

Criminal Violence in Mexico

The Risk of Institutional Irrelevance

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Everyone wore white to the protest march against public insecurity. The main slogan the crowd shouted at the authorities was, "If you can't do the job, resign!"

By mid-2008 the social atmosphere in Mexico was showing clear signs of preoccupation and uneasiness. The cause: endemic violence and insecurity reigning in various regions of the country, despite the triumphalist discourse reiterated by authorities. The violence had not been contained, even though government officials continued to insist the "war on drug trafficking" (term they used) was going well.

The violence initially associated with drug trafficking has extended to other types of individuals without any criminal connections. The reason: the virtual guarantee of impunity with which criminals are able to operate in the country, fre-

quently in collusion with government functionaries from the most diverse hierarchies, within institutions that are formally responsible for providing security and a sense of certainty to citizens.

The daily sanctioning of impunity—manifested in atrocious crimes that go unpunished—is the greatest incentive for the "creativity" of criminal organizations. It is important to emphasize that these organizations are composed not only of those who directly carry the weapons to commit illegal actions, but also by those in authority who protect them. This includes individuals not only in police forces but also in political structures—together with those in charge of laundering the immense profits from these criminal acts. And precisely these last two dimensions of organized crime remain practi-

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cally off limits in Mexico, making it possible for the operational aspect of crime to regenerate itself.

The social unrest caused by public insecurity was expressed in an enormous citizens' protest march on August 30 of this year. It is important to point out, however, that this was a catharsis of sorts and actually a politically harmless march, since due to reasons traceable to various political tendencies, a significant number of the organizers did not want the pressure exerted on authorities to extend beyond certain harmless limits.

The trigger for this protest demonstration was the Mexico City kidnapping and murder of Fernando Martí, the young son of a prominent businessman, Alejandro Martí, who owns a chain of sporting goods stores and health and fitness centers in Mexico.

This sad event not only revealed the errors of institutions responsible for federal and local security, but also the high-level corruption prevailing within them. In this particular case, an assistant inspector from the Federal Preventive Police (PFP) coordinated the roadblock where the criminals, some of whom had police badges, kidnapped the youth. Also involved in these criminal acts were officers from the Mexico City judicial police.

Federal and local authorities have made obvious, unsuccessful attempts to distance themselves from responsibility and place the blame elsewhere. At times they have seemed to be trying to turn the negotiator consulted by the victim's family into a scapegoat. However, the indignation expressed by society started to include even social sectors that previously appeared somewhat immune to the national drama of violence associated with organized crime. These are sectors that may have previously accepted the erroneous perspective of government authorities who insisted the violence was perpetrated and suffered by individuals linked to criminal activities.

The notion that "they're out to kill each other, so the violence should not be a reason for concern" for society seemed to be the message in statements by various authorities from a number of government spheres and in numerous contexts and public forums. This shows the limited perspective from which the state is addressing this problem.

Collaterally—and of course involuntarily—the massive protest revealed that it took the unfortunate death of a young man from the most privileged layer of society for the latter to show its organizing muscle and to visibly exert pressure. The over 5,000 executions in less than two years of the current administration had not been enough, nor were the victims, also innocent, who were born into less powerful social

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groups. One such victim was a little girl hit by a bullet from an AK-47 during a shoot-out in Mexico City, while in her own bed.

The inevitable inference from similar events is that some social groups have a severely limited sense of solidarity, as reflected in the country's current situation of grave socioeconomic inequality and revealed in exclusionary, not inclusive political positions. This can be observed by anyone curious enough to read the comments expressed in different public forums, and reported in the Mexican media, especially on internet.

Nonetheless, this does not contribute to generating long-term prevention-oriented policies and strategies. Such an approach must be based on a perspective extending beyond a limited police focus, and rather must aim at preventing large numbers of young people who feel they have no future from joining criminal ranks as a way to demand what they feel they have a right to and to get material benefits.

However, what must be given high-priority attention—given the consequences if ignored—is the lack of alternative strategies formulated by Mexican authorities to successfully confront organized crime and the violence it has generated in recent years. In light of recent events, this violence is far from diminishing; rather, it is worsening at unprecedented rates since at least the second half of the twentieth century.

In an attempt to placate social discontent—especially coming from the elite sectors, which for the first time during the current presidential term showed signs of irritation in response to violence and insecurity—government authorities from various federal and local institutions, together with some social organizations, signed what has been called a National Agreement for Security, Justice and Legality, on August 21, 2008.¹

Especially noteworthy among the agreement's 75 points is the absence of any new measures other than those already anticipated in government strategies. We need only point out, for example, that proposals from federal, state and municipal

governments such as “purging and strengthening security and justice institutions” cannot help but seem just a bit rhetorical, since they have been mentioned in official discourse for several decades now. Furthermore, such “purging and strengthening” have not been measured on the basis of objective indicators, and the goals formally proposed have never been achieved.

A similar situation is that of the goals of promoting “the culture of legality, reporting crimes and social participation,” which the social organizations signing the pact agreed to fulfill. What happened in the case of Fernando Martí’s kidnapping leaves no doubt as to the fundamental reasons that Mexican citizens are reluctant to report crimes. Solving such crimes, at any rate, does not appear to depend on the willingness of citizens to follow the procedures defined by the law —especially when the public servants who should be overseeing compliance with those laws frequently act in collusion with criminals.

