

# CRIME AND TERRITORIAL GOVERNANCE IN MEXICO IN THE FACE OF DEMOCRATIZATION AND GLOBALIZATION

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## ABSTRACT

Somewhere on the Mexican territory, the space of flows associated to globalization, in this case illegal flows of drugs and undocumented immigrants converge with the presence (or absence) of the State. Somewhere else, within the confines of intertwined policy arenas, there is an ongoing collision of political actors and discourses arguing about issues such as, which are the proper policies, goals, organizational structures and policy rationalities needed for a viable governance scheme that will bring security to population and respond to all sorts of pressures and external demands. In the midst of a transition to democracy, the State in Mexico is struggling to preserve its relevance as an entity serving broad social interests such as economic growth, equality, freedom, sovereignty and social well being. Ten years after giving a definite step into its transition to democracy, Mexican society is witnessing high rates of violent crime and state structures are not responding to popular demands. Political actors have failed to achieve legitimacy for the public policies needed to face the situation. Foreign governments, international organizations, nongovernmental organizations and interest group leaders are voicing their concerns and are very critical of policies and practices. Government agencies are finding it difficult to get away from old practices in the fields of planning and crime protection. During the past five years, the war on crime, particularly organized crime and drug traffic, declared by the Calderon administration (2006-2012) has resulted in more than 40,000 deaths and the existence of many regions where government has virtually lost control over the territory.

In this paper we analyze this governance challenge by looking into specific public policies to provide crime protection and bring stability to all the regions of the country. We call this policy goal “the production of secure spaces”, and argue that in order to get some progress an integrated effort –governance scheme- of security policies and urban and regional planning initiatives is needed. We analyze three crime prevention policies implemented in Mexico over the past five years which are good examples of the failures to bring territorial governance in a country within the context of transition to democracy and globalization. Drawing on this analysis, we conclude that Mexico constitutes a good case of how the State is having problems to remain itself as a relevant institution that may provide universal protection to its citizens in a context of democratization and globalization.

**Key words: governance, crime prevention, immigration, police unified command, interior borders.**

## INTRODUCTION

Governance success is a difficult concepts to define or measure. The World Bank defines governance as a set of “traditions and institutions by which authority in a country is exercised”. Mainwaring, Scully and Vargas (2010) see democratic governance success to the extent that “democracies enhance social well being and protect citizen rights” (P.11). Based on this simple, but practical, definitions, we may conclude that in a general sense a country faces governance problems when traditions and institutions do not permit authority to be exercised as society deems necessary. From this it follows that as a country moves towards a democratic regime, governance needs to help to achieve valued social goals.

A society in transition to democracy faces a governance problem if the emerging democratic institutions fail to produce the expected social goods and services. A crime-related governance problem exists if a society faces a severe violent crime situation and parts of the territory are literally beyond the reach of any government branch. Failed state may be a concept to harsh to be applied to many countries in the word, buy dysfunctional state is a concept that may be applied to countries like Mexico where there are pockets of territory left to the rule of parallel forces such as crime gangs, or drug lords.

Transition to democracy has been sometimes associated to an increase in crime rates as the new situation challenges the capacity of political actors to establish the rule of law. Transitions bring opportunities for criminals to change their modes of operation and the geography of crime at a country or local level. Transitions impose severe burdens to local, state and national government agencies as crime needs to be fought on different institutional and organizational grounds (Sherr 1995; Shaw, 1998; Saff, 1998; Derrick y Power, 1998). After a regime change, police forces need to be reformed to serve new mandates and they need to develop new professional standards (Finzter, 2001). Mexico is not an exception to this rule. Transition to democracy has placed police forces under the scrutiny of media and organized groups. State apparatus are struggling to change former practices. Pansters and Castillo (2007) characterize the situation in Mexico through the lenses of what happens in Mexico City. They describe a situation in which impoverishment, exclusion,

and inequality are combined with the emergence of gated neighborhoods, proliferation of poorly paid private guards, rivalries and open conflicts between political players, the strengthening of organized crime, serious problems of coordination among security forces, corruption. Alvarado (2008) claims that the problem with police and insecurity is that police forces behave as cartels and have the double mission of following orders and achieving their own goals. Thus sometimes different security forces cooperate, but in other times they compete. Police forces are having problems to adjust mandate and practices and failing to serve citizens needs. The problem is that, in practice “following orders” means to serve those with power. Mintzer provides a similar argument by pointing out that in military-type organization “it is impossible to rate expertise more highly than power: a superior is ipso facto smarter than anyone under his command” (Mintzer, 2001:133).

The aim of this paper is to contribute to make sense of the way Mexico is dealing with this type of governance problem and to provide lessons of larger implications for dealing with crime problems in societies in transition. We use a critical geopolitics approach to highlight the existence of contested discourses, contradictory policies and failed government mechanisms and practices, which have resulted in a severe crime situation. Mexico, we argue, exemplifies a situation of a State having problems identified in the literature as “graduated sovereignty” (Garland, 2001), and “intermittent legality” (PNUD, 2004). Our goal is to show that the lack of progress in crime prevention, policy design contradictions, and apparent chaos in the deployment and organization of the police and justice system in Mexico may be considered expected outcomes of a failed political system where consensus is hard to get and globalization and international crime are forces hard to tackle. We also argue that the war on crime conducted by the Mexican government over the past five years also shows the limits and consequences of favoring punitive solutions to deeper governance challenges and the need to use situational and structural approaches to deal with problems of poverty, inequality and lack of opportunities, and the need to open room for alternative discourses on crime prevention and security other than those held by powerful players. Emerging democratic regimes face a serious challenge to stay in power. When crime riddles a country society worries more about security than other regional

development goals such as economic restructuring, economic convergence or even technological innovation. Crime victims want justice not ethereal development promises; urban dwellers want fields of peace not useless urban plans.

