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Forgetting El Chapo: Why Mexico's Violence Will Remain Unabated

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Starting in November 2018, headlines related to drug trafficking were, for months, largely dominated by one name: Joaquín Guzmán Loera, better known as “El Chapo.” Drama-infused reports from the courtroom surpassed each other every day, ranging from a \$100 million bribe allegedly paid to former president Enrique Peña Nieto (2006–2012), a son betraying his father to save his own life, and Guzmán running naked through Sinaloa’s sewers in order to escape from the Mexican navy.¹ Even in the absence of Guzmán’s testimony, the headlines from his trial could hardly be manufactured even in the best Hollywood writing rooms.

Undoubtedly, the trial is a rich source of information for those interested in drug trafficking and it is unlikely we will have the opportunity to observe similar legal proceedings of another top manager of a drug trafficking organization in the next few years. However, the explosive testimonies from a variegated group of witnesses in El Chapo’s trial obscured most of the more important facts about drug trafficking groups, organized crime, and violence in Mexico.

In this essay, I discuss three topics that are indispensable for informing further research and conversations about violence and insecurity in Mexico: the importance of distinguishing between organized crime and drug trafficking groups; the diversification of illicit activities by certain criminal groups; and the need to examine the role of women in violence and drug trafficking. This is not intended to be an exhaustive account of organized crime and drug trafficking in Mexico, but rather is meant to call attention to elements that are central for making an informed analysis of the current context of chronic violence in the country.²

Distinguishing Between Organized Crime and Drug Trafficking Organizations

Scholarly, policy, and legal literature have yet to agree on what constitutes organized crime. However, despite the varying conceptualizations offered by different schools of thought, what is clear is that drug

¹ Keegan Hamilton, “El Chapo Witness Claims Mexico’s Former President Took a \$100 Million Bribe,” *Vice News*, Jan. 15, 2019, https://news.vice.com/en_us/article/439k4n/el-chapo-witness-claims-mexicos-former-president-took-a-dollar100-million-bribe; Alan Feuer, “How El Chapo Escaped in a Sewer, Naked with his Mistress,” *New York Times*, Jan. 17, 2019, <https://www.nytimes.com/2019/01/17/nyregion/el-chapo-trial.html>.

² “Co-constructing Human Security in Mexico: Methodology and Action Plan from the Communities Towards the State,” London School of Economics and Political Science, <http://www.lse.ac.uk/lacc/assets/documents/Co-constructing-Human-Security-in-Mexico.pdf>.

trafficking and organized crime should not be equated. Instead, drug trafficking should be thought of as a *type* of organized crime.

To date, the media have linked the increase of violence in Mexico over the last 12 years — in particular, homicides — to drug trafficking groups. The argument is deceptively simple:³ Drug trafficking organizations are inherently violent due to the illicit nature of their business and, as a natural consequence of their battles to establish territorial control, they cause bloodshed.⁴

And yet, illegal markets are not inherently violent: In fact, the business model for some criminal groups does not dictate using predatory violence against civilians, but, instead, generally calls for its selective use against rival criminals. While a more robust discussion of this topic is beyond the scope of this article, what matters is that a narrative that inextricably links drug trafficking organizations with violence blurs the distinction between organized crime and drug trafficking. As violence in Mexico has expanded and grown in complexity, including both lethal and non-lethal forms of violence, it is crucial to differentiate between the types of actors that perpetrate varying violent acts. This is important for at least two reasons: first, so the state can administer justice and redress victims of crime, and second, so the state, civil society, and communities can work together in designing policies that address the consequences of living in environments of chronic violence, rather than only following a hardline militarized approach.⁵

Establishing the distinction between organized crime and drug trafficking organizations is not a straightforward task. Nevertheless, definitions matter, because they determine how we think about a problem and the scope and methodologies for researching it. From an academic standpoint, organized crime can be understood to be on a spectrum, with the following characteristics varying in degree:⁶

- Criminal sophistication: What degree of planning is used in carrying out crimes? How long do individual criminal ventures last? How much skill and knowledge is required in carrying out these crimes?
- Structure: Is there a division of labor with clearly defined lines of authority and leadership roles? Does the structure maintain itself over time and for different kinds of crimes?
- Self-identification: Do the participants in criminal activities see themselves as being members of a defined organization? Is there, for example, an emphasis upon bonding, such as the use of colors, special clothing, language, tattoos, initiation rites, etc.?
- Authority of reputation: Does the organization have the capacity to force others — whether criminals or non-criminals — to do what it dictates without having to resort to actual physical violence? In other words, is the organization's reputation sufficient to instill fear and to intimidate others?

