to a new study by a nationwide alliance of civic and social organizations, there are more than 30,000 children and teenagers have been recruited by drug-traffickers from 2006 to 2010¹⁰⁸. These children are tasked to deliver drugs to a buyer or to smuggle drugs to the United States. The U.S. Immigration and Customs Enforcement, or ICE, says that between 2008 and 2011, the number of youths aged 14 to 18 caught trying to cross the border between Tijuana and San Diego to sell drugs has grown tenfold. Lauren Mack, spokeswoman for ICE in San Diego, said 19 kids were arrested in 2008, 165 in 2009, 190 in 2010 and 190 again in 2011¹⁰⁹. Sadly, they actually do not only deliver, but also use these drugs and become addicted. They were also recruited to become the army for the cartels. The cartels equip them with small guns or even rifles. The weak law enforcement in Mexico makes this thing can possibly happen. The Child Rights Network in Mexico says many of these children are taking part

¹⁰⁸ "Children caught in drug-trafficking crossfire". Retrieved from <http://www.lapress.org/articles.asp?art=6302> (March 30, 2012)

¹⁰⁹ "Children Hired to Work as 'Mules' by Mexican Drug Gangs". Retrieved from <http://latino.foxnews.com/latino/news/2012/03/14/mexican-drug-gangs-using-more-children-as-mules/> (March 30, 2012)

because of death threats or because of economic and social necessity¹¹⁰. The government still recognizes them as victims of child abuse. While the drug cartels see them as a new form of abuse in which they are being used to commit an offense, to violate the law and to deceive authorities. In fact, not all these children are victims because some of them can also be put into criminals. That is what makes Mexican law enforcement can be categorized weak. The mechanism of child recruitment for the drug cartels start when they are 12 or 13 years old. The drug cartels start to interact with the kids. By 14, kids are working as lookouts or couriers. By 16, they start working as hit men and managing hit squads¹¹¹. These children go to a camp training and they were trained how to use assault rifles, grenade launchers, and other military equipments.

Actually the United States has helped Mexico in assisting Mexican youth and children to prevent them from the recruitment and involvement in the drug war, but it was only concerned on Tijuana and Ciudad Juárez, where most violence related to the drug war happened at that time. But apparently, since the war increasingly widespread, children are now becoming the subject of recruitment of the drug cartels to continue their business despite the ongoing war. Meanwhile, the aid given by US government through Beyond Merida is not very much comparing to

¹¹⁰ Tania L. Montalvo. "Children in Mexico: Criminals or victims?". January 17, 2012. Retrieved from http://articles.cnn.com/2012-01-17/americas/world_americas_mexico-children-crime_1_el-ponchis-drug-cartel-zetas?s=PM:AMERICAS (April 20, 2012)

¹¹¹ Carlton Purvis. "A Look at Mexican Drug Cartel Membership Trends". June 17, 2011. Retrieved from <http://www.securitymanagement.com/news/a-look-mexican-drug-cartel-membership-trends-008644> (April 20, 2012)

the other assistance. Project Gunner by the United States has also been assisting Mexico to disrupt the illegal flow of guns from the United States to Mexico as well as to train Mexican law enforcement officials to identify firearms traffickers. But, still, Mexico has no strong regulation about possession of the weapon. In Mexican gun regulation, the country specifies that the minimum age for gun ownership in Mexico is 18 years and it is restricted for the military service¹¹². Civilians can actually own gun but it is also limited to some types. However in the reality, children under 18 years who become soldiers for Mexican DTOs can easily own the weapon, even the restricted types of weapon. And even though Mexico has regulation in gun trading that stated

*"Individuals who acquire weapons or ammunition abroad, must apply for extraordinary permission from the fiscal dominion"*¹¹³

But in practice, the cartel members can still buy firearms through illegal market (such online market in the internet) and the US gun smugglers who work for them. For example, one of the most powerful DTOs, Los Zetas, recruited one gun smuggler from the United States. This U.S. resident bought guns legally but then ended up in the hands of notorious Los Zetas cartel. Many of these weapons are military in nature which are high-caliber rifles, semi-automatic pistols and assault rifles, including AK-47s. Additionally, many gun shops have already opened in north of the Mexican border and area gun shows offer buyers easy access to guns of

¹¹² According to the Military Service Act of 1998.

¹¹³ Mexico. 2004. 'Of Import and Export.' *Federal Law of Firearms and Explosives, 2004*; Article 58. Mexico City: Ministry of Parliamentary Services. 23 January.

all sorts¹¹⁴. Mexican government seemed cannot reach or trace this kind of market. That makes the drug cartels are still strong and fully-equipped to fight against the rival cartels as well as the government.

In conclusion, the failure of Mexico in combating the drug war is because of these weakness indicators. The United States assistance seems less effective because Mexico itself is not strong enough to fight the drug cartels in terms of governance, security, and law enforcement. Many policies or even reforms have been made in its government institutions but the reality presented in this chapter shows Mexico as a weak state.

¹¹⁴ "What Should I Know about Mexico's Drug Cartels?". <http://kosmo.hubpages.com/hub/What-Should-I-Know-about-Mexicos-Drug-Cartels> (April 20, 2012)