The war on crime mandated by the federal government has resulted in a perverse solution to the crime related governance problem. “Kill locally, think globally” seems to be the new rule by which criminals and police forces in Mexico are sorting out their battle for territory. Let us take a look:

- Jilotlán de los Dolores<sup>1</sup>, take one: Oct. 28:2010, an armed command ambushed state policemen patrolling the area near a small rural community of this municipality located up in the mountains in the border of Jalisco and Michoacán, two states in western Mexico. Nine state troopers from Jalisco were shot to death, two more were injured and one was still missing days after the hours-long shooting took place<sup>2</sup>.
- Jilotlán de los Dolores, take two: June 1, 2011, as a result of an operation organized by the federal police of the Ministry of Public Security (SSP by its name in Spanish) in the community of Las Lomas, 19 allegedly criminals were killed, 39 more were arrested and police forces confiscated a huge arsenal that included machine guns, armored vehicles and about 21 thousand bullets of different caliber. This operation was organized in response to a previous attack suffered by a police aircraft that took place a week before, and it was based on intelligence reports indicating that armed commands of the “*La Familia*” cartel were regrouping there under the orders of a capo called “*El Chango Mendez*” (the “Monkey Mendez”) to attack another group called “*Los Caballeros Templarios*” (The Templar Knights), with whom they had a dispute for

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<sup>1</sup> Actual name of municipality

<sup>2</sup> See, “Caen 9 policías en cuenta balacera en Jilotlán de los Dolores”, in *Notisistema*. Consulted in]: <http://www.notisistema.com/noticias/?p=312496>, and, “Emboscan a policías estatales en Jilotlán de los Dolores” in *El Informador*, Oct. 28, 2010. Consulted in: <http://www.informador.com.mx/jalisco/2010/244863/6/emboscan-a-policias-estatales-en-jilotlan-de-los-dolores.htm>

territory originated after *La Familia* leadership splintered in December 2010<sup>3</sup>.

“Kill-kill” is the solution to the game observed in these two recent events. Kill-kill, is the solution of many other events taking place in urban areas or remote areas of the rugged mountain Mexican terrain where the war(s) on organized crime are taking a huge toll among criminal bands, police forces and civilians. The space of these particular two events –state boundaries-; the social conditions – poor rural areas-; the stakeholders –federal, state and local police forces and splintering bands of criminals-; the weaponry used, and the way the battle takes place; tells much about the depth and scope of the governance problem created by the internationalization of crime, and about the possibilities of the favored State answers.

Transition to democracy and openness to global forces have nurtured the creation of a governance problem in Mexico with manifestations that vary over space and time. Challenges have been appearing in different forms and places. On January first of 1994, just when the country was participating in the inauguration of the implementation of the North American Free Trade Agreement (NAFTA) a social revolt erupted in the mountains of Chiapas. Eventually, this conflict faded from the public eye but social tensions, and some of the conditions that created it, remained basically untouched. In 2000, the one party system that ruled the country for more than seventy years reached to an end. The election of an opposition candidate from the National Action Party (PAN) inaugurated a new era of democratic elections in the country.

Over the past ten years, but particularly during the administration of Felipe Calderon (2006-2012), the country has witnessed a rise of violent crime rates, particularly in mountain corridors, border areas and cities where drug cartels maintain a violent dispute for territory in order to control drug traffic and the flow of undocumented immigrants bound to the United States. The number of murders associated to the current war on crime is changing every day. A last unofficial figure of individuals murdered between 2006 and the end of 2011 was 46,969, the figure was disputed by the federal government as of January 2012

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<sup>3</sup> See, “Fatal enfrentamiento deja 19 muertos, 39 detenidos y un arsenal asegurado”, in *Informativo del Sur de Jalisco*, June, 1, 2011. Consulted in <http://www.periodicoelsur.com/noticia.aspx?idnoticia=59123>

the federal government was not releasing its official figures<sup>4</sup>. Meanwhile government officials have played with the ideas of increasing the level of punitive measures. A WikiLeaks report published in Spain by *El País*, argued that the Mexican Defense Minister had considered the possibility of establish a state of exception –equivalent to martial law- in some parts of the Country to gain territorial control<sup>5</sup>.

This convergence of legal and illegal forms of globalization and the political transition to democracy have resulted in a contested geography where criminal bands, gangs and drug cartels are challenging the capacity of the State to provide protection and security in several portions of the territory. Pockets of failed state is the term that has been used to describe the situation of neighborhoods and rural communities in mountain areas which are virtually occupied by criminals who have managed to establish links with open populations and present themselves as the only path to security, and income generation.

In October 2007, Mexico and the United States signed the Mérida Initiative, a new agreement aimed to strengthen the capacity of Mexican authorities, and to expand the bilateral collaboration in the fight against organized crime. Under the terms of this agreement, the U.S. Government would provide economic, technological and logistics support to the Mexican Government to strengthen its capacity to face the drug cartels and the traffic of undocumented immigrants to the United States.

This Mérida Initiative constitutes a new wave of collaboration between the two governments on crime issues and represents an additional pressure to the policy implementation structures across the country. At the conceptual level it pushes the agenda of punitive response and militarized and centralized forms of responding to the crime related governance problem. To meet the conditions agreed under the Mérida Initiative, the federal government in Mexico has launched several programs that have become the subject of a debate about the constitutionality and the level of compliance with other international agreements on human and civil rights protection.

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<sup>4</sup> See, “Oculta el gobierno cifras de ejecutados en 2011”, in Milenio, january, 5, 2012. Consulted in <http://impreso.milenio.com/node/9089687>

<sup>5</sup> See, OEM “Estuvimos a punto de estado de excepción” OEM, Dec. 3. 2010. Counsulted in <http://www.oem.com.mx/oem/notas/n1876058.htm>

Mexico is trying to simultaneously attend international demands to make Mexico a viable economy in world markets, and to domestic demands for security and crime prevention in all the national territory. So far the federal, state and local governments have tried to respond to this challenge emphasizing punitive responses to crime. Parts of this answer are clear efforts aimed to the reorganization of military and police forces. Some of these policies require a change in the relations between federal, state and local governments. Three policies are at the center of this, not necessarily well coordinated, effort:

- a) the creation of a centralized police force at the state level (Unified Command) which sometimes starts with the colonization of state and local police forces with military officials.,
- b) The implementation of police/military operations to protect internal borders.
- c) The adoption of immigration controls that, some how, mimic those taken in the United States.