³ David Agren, "Mexico's Murder Rate Broke New Record in 2018 as Drug War Drags On," Guardian, Jan. 22, 2019, <https://www.theguardian.com/world/2019/jan/22/mexico-murder-rate-new-record-2018-drug-war>.

⁴ For a discussion of the different forms of violence in Mexico see Cecilia Farfán-Méndez, "Más allá de las drogas: violencia y seguridad en México," in *Co-construyendo la provisión de seguridad en México desde las voces y propuestas de las comunidades al Estado*, ed. Gema Kloppe-Santamaría and Alexandra Abello Colak (México: Miguel Angel Porrúa, 2019).

⁵ For an in-depth discussion of chronic violence please see Jenny Pearce, Violence, Power and Participation: Building Citizenship in Contexts of Chronic Violence, Institute of Development Studies Working Paper, no. 274, <https://www.ids.ac.uk/publications/violence-power-and-participation-building-citizenship-in-contexts-of-chronic-violence/>.

⁶ Characteristics and definitions from J.O. Finckenauer, "Problems of Definition: What Is Organized Crime?" *Trends in Organized Crime* 8, no. 3 (March 2005): 63–83, <https://doi.org/10.1007/s12117-005-1038-4>.

Determining what qualifies as organized crime is further complicated by different definitions used at the international level, for example, the definition in the United Nations Convention against Transnational Organized Crime differs from the definitions adopted by individual countries, even those that are signatories and have ratified the convention.⁷ The U.N. treaty, signed in 2000 and ratified by Mexico in 2003 and the United States in 2005, defines organized criminal groups as a “structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences [...] in order to obtain directly or indirectly, a financial or other material benefit.” In contrast, the definition adopted in 2008 by the United States through the Law Enforcement Strategy to Combat International Organized Crime aims for a more ambitious approach:

International organized crime refers to those self-perpetuating associations of individuals who operate internationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence or through an international organizational structure and the exploitation of international commerce or communication mechanisms.⁸

The authors of this definition have acknowledged it is too broad and fails to fully provide practical guidance to federal prosecutors. Nevertheless, the trade-off between flexibility and applicability was made in an effort to capture evolving threats that were not reflected in the U.N. convention. Notably, the National Plan for Peace and Security presented in November 2018 by Mexican President Andrés Manuel López Obrador’s administration does not include a definition of organized crime that sheds light on how the government conceptualizes this problem.⁹ Instead, it focuses on the nexus between organized criminal activities and corruption, without which, the plan argues, crime would not be possible.

The tension that exists among the many definitions of organized crime challenges our understanding of this problem. However, lack of consensus notwithstanding, what is common to these varying definitions is that while drug trafficking is understood as a type of organized crime, not all organized crime is engaged in drug trafficking. Violence in Mexico may be perpetrated by organized criminal groups but this does not automatically mean they are drug trafficking organizations nor that every act of violence in the country is linked to the “drug war.” Rather, there are groups that pursue criminal enterprises that are not linked to the drug trade as well as drug trafficking organizations that have diversified their criminal activities.¹⁰

⁷ “United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,” United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>.

⁸ The full definition continues, “There is no single structure under which international organized criminals operate; they vary from hierarchies to clans, networks, and cells, and may evolve to other structures. The crimes they commit also vary. International organized criminals act conspiratorially in their criminal activities and possess certain characteristics which may include, but are not limited to; In at least part of their activities, they commit violence or other acts that are likely to intimidate, or make actual or implicit threats to do so; They exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection and apprehension; They attempt to gain influence in government, politics, and commerce through corrupt as well as legitimate means; They have economic gain as their primary goal, not only from patently illegal activities but also from investment in legitimate business; and They attempt to insulate both their leadership and membership from detection, sanction, and/or prosecution through their organizational structure.” Thomas Ott, “Responding to the Threat of International Organized Crime: A Primer on Programs, Profiles, and Practice Points” United States Attorneys’ Bulletin 60, no. 6 (November 2012): 1–14, <https://www.justice.gov/sites/default/files/usao/legacy/2012/10/31/usab6006.pdf>

⁹ *Plan Nacional de Paz y Seguridad 2018–2024*, Equipo de Transición del Presidente electo Andrés Manuel López Obrador, https://forojuridico.mx/wp/wp-content/uploads/2018/11/Plan-Nacional-de-Paz-y-Seguridad_.pdf.