It hardly seems necessary to emphasize that the problem in Mexico is not a matter of limited economic resources allocated for fighting crime. In 2007 public spending programmed for “order, security and justice” was 60.46 billion pesos. In 2008 this amount was increased to 69.58 billion pesos. This last amount represented an 86.8 percent increase *vis-à-vis* 2003, when the amount designated was 37.25 billion pesos.² Even so, President Felipe Calderón requested a 39 percent nominal increase over the current year, in the Federal Spending Bill for 2009 presented to Congress.³ In the last six years, the federal executive has used only approximately 50 percent of the amounts budgeted. Nevertheless, the results do not correspond by far to the amounts spent in this area.

In addition, the commitment on the part of federal and state legislatures to promote better laws for fighting crime is hardly anything new. While in the midst of social discontent, some are calling for life imprisonment and even the death sentence for kidnapers, the problem will certainly not be

solved by stricter punishment —if there is no increased certainty that those breaking laws will be punished. Thus, we come back again to the problems of impunity and corruption, as the basic factors influencing the reproduction of criminal activities.

A successful strategy for reducing insecurity and diminishing the violence generated by organized crime undoubtedly requires an efficient legal framework; solid, professional security institutions; and social prevention measures aimed at modifying the root causes leading large groups of individuals to be willing to participate in illegal acts. Nevertheless, nothing mentioned here will achieve significant results without a serious, simultaneous attack on the critical points permitting criminals to operate with impunity and to continue to make themselves rich, specifically political and police protection and money laundering.

If there is international consensus on these critical points in fighting crime, and the reason for emphasizing these points is clear, why do authorities at different levels of government in Mexico insist on maintaining a strategy that is nominally comprehensive, but limited *de facto*?

The historic evolution of the problem of organized crime in Mexico throughout the twentieth century, and especially drug trafficking, demonstrates that criminal groups evolved with backing from political power and from security institutions. In addition, the changes in presidential administrations since the beginning of the current decade have altered the traditional correlation between conventional criminals and those who provided them with protection from the state apparatus. Consequently, organized crime currently enjoys greater independence and capacity for dealing with challenges to its activities.⁴ This is not merely a perception, but a fact documented during the 1994-2000 presidential term that led to criminal charges being brought against public officials and high-level political figures. It is important to emphasize that since that time, no other trial of similar proportions has been held in Mexico.

All of this leads us to propose two alternative hypotheses about authorities’ limited response to the problems of insecurity and criminal violence in the country. First of all, the level of mutual understanding between criminals and institutions at the various levels of government makes it politically unviable to seriously clean up security forces and establish precedents that will discourage future problems. Secondly, the institutional structural of the Mexican state is so deteriorated that it is incapable of turning around the

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situation, and its intentions and agreements are insignificant *de facto* and completely unable to exert any influence on the real actors—whether legal or not—and on changing their behavior.

Neither of these two hypotheses necessarily exclude the other, but clearly the risk involved in the second is considerably greater, since it virtually implies, for all practical purposes, the imminent collapse of the Mexican state.

The purpose of this brief analysis is not to diagnose the current status of the Mexican state, however the latter is clearly at a decisive moment in terms of its continuity. The response from organized crime to the agreement signed by authorities was the appearance of various warnings, denouncing real or supposed links between high-level federal and state government officials and a specific crime organization. Also, the first massive executions were carried out: 12 persons decapitated in the state of Yucatán and 24 executed in the state of Mexico. Of even more concern is the fact that, in an act of terrorism unprecedented in our history, two grenades were thrown at unarmed civilians in Morelia, Michoacán on the night of the national independence celebration, resulting in seven dead and more than 130 injured.

In addition to these grave events, it is also important to mention the risk involved in criminal organizations operating in paramilitary structures with high-powered weapons,

plus protest demonstrations by self-defense groups. All of this is being promoted in certain states by those with enough economic resources to carry out such actions, and in an atmosphere of discontent in relation to the capacities of formal institutions, with the tendency for some to want to take justice into their own hands.

In these critical conditions, if the Mexican state fails to show clear, convincing signs that it intends to fight the roots of organized crime in all the aspects mentioned here, it will unavoidably run the risk of institutional irrelevance. ■■■

NOTES

¹ This agreement can be consulted at http://www.eluniversal.com.mx/notas/vi_532069.html.

² Data taken from “2° Informe de Gobierno, Anexo Estadístico, Estadísticas Nacionales,” in the line item identified as “Estado de derecho y seguridad,” p. 61, http://www.informe.gob.mx/anexo_estadistico/PDF/ESTADISTICAS_NACIONALES/ESTADO_DE_DERECCHO_Y_SEGURIDAD/2_1.pdf.

³ “FCH solicita incremento de 39% al presupuesto de seguridad y justicia 2009,” *La Crónica de Hoy*, September 9, 2008.

⁴ Due to limited space here, the author recommends that interested readers consult a prior work: Carlos Antonio Flores Pérez, “El Estado en crisis: crimen organizado y política. Desafíos para la consolidación democrática,” (Ph. D. dissertation, UNAM, 2005), Chapter 3.