These three policies are the subject of a debate among political forces, economic leaders and representatives of non governmental organizations. At the center of the debate are issues of efficiency, accountability, guarantees of human rights protection and the extent to which actions taken by police/military forces are contemplated by, or violate, constitutional mandates and international treaties.

For all these reasons, Mexico exemplifies the situation where State and society need to find new territorial governance equilibrium. Political actors and policy makers need to find the way to solve the tension between fighting crime, maintaining the federal system and protecting civil and human rights. So far they have proved to be unable to produce the consensus needed to design and implement agreed upon solutions that are coherent with globalization, crime internationalization and democratic values.

In this paper our main argument is that current failures in bringing security to all the Mexican territory is an expected outcome of an unfinished political transition and a political system that has been unable to create the legitimacy and political alliances needed to face the challenges of internal territorial governance and international relevance. We particularly identify two

major structural problems: first, the emphasis on punitive policies in dealing with crime, and second, the divorce between security policies and urban and regional planning as possible ways to produce safer cities and regions, and second, the continuation of an orientation of security forces to serve the interests of political and economic powers rather than to offer universal protection to the people in all the national territory.

## **I. MODELS OF TERRITORIAL GOVERNANCE AND CRIME PROTECTION**

Crime related governance problems are among the most basic social issues raised in a democracy. According to Mainwaring, Scully and Vargas, (2010) in a Hobbesian view “without the state’s capacity to impose law and order, ruthlessness and violence would prevail” p. 31. It is no wonder that, when asked for government success, most individuals will rate crime protection as one of the basic functions a government should fulfill (Mahmood, 2007; Mainwaring, Scully and Vargas; 2010). Governance implies respect of citizens and the State for the institutions that govern their interactions including perceptions about crime and predictability of the judiciary (Kaufmann and Kraay; 2002).

The OECD provides a pragmatic definition of territorial governance which allows to process information of the situation in particular territories. In this definition territorial governance is:

”The manner in which territories of a national state are administered and policies implemented, with particular reference to the distribution of roles and responsibilities among the different levels of government (supranational, national, and sub-national) and the underlying processes of negotiation and consensus building” (OECD, 2001:142)

To look at the governance problems in a particular nation-state, it is useful to frame territorial governance as a multidimensional social goal that requires social agreements to produce legitimate and integrated forms of state intervention. Agreed upon forms of governance are affected by long term processes, focal events, the existence of powerful actors or the emergence of key issues in the policy agenda.

New governance solutions need to be coherent with other large processes taking place at the domestic and the international level. Hooghe and Marks (2001) explain the creation of multi level governance in Europe as a



result of European integration and the regionalization efforts conducted at the nation state level.

The convergence of legal and illegal forms of globalization creates the need of complex and innovative approaches to territorial governance. Transnational organized crime threatens governance in many ways. According to a report produced by UNODC, 2010, in a country where the rule of law is already weakened, crime can pose a real threat to stability and countries may become locked in a vicious cycle of loss of social trust and the economy is undermined.

In the presence of organized crime, policies need to take account of emerging rhetoric, and explore how popular causal stories may be linked to actions. On the conceptual level it is necessary to develop innovative frames for government action in defense of public security and social well being. To create such framework even emotions are valuable inputs. The problem is not endemic to countries like Mexico who are in the midst of a wave of crime wave within the context economic globalization and transition to democracy.

Cowen and Gilbert (2008) argue that it is through the use of emotions that the U.S. was able to reconstitute its role after the terrorist attacks of 2001. The new narratives of domestic as home and homeland were depicted as central in the battle between freedom and totalitarianism. "home/land" they argue is "celebrated as a space of security", it is cast as space of refuge and as a threatened private social space. (Cowen and Gilbert, 2008:50) Thus the new insecurities are used to target the enemies, and securing domestic territory becomes a newly found big mission of the State. In an enlightening book on this subject, Payan (2006) describes how the State in the United States has induced the geopolitical transformation of the U.S.-Mexico Border into a space for three simultaneous wars: the war on drugs, the war on immigration and the war for homeland security, which in this case is the war on terror.

As a social goal, territorial governance is produced through state interventions, everyday actions, political and cultural discourses and the creation of rules and conventions to regulate social interactions and how space may be used by different actors. In the search for territorial governance within the context of globalization forces, all the stakeholders need to reorient their actions in the public sphere to produce optimal solutions in an open system that

requires multilevel negotiations involving local, domestic and internationally based interests and the existence of organizations –legal and illegal- operating in the space of flows with no particular territorial basis.

What distinguishes the situation in a society in transition is the fact that they are forced to make important changes in state structures, rhetoric, action orientations of security forces and to create the institutional framework that transforms how society and the State interact. To implement a new model of territorial governance in a society in transition it is necessary to forge a new social contract which may be able to provide a definition of limits of state intervention, levels of respect for private life, principles for human rights protection, and to create new rationalities and functions for state apparatus.

To achieve territorial governance within the context of transition to democracy, political actors and society at large, need to create a new agreement –territorial social contract- and to restructure State apparatus to guarantee crime protection, openness to all the national territory, and to create the conditions to achieve development goals. To do that, the State needs to redesign policies to mount an integrated effort aimed to produce secure spaces and to offer universal protection of human rights.