¹⁰ Parker Asmann, “Fragmentation: The Violent Tailspin of Mexico’s Dominant Cartels,” *InSight Crime*, Jan. 16, 2019, <https://www.insightcrime.org/news/analysis/violence-spikes-criminal-groups-fragment-mexico/>. As

Criminal Diversification: The Case of Undocumented Migrants

One problem with assuming that all criminal groups have the same business model is that it obscures explanations for different types of violence and levels of insecurity across Mexico, both for citizens as well as for people in transit. There are important variations in the violence observed throughout the country, with some states, such as Yucatán, having low homicide rates comparable to those of Belgium (which has among the lowest homicide rates in the world). Most important is the fact that these variations in rates of violence are not random — they are highly correlated with the type of criminal group operating in a given state.

Consider the routes followed by the migrant caravan that departed from Central America in October 2018. Some questioned the route taken by the migrants: If their goal was really to reach the United States, rather than attempt to influence the outcome of the mid-term elections, and if women and children were in the caravan, then why take the longer route to Tijuana instead of going directly to Texas, which would have offered the shortest amount of travel time?

As reported by some media outlets, after meeting with local U.N. representatives the caravan leadership opted for the longer route because it was deemed safer.¹¹ In a country with 250,000 homicides and close to 40,000 disappearances this consideration cannot be easily dismissed. In the worst known violence perpetrated against migrants in Mexico, 72 undocumented migrants from Central and South America were shot in the back of the head in a ranch in the municipality of San Fernando in the state of Tamaulipas next to the Texas border in 2010.¹² According to the official report, the migrants, who had been abducted from the buses they were traveling in, were murdered after refusing to become hitmen or pay for their release to the Zetas, a drug trafficking organization with diversified criminal activities whose main hub of operation is the state of Tamaulipas. We only know about the San Fernando massacre because of the testimony of one of three survivors who faked his own death and subsequently escaped.

The history of the Zetas has been extensively documented, including their reputation for savagery and bloodshed. What is less understood is that violence is an essential component of their business model.¹³ As an organization that has sought to control territories,¹⁴ as opposed to solely focusing on controlling drug routes, the Zetas diversified their criminal activities to include extortion, kidnapping, fuel theft, and “taxing” criminals, such as car thieves, who operated in these territories.

Unlike transnational drug trafficking, which involves *criminals* dealing with other *criminals*, extortion and kidnapping are predatory behaviors toward the *civilian* population. If extortion and kidnapping are part of a group’s criminal portfolio, then it must issue credible threats that signal that unless the victim complies with its request, there will be severe — and possibly lethal — consequences. To the extent that such a group

Finckenauer points out, there is also a distinction between organized crime compared to crime that is organized. That is, there are crimes that are complex and organized in their commission but which are not committed by criminal organizations. Finchenauer, “Problems of Definition.”

¹¹ Associated Press, “Migrant Caravan Opts for Longer Route in Push North to US Border,” *New York Post*, Nov. 9, 2018, <https://nypost.com/2018/11/09/migrant-caravan-opts-for-longer-route-in-push-north-to-us-border/>.

¹² Jo Tuckman, “Survivor Tells of Escape from Mexican Massacre in which 72 Were Left Dead,” *Guardian*, Aug. 25, 2010, <https://www.theguardian.com/world/2010/aug/25/mexico-massacre-central-american-migrants>.

¹³ Cecilia Farfán Méndez, “10 Years at War: Rethinking Drug Trafficking,” *Open Democracy*, Feb. 16, 2017, <https://www.opendemocracy.net/democraciaabierta/cecilia-farf-n-m-ndez/10-years-at-war-rethinking-drug-trafficking/>.

¹⁴ Steven Dudley and Viridiana Rios, “Why Mexico’s Zetas Expanded Faster than their Rivals,” *InSight Crime*, April 21, 2013, <https://www.insightcrime.org/news/analysis/why-mexicos-zetas-expanded-faster-rivals/>.

can show a penchant for brutality (and keep competing organizations out of its territory), it will run profitable extortion and kidnapping enterprises.

Today, the Zetas are no longer regarded as the most violent and rapidly expanding criminal group in Mexico. However, splinter cells that have retained a similar business model continue to operate along the Gulf of Mexico under different names.

Data support this theoretical understanding of crime based on varying business models. Evidence from the University of Texas shows that violence against migrants is more prevalent in states along the Gulf of Mexico compared to states where other criminal groups operate. The Central American Migrant Risk Database compiled by the Mexico Security Initiative at the Robert Strauss Center for International Security and Law clearly shows that migrants travelling on the eastern route along the Gulf of Mexico, including in Tamaulipas and Coahuila, are more likely to experience extortion and kidnappings, compared to migrants on the western route, including in Baja California, Jalisco, and the cradle of drug trafficking in Mexico: Sinaloa.¹⁵

Furthermore, the project “A dónde van los desaparecidos” (“Where do the disappeared go”), that has tracked and mapped the mass graves found in Mexico between 2006 and 2016,¹⁶ similarly shows that they are more prevalent in states where predatory organizations operate, compared to areas where groups are mostly focused on illicit drug trafficking. For example, in the states of Veracruz and Tamaulipas, 280 and 332 mass graves have been found, respectively, compared to Michoacán and Sinaloa, where a respective 76 and 139 mass graves have been discovered.

Although there are no doubt more mass graves that have yet to be found, this information provides partial evidence of the distinct manners in which violence is employed by predatory organizations and drug trafficking groups. To be sure, this does not imply that non-predatory groups are not violent, but rather that business models vary, and this includes how and when violence is used and who is targeted. By continuing to analyze and explore the variations in the violence across Mexico, policies can be put into place that are effective in limiting and precluding criminal activities, instead of being reactive in nature.

The Role of Women in Drug Trafficking and in the Path to Peace

While much of the attention surrounding the surging violence in Mexico has been focused on the male-dominated organized crime groups and drug trafficking organizations, very little attention has been paid to the role of women in both violence and drug trafficking, beyond viewing them as victims. To date, little is understood about the active role women play in illicit activities as well as how integral they are to any future peace process in Mexico.

One example that provides a good template is the Colombian peace agreement brokered in 2016 between the Colombian government and the guerilla group, the Revolutionary Armed Forces of Colombia. This peace process included a gendered focus that not only considered the different ways in which women are victimized but also the *active* role of women in working for peace through movements representing

¹⁵ “Central American Migrant Risk Database,” Mexico Security Initiative at the Robert Strauss Center for International Security and Law, <https://www.strausscenter.org/msi-content/msi-map.html>.

¹⁶ To consult the map and data see: <https://data.adondevanlosdesaparecidos.org/>

displaced people, peasants, and feminists,¹⁷ as well as their property rights — or lack thereof — in coca cultivating regions.

This gender perspective matters not only because women experience violence in different ways than men (leaving aside sexual violence), but also because it recognizes that women have agency and are integral in post-conflict resolution. Violent contexts, therefore, do not automatically turn women into *passive* targets. Instead, their voices and experiences are key to informing better policy strategies around the complex phenomena of violence.

Discussions on violence related to drug trafficking in Mexico rarely consider the roles that women play in the production and distribution supply chains of illicit drugs. For example, in the trial of “El Chapo,” Lucero Sánchez López, a former congresswoman in Sinaloa, testified about her involvement in the drug trafficking operation. Nevertheless, national and international media coverage focused instead on her role as Guzmán’s “mistress,” even though the value of her testimony had to do with her participation in the drug trafficking business.¹⁸

A closer examination of Sánchez’s involvement in the drug trade could help clarify why so few women rise to decision-making positions within drug trafficking organizations. Women tend to work in the lowest levels of the operation as growers, collectors, low-level dealers, or couriers,¹⁹ which is what makes Sanchez’s case so compelling. A close look at Sánchez’s case could help reveal how she used her political connections to protect Guzmán’s business; whether she recruited, trained, and delegated tasks from the drug trafficking operation to other women; and where, exactly, in the distribution chain she was located. Even if her participation largely stemmed from her romantic relationship with Guzmán, the fact that she wasn’t relegated to low-level tasks could provide deeper insights into the Sinaloa drug trafficking group.

As the Mexican government signals progress toward redressing victims of the war on drugs and their families,²⁰ it is becoming increasingly clear the role that the mothers of the disappeared have had in aiding these efforts. To date, crucial knowledge about disappeared individuals in Mexico comes from the work done by search groups founded by mothers and other female family members of the victims. These women finance their own searches and have become unofficial forensic and crime scene investigators. Their groups have produced important information about who is missing, as well as where searches have been conducted and whether any human remains were found.