Assessing governance problems is a difficult task. The World Bank offers a quantitative approach that requires indicators for six dimensions of governance<sup>6</sup>: Voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption indicators are produced using surveys. A qualitative approach may try to illustrate the situation by using case studies to exemplify the nature, structure and scope of the problem in a particular area.

In this case we study the crime related governance problem of Mexico as a situation that has to do with three of the dimensions suggested by the World Bank (absence of violence, rule of law and corruption). We use case study methods to analyze three particular policies: Unified Command for Police Forces promoted by the Federal Ministry of Public Security, the Safe Internal Borders Declarations promoted by state governments, and the International

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<sup>6</sup> See, The Worldwide Governance Indicators (WGI) Project.  
<http://info.worldbank.org/governance/wgi/index.asp>

Migration Control Policies conducted by the National Institute for Immigration (INM), a branch of the Federal Interior Ministry.

To facilitate the study of the three cases we regard the production of universal safe spaces as the result of the combination of two sets of policies: urban and regional planning (the planning dimension) and security policies (the security dimension). We propose that in both dimensions it is possible to identify dominant orientations that may, or may not, be helpful to reach to an ideal of universal protection and territorial governance.

Drawing on the literature on social capital, territorial governance and democracy theory, for urban and regional policies we identify two ideal orientations for the planning dimension: a) defense and production of public space as the place for developing civility and social cohesion and, b) production and protection of private space as a defense of entrenched interests, privacy and privilege.

For the security dimension we draw on literature of political transitions policy analysis, and the history of the transformation of police and military forces in nation-states to suggest that security policies may be oriented to protect political and economic interests of powerful players –defense of power-, or to protect the universal interests of population –citizenship protection-.

This model allows us to suggest that observed patterns of crime rates in a particular country are not random, but follow graduations of protection designed in the public policies which in sum create to create territorial variations of governance. We use this model to analyze the intermittent presence of the state in the national territory as a consequence of the inability of the political system to transform the mission of police and security forces from the semi-authoritarian practices of the previous regime. Security forces are still acting in isolation from other state policies such as urban and regional planning and working to serve political and economic powers. The separation of security policies from the work conducted in urban and regional planning leaves the security policies unattached from social needs and demands and creates a vicious cycle where the state is forced to prosecute negative social interactions and different forms of criminal activity which somehow have been facilitated or induced by its own work in the field of urban and regional planning.

In Mexico, insecurity has become a threat to stability and territorial governance in particular areas (UNODC, 2010). The Mexican State seems to have uncritically adopted the “war on crime” framework used in the United States. Governments of the two countries have signed agreements that allows Mexico to easily borrow all the elements used by the U.S. to replicate its wars on drugs, immigration and crime. According to Payán (2006) such wars include strategies, tactics, personnel, resources, rhetoric and hardware oriented in a punitive fashion.

Because of different factors including lack of trust, unskilled government officials, corruption and lack of funding, political forces have failed to reach a new social agreement that may bring protection to all the individuals in the nation regardless of who they are?, where do they come from?, where do they live? and what power do they have?. The logical outcome is a medley of policies that produce a highly differentiated geography of protection and inconsistent discourses about the role and practices of security forces.

## **II. A CRITICAL GEOPOLITICAL ANALYSIS OF THREE POLICIES**

The policies selected for this paper are key examples of the tensions faced by nation-states to respond with new governance arrangements in the face of globalization and the transnationalization of crime. In the case of Mexico, international migration, organization of police forces and protection of interior borders are three interrelated fields of policy action which somehow fit within the “war on crime” forged by the President Calderon Administration. They challenge not only the state capacity to react to the current international situation and the pressures to make the Mexican economy a viable option for world markets, but question the social capacity to imagine alternative forms of governance based on equality and respect for human rights.

What is at stake on these three policies is not only whether Mexico is able to become a reliable economy and a partner in dealing with the fight on international crime, but most importantly what type of society wants to be and what model of internal governance is able to develop.

### **Case 1: The Unified Command for Police Force**

Finding the proper organizational form for police forces is a typical trade off between centralized and decentralized provision of order. Brousseau and Raynaud; 2006, claim that centralization has many benefits, including economies of scale and scope in the establishment of rules, learning and specialization benefits, reductions in incompatibilities and several enforcement capabilities. They do recognize however that centralizations has its costs, including maladaptation costs defined as the difference between the net output produced by the best feasible solution and the output of following a generic rule, information asymmetries which increase with the size of the community, incentives to cheat due to enforcement requirements, and private capture defined as the potential for individuals to capture the collective order.