Groups such as Colectivo Solecito Veracruz and Sabuesos Guerreras, to name just two, have been instrumental in bringing attention to the pain of these families, including the need for justice, regardless of

¹⁷ J. Vargas and A. Diaz Perez, “The Gender Focus in the Peace Agreement between the Colombian Government and the FARC-EP: The Transitions Needed for its Implementation,” *Araucaria* 20, no. 39 (January 2018): 389–414, <http://dx.doi.org/10.12795/araucaria.2018.i39.19>.

¹⁸ “Las frases de amor y desamor de la amante de ‘El Chapo’ en el juicio,” *El Universal*, Jan. 1, 2019, <https://www.eluniversal.com.mx/nacion/politica/las-frases-de-amor-y-desamor-de-la-amante-de-el-chapo-en-el-juicio>; Alan Feuer, “El Chapo Trial: The Kingpin’s Mistress Tells All,” *New York Times*, Jan. 22, 2019, <https://www.nytimes.com/2019/01/22/nyregion/el-chapo-trial.html>.

¹⁹ Corina Giacomello, “Women, Drug Offenses and Penitentiary Systems in Latin America,” International Drug Policy Consortium, October 2013, http://files.server.idpc.net/library/IDPC-Briefing-Paper_Women-in-Latin-America_ENGLISH.pdf.

²⁰ Itxaro Arteta, “México tiene una crisis forense, las morgues del país están sobrepasada, dice la titular de la Comisión de Búsqueda,” *Animal Politico*, March 5, 2019, <https://www.animalpolitico.com/2019/03/desaparecidos-morgues-crisis-forense-karla-quintana/>.

whether or not the disappeared were suspected to be involved in criminal activity.²¹ They also work directly with state actors who are ultimately responsible for excavating and identifying the victims. As more mass graves are discovered, the tireless work done by the women who run these groups will become integral to any peace process that aims to find and return missing loved ones to their families, while also working with the state in administering justice.

Conclusion

Even though stories related to drug lords can ostensibly offer solid explanations for violence, more often than not, they are smoke and mirrors. While violence in Mexico is certainly connected to the illicit market for drugs, not every act of violence, nor the perception of feeling unsafe in certain cities,²² is linked solely to the drug war. Other criminal groups that are not involved in the drug trade have taken advantage of the security vacuum in Mexico and are responsible for exacerbating the opportunities for criminal behavior.

The types and levels of violence that occur in different parts of the country partially depend on the business model of each criminal group. As the cases of extortions and kidnappings of undocumented migrants traveling through Mexico show, predatory groups need to issue credible threats of violence in order to extract money from civilians. In contrast, other groups that mostly focus on the drug trade will tend to use violence in a more selective manner and mostly against rivals or the state. Although more mass graves are likely to be found in the coming years, the locations of the known ones indicate that the differences in the business models are real and are not just theoretical propositions.

A key missing variable for gaining a better understanding of these business models relates to how women participate in illicit economies. To date, we have little understanding of how women rise to decision-making positions within drug trafficking groups. Equally important is how women fit into the peace process. The role of female-led organizations in searching for the disappeared in Mexico is crucial not only for finding those who are missing but also in ensuring a victim-centered peace process that also serves justice.

But even Mexico's clouds have a silver lining. If policymakers and scholars who study Mexico continue to explore violence as a complex phenomenon that is not just about drug lords, the lessons that can be learned about how to deal with insecurity can be applied not only to Mexico, but to neighboring countries in Latin America, where violence has reduced life expectancy.²³ Furthermore, Mexico's challenges do not begin or stop at its borders. As evidenced by the violence experienced by migrants from Central America traveling through Mexico, the roots of some criminal enterprises are transnational, and therefore, their solutions may be as well.

²¹ Kathy Corcoran, "Mothers of Mexico's Missing Accept 2018 Notre Dame Award," *Notre Dame News*, Oct. 16, 2018, <https://news.nd.edu/news/mothers-of-mexicos-missing-accept-2018-notre-dame-award/>. Author's interview with Human Rights activist, Culiacán, Sinaloa, March 2019.

²² "Encuesta Nacional de Seguridad Pública Urbana," Instituto Nacional de Estadística y Geografía (December 2018), http://www.beta.inegi.org.mx/contenidos/programas/ensu/doc/ensu2018_diciembre_presentacion_ejecutiva.pdf.

²³ Ana Corbacho and Carlos Scartascini, "The Costs of Crime and Violence in Latin America and the Caribbean," *Impacto*, Feb. 5, 2013, <https://blogs.iadb.org/efectividad-desarrollo/en/the-costs-of-crime-and-violence-in-latin-america-and-the-caribbean/>.

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