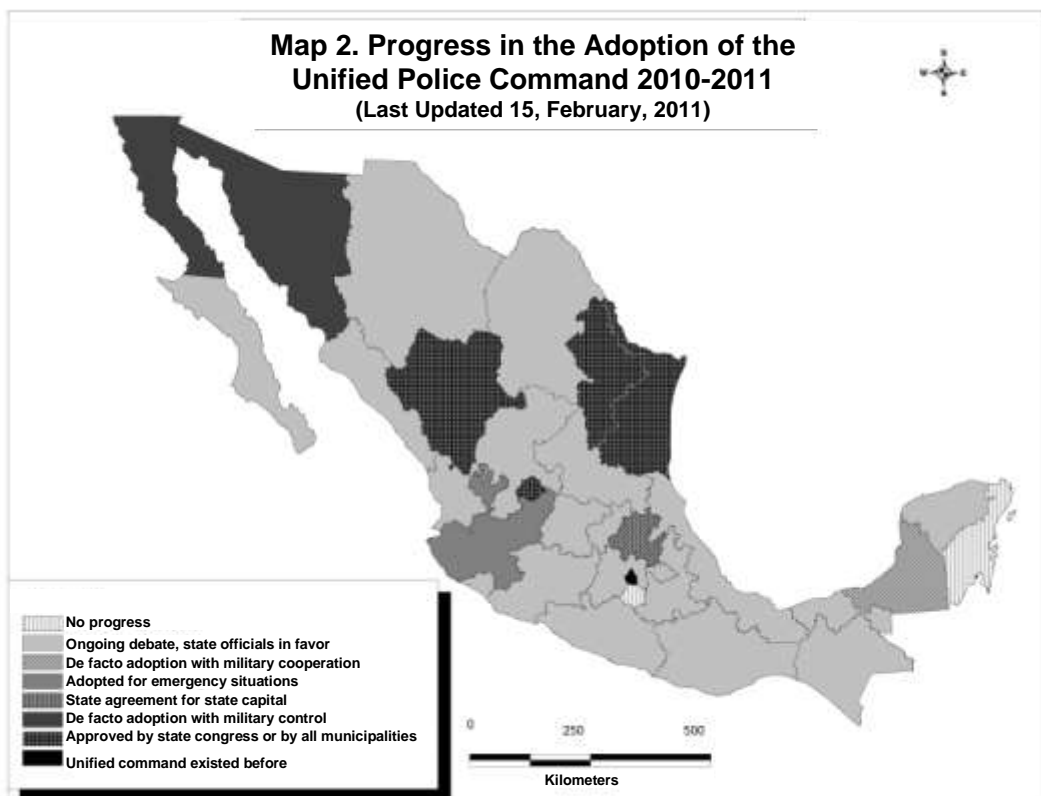
In a democracy, choosing the level of centralization of police forces becomes a classic public choice problem as some actors will prefer centralized forms while others may want to use decentralized forms. In the Mexican constitution this problem is solved by mandating coordination among the three levels of government. Over the past two years, the Ministry of Public Security (SSP by its name in Spanish) has been pushing for a change and asking for some form of a unified command.

According to the initiative presented to congress, under the unified command system local governments would give up their constitutional responsibility in controlling police activities and the mission of such bodies will be assumed by a unified –hence the name- command at the state level. In the defense of this policy many virtues have been highlighted by high ranking officials at SPP and the Consultative Council for Public Security, a multi-agency body under the effective control of SPP. Among the problems that such policy is aimed to solve are the lack of capacity and resources of local police bodies, corruption and the cooptation of such entities by criminal cartels.

Within the framework of the Mérida Initiative, the measure is highly regarded as an effective measure. It is meant to tackle the crime associated governance problem in the nation, but its implementation is far from possible in the near future. For one thing, it requires a constitutional amendment which is some how unlikely given the political landscape at the state and local level. Many states are governed by the old Institutional Revolutionary Party (PRI), and

opposition has emerged even within the ranks of the governing party (PAN). The constitutional amendment is needed to change the roles and responsibilities of the federal, state and local governments. States would also have to change their constitutions to transfer the police command to a state agency.

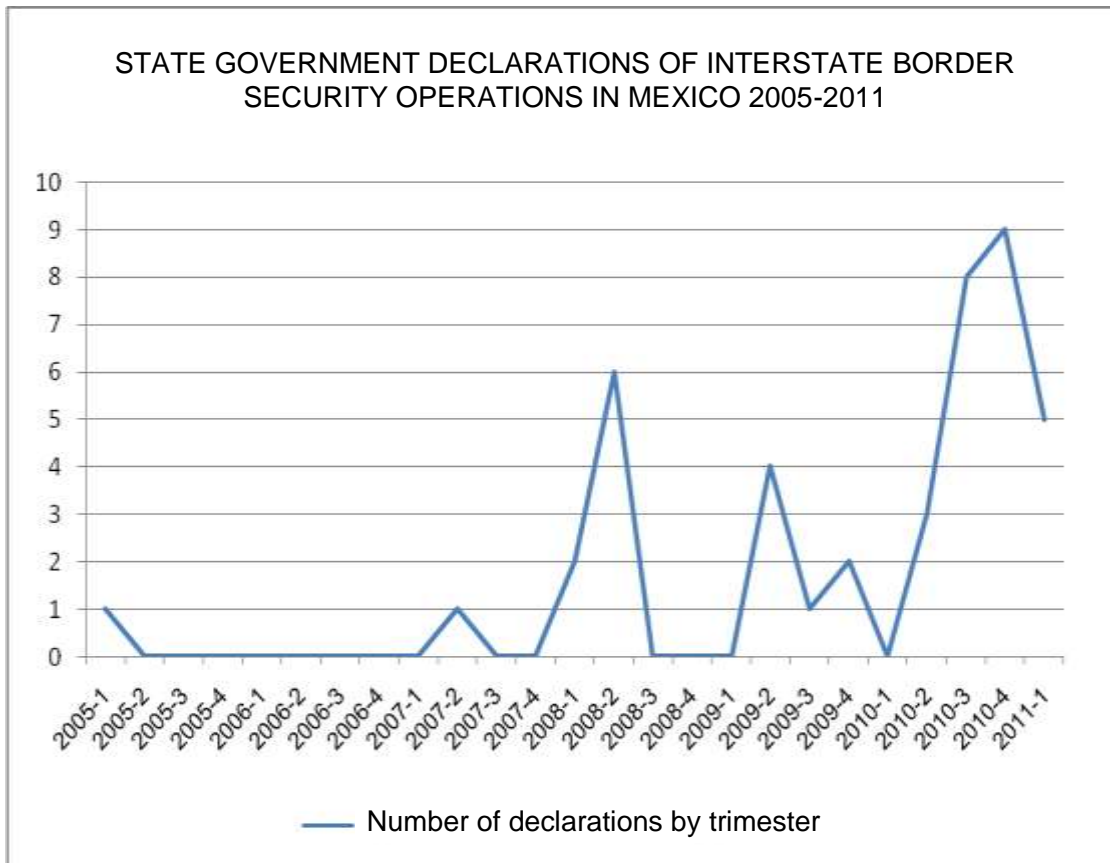
The measure has not been welcomed with equal enthusiasm by all political stakeholders in all three levels of government. Cries for respect of the constitutional mandates and state and local sovereignty dominate the public debate. Variables such as party affiliation, relative power of local government and even focal events of crime have played an important role in achieving some progress in this policy. Despite pressures imposed by the federal government and the relatively discretionary use of matching funds offered to local and state governments who decide to embark themselves in making the needed changes, the result is still poor. In a recent account of its adoption, only four states have taken a strong local congress action to help the implementation of the policies and in several states the policy has been virtually ignored (Map 2).



## **Case 2: The (Geo)politics of Safe Internal Borders**

From the three policies studied here, the intention to use some form of safe internal boundaries policy is the most powerful evidence of the difficulties political actors have to develop an alternative and integrated crime control policy in a democratic environment. Safe internal borders policies are a combination of hortatory declarations and police crackdowns on specific sites or spaces aimed to prevent inflow of criminals from neighboring states. A typical operation consists of a declaration by a high level state government official and the short time deployment of state, federal and municipal security forces –not necessarily in a coordinated effort- on peripheral regions and checkpoints in selected highways. Such declarations tend to follow a particular focal event in a state, such as standoff, a massacre or prisoners escapade. In our analysis we conclude that a state has used some form of this policy whenever the State Governor or any other high ranking official at the state government declares that actions have been taken to protect the state border. They frequently use the derogatory term of “Cockroach effect” to refer to the goal of the policy.

Since 2005, the first time in recent years the policy was used by the State of Coahuila, the policy has gained popularity among state level officials. Almost all the states have used at least once this policy, and most states have been targeted by at least one neighbor as the subject of this internal border protection policy. During the fourth trimester of 2010, a particularly violent time, there were ten declarations, which means that, assuming that no state used the policy twice, almost 1 for every three states in the country used the policy in a three month period.



Tracing who has used this policy and when, reveals an interesting geopolitical pattern. Most of the states which have not used this discursive policy against a neighboring state include some of the most violent states such as Sinaloa, or are states with an international boundary such as Chihuahua, Chiapas or Chihuahua. On the other hand, there are two states, Michoacán and Zacatecas, who have been the subject of border protection policies in all the neighboring states (See Map). This is in itself an interesting finding with a geopolitical meaning. The two states rank among the poorest in Mexico and both were governed by the Democratic Revolutionary Party at the moment of being the subject of the policy, which raises questions about a possible political bias or party orientation of the policy.





### Case 3: The geopolitics of International migration control

International migration control is by far one of the most powerful evidences of how Mexico is trying to solve the governance dilemmas posed by this illegal form of globalization and its integration to the North American trade block. Tensions in this field have reached critical moments. On February 15, 2011, agent Jaime Zapata of the U.S. Immigration and Customs Enforcement (ICE) was shot to death in the State of San Luis Potosi. Federal agencies in Mexico and the U.S. launched a coordinated effort that resulted in the apprehension of the suspect killer only 8 days later<sup>7</sup>. On the political front, this event was used to raise questions about sovereignty, limits of U.S.-Mexico cooperation and the scope of broader programs supported by the United States in México such as

<sup>7</sup> See, "Killing of ICE Agent Jamie Zapata Was Case of Mistaken Identity, Says Suspect" in Fox news Latino, February 24, 2011. Consulted, <http://latino.foxnews.com/latino/news/2011/02/24/ice-agent-jamie-zapatas-alleged-killer-confesses-mexican-army-error/>

the Mérida Initiative, a comprehensive program of bilateral collaboration signed by the two countries on October 28, 2007.

Mexico is struggling to establish its own agenda on this topic at the domestic level while calling for respect to human rights of its own migrants to the United States. In general terms, Mexico has adopted an immigration control strategy very similar to the war on immigration used by the United States. Corruption, human rights violations, kidnappings and assassinations are regularly reported by the news media as normal situations faced by immigrants in Mexico bound to the United States.

Instead of developing an integral policy based on respect for human rights and supported by regional development plans that will bring prosperity to its own migration problems, Mexican authorities have somehow followed the geopolitics of immigration used in the United States since the 1990s and particularly after the terrorist attacks in 2001. This approach consists on the criminalization of international migration and the production of internal spaces of immigration control that includes the use of *proxi* immigration officers at the local level (Coleman, 2007) and the channeling of the flow of immigrants to unsafe corridors and modes of transportation where they become easy prey for criminals. The displacement of migrant routes to remote areas, where migrants are easier prey for criminal bands is a logical outcome that has been reported for the U.S.-Mexico Border (Guerette, 2006)

In Mexico displacement begins in the states bordering Guatemala and Belize. A report published by the Mexican Institute of Immigration (INM), reported that in the state of Chiapas, apprehension of undocumented immigrants was shifting mainly from route 1 (Tapachula, near the coast) to the mountain area of Tuxtla Gtz, the State Capital and route 3 through the rainforest near the towns of Palenque in Chiapas and Tenosique in Tabasco.

<b>Table 1: Eventos de aseguramiento de Centroamericanos, según rutas de entradas terrestres estimadas y puntos de retención en los estados de Campeche, Chiapas, Quintana Roo y Tabasco</b>						
	2001	2002	2003	2004	2005	2006 <sup>(1)</sup>
RUTA 1 Costa	Entrada por la zona de Tecún Umán, El Carmen y Toquian Grande					
Tapachula, Chis. (Representación) <sup>(2)</sup>	39466	28138	36474	43760	38027	36305
Echegaray, Chis. (Representación)	12301	5467	7097	7102	8356	8507
Tapachula, Chis. (Aeropuerto)	1543	1194	987	1003	489	113
Talismán, Chis. (Representación)	368	91	153	119	175	1
Cd. Hidalgo, Chis. (Representación)	102	507	740	6	4	0
<b>Sub total</b>	<b>53,780</b>	<b>35,394</b>	<b>45,451</b>	<b>51,990</b>	<b>47,051</b>	<b>44,942</b>
<b>Participation %</b>	<b>54.6</b>	<b>46.5</b>	<b>49.4</b>	<b>43.4</b>	<b>37.6</b>	<b>39.6</b>

RUTA 2 Centro - Presa Entrada por la zona de La Mesilla y Gracias a Dios						
Tuxtla Gtz., Chis. (Representación)	5920	5313	9024	14930	18502	11716
Comitán, Chis. (Representación)	7425	7126	8253	10822	8694	9830
Cd Cd Cuauhtémoc Chis (Representación) . Cuauhtémoc, Chis. (Representación)	4355	4249	3901	5246	6602	6009
San Cristobal L.C., Chis. (Representación)	809	1295	951	4700	5143	2961
Mazapa de Madero, Chis. (Representación)	277	434	442	731	307	214
<b>Sub total</b>	<b>18,786</b>	<b>18,417</b>	<b>22,571</b>	<b>36,428</b>	<b>39,248</b>	<b>30,730</b>
<b>Participation %</b>	<b>19.1</b>	<b>24.2</b>	<b>24.5</b>	<b>30.4</b>	<b>31.4</b>	<b>27.1</b>
RUTA 3 Selva Entrada por la zona de el Naranjo, Bethel e Ingeniero						
Palenque, Chis. (Representación)	5797	5048	4627	6685	15449	13270
Tenosique, Tab. (Representación)	5829	5568	6522	10576	10021	15822
La Venta Huimanguillo, Tab. (Representación) <sup>(3)</sup>	5860	6289	6844	5690	836	0
Villahermosa, Tab. (Representación)	4975	2991	3752	5591	9698	7051
Villahermosa, Tab. (Aeropuerto)	0	23	50	66	70	51
<b>Sub total</b>	<b>22461</b>	<b>19910</b>	<b>21805</b>	<b>28607</b>	<b>36074</b>	<b>36194</b>
<b>Participation %</b>	<b>22.8</b>	<b>26.1</b>	<b>23.7</b>	<b>23.9</b>	<b>28.8</b>	<b>31.9</b>
RUTA 4 Peninsular Entrada por la zona de Escarcega y Chetumal						
Escárcega, Campeche	1015	585	568	646	639	610
Cd. Del Carmen, Camp. Aeropuerto	430	258	142	209	151	176
Campeche, Camp. (Aeropuerto)	312	228	109	135	84	72
Chetumal, Q. Roo (Representación)	1235	1120	1186	1125	1012	597
Cancún, Q. Roo (Aeropuerto)	0	0	150	579	790	257
Cancún, Q. Roo (Representación)	523	226	7	11	26	31
Playa del Carmen, Q. Roo (Representación)	11	9	6	11	10	7
Cozumel, Q. Roo (Representación)	10	3	0	6	8	5
<b>Sub total</b>	<b>3536</b>	<b>2429</b>	<b>2168</b>	<b>2722</b>	<b>2720</b>	<b>1665</b>
<b>Participation %</b>	<b>3.6</b>	<b>3.2</b>	<b>2.4</b>	<b>2.3</b>	<b>2.2</b>	<b>1.5</b>
<b>TOTAL</b>	<b>98563</b>	<b>76150</b>	<b>91995</b>	<b>119747</b>	<b>125093</b>	<b>113531</b>
	100.0	100.0	100.0	100.0	100.0	100.0

Source: INM, 2007. *Rutas y tendencias del aseguramiento de extranjeros indocumentados en México, 2003-2006*. Consulted in: [http://www.inm.gob.mx/static/Centro\\_de\\_Estudios/Avances\\_Investigacion/Dossier\\_Asegurados.pdf](http://www.inm.gob.mx/static/Centro_de_Estudios/Avances_Investigacion/Dossier_Asegurados.pdf)

(1) Preliminary information  
(2) Includes apprehensions in Huehuetan, Arriaga, and Manguito  
(3) The Migration Station in La Venta Huimanguillo was closed in January, 2005.

Mass murders of immigrants in northern Mexico and repetitive cases of abuse, abductions and other crimes along the immigration corridors going from Guatemala to the United States have become an international embarrassment and the evidence that something is not working as it should. Amnesty International says that “the journey Central Americans make through Mexico their way to the United States is one of the most perilous migration routes in the world”, as immigrants are “Stalked by kidnappers, murders, rapists and corrupt officials”<sup>8</sup>

<sup>8</sup> See: Jo Tuckman, 2011. “Kidnap, rape, murder: the dangers faced in Mexico by migrants to US: Poor from Guatemala, El Salvador, Nicaragua and Honduras enduring hazardous journeys,

A special report released by the Mexican National Commission for Human Rights (CNDH) identified several high risk areas for kidnappings of immigrants along the immigration routes in Mexico.



The Commission estimated that at least 11,333 immigrants were kidnapped in 2010. Vulnerability extends along the route from Chiapas to Tamaulipas forming a dangerous corridor through the states of Oaxaca, Veracruz, Tabasco, San Luis Potosí, Guanajuato. Other states such as Michoacán, Sonora and Baja California were also included in the report as some of the most dangerous places for immigrants. (Map 3)

These crimes have left federal, state and local police forces scrambling for solutions and for a new institutional arrangement that will solve the tension between human rights protection and diminishing the flow of immigrants. Amendments to the migration laws have been passed but the National Institute for Migration has still a far way to go in clearing its name and getting rid of

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says Amnesty International” in *The Guardian*, 27, April, 2010. Consulted in: <http://www.guardian.co.uk/world/2010/apr/27/mexico-dangers-migrants-to-us>

corruption and infiltration by human trafficking organizations. The high exposure to crime shows that channeling migration to unsafe corridors is not an option within a democracy. INM have reacted recently to change its image. In mid May, 2011 it initiated a purge of corrupt officers in the states of Mexico, Oaxaca, Quintana Roo, San Luis Potosi, Tabasco, Tamaulipas and Veracruz; which are some of the main corridors for migrants en route to the United States. (EFE, May, 12, 2011)

### **III. PLANNING AND GOVERNANCE BEYOND BORDERS AND SOVEREIGNTY**

The three cases studied here reveal that Mexico is having serious troubles to find a solution to the challenges imposed by globalization and regional integration and the increasing demands for crime protection. Transition to democracy has not resulted in structural changes in policy designs. Crime protection and all other forms of security forces are still working within the confines of their own spheres of action. Urban and regional planning, a key component in the design of alternate forms of territorial governance in a globalized economy is still a separate dimension of public policy, and sometimes contributes to generate the unsafe spaces that characterize the graduated security spaces.

As Mexico is opening itself to the world, international forces are also putting pressure for democracy and respect for human rights. Finding a universal form of governance for open regions and a citizenship protection oriented security model has placed security forces on guard. An integrated approach to crime and governance problems is not yet a central feature of Mexican decision making. Security policies need to look at Mexican territory as a heterogeneous space where local contexts play an important role in preventing crime. Innovative policies need to consider public participation as an essential part of crime prevention scheme. An integrated approach should combine interventions on the institutional and physical conditions where crime takes place, it need to enhance the monitoring capacity of government agencies and it needs to enhance the capacity of State and society to respond to criminal situations in every region of the country. For all this to happen security forces

need to transform the orientation of their actions towards providing universal protection instead of protecting powerful interests as they used to do in the past.

### **The three flows model of security and governance**

The idea that illegal flows converge with nation-state based capacities and social expectations for protection demands to adopt alternate modes of dealing with crime related governance problems. To be coherent with a process of transition to democracy, a security model needs to move from conventional reactive and punitive policies to an integral preventive and social development oriented type of intervention. If nation states want to respond properly to the social threats imposed by globalized forms of crime, they need to do so by targeting actions within their own territory and negotiating international collaboration having people's needs and preferences in mind.

The experience of Mexico shows that universal protection and complete control of a nation's territory does not come easy if the State decides to simply channel crime or illegal flows to particular parts of the territory or by embarking the country in international negotiations without reconsidering the issues of sovereignty, social justice and territorially based cultural and social contexts.

Transnationalization of crime and other forms of globalization are related with the patterns of crime observed in the country. The Mexican experience shows that a crime related governance solution under conditions of democratization and globalization may be found if State and society work on three simultaneous dimensions:

- a) The structural conditions, which include the social, economic, urban, institutional and physical conditions on which crime takes place. Mexico decided almost two decades ago to embark in a highly unequal pattern of integration to world markets. The model was based on particular forms of urbanization that increased segregation, an emphasis in exporting products (rural and manufacturing) and in a complete divorce between security policies and other urban and regional planning efforts. In urban and rural areas, security forces have been forced to chase the consequences of other State intervention in areas such as education, economic development or urban planning.

- b) Monitoring capacity. While in recent years the State and affluent parts of society, have worked on the transition to a highly monitored environment, the effort is constrained to particular spaces. Privileged areas of social interaction are now the foci on continuous monitoring efforts by public and private guards and by electronic equipment, but vast parts of the country are far from the eye of any security force. Urban neighbors, rural villages and territorial corridors are left to the preventive actions and reactions of civil society, and in the worst cases these territories have become the operation grounds of organized crime. This is the reason why the immigration corridors have become so dangerous in Mexico and why some territories are the nesting fields for gangs, criminal bands are drug cartels. While the State is sleeping, other actors are constantly fighting for their turf.
- c) Enforcement and response capacity. The crime related governance problem is even bigger if the state has poor enforcement capacity. In the case of Mexico it estimated that 98 percent of the crimes are not solved. The judicial system has difficulties processing even the slow percentage of suspects apprehended by the security forces. Thus, enhancements on monitoring and apprehension have clogged the judicial system.

The three flows model suggest that a crime related governance solution needs to seek better ways of collaboration between the three levels of government and the collaboration of Mexico with other international entities such as international organizations and organized forms of civil society. Thus multilevel, participatory solutions is difficult to implement without creating a different structuring discourse for the daily operations of security forces and other branches of government involved in creation or the production of secure spaces.

## **CONCLUSIONS**

In this paper we have analyzed a situation that we call crime related governance problem. We have analyzed its conceptual meaning and challenges it poses for states and societies in transition to democracy. We have used three policies in Mexico to exemplify the type of difficulties to create the needed discourse and

to design public policies that are coherent with the particular forms of globalization and with the principles of a democratic society. It is clear that the emergence of organized and an illegal form of globalization has a differentiated effect on a national territory. On the other hand democratization has important impacts on the orientation and scope of security policies. In a democracy, policies need to be legitimate and legitimacy needs to be produced through public debate.

We propose that failure to produce the needed consensus to offer crime protection in Mexico may be explained by looking at the design of particular policies. We analyzed three particular policies: unified command for police forces, safe internal borders, and immigration control. In all the three cases the dominant model used is based on a comprehensive approach that converts territory into a war zone and splits society into a simplistic duality of good and bad.

The road not taken is a discursive construction of alternate forms of governance based on preventive situational approaches where action is targeted to change the general conditions under which crime takes place and to influence the decision making processes of those involved, or seeking to be involved, in criminal activities. Path dependency in policy design has resulted in thousands of deaths associated with the war on crime. The road not taken is the orientation of security and planning policies to the production of better conditions that may result in universal protection. This is a model where the Nation-State remains as a relevant arena and national governments fight to remain important players in creating conditions for stable social interaction

To dig itself out of the crime related governance crisis, Mexico has opted for a war framework introduced by the Calderon Administration to deal with immigration, drug traffic and public security. This strategy is fully supported by the U.S. through the Merida Initiative and other agreements.

Problems of corruption and inefficiency among the police forces have been addressed searching for more centralization of power and aiming to create unified police forces. That situation is not viable in a society that has trouble trusting that the government is doing the right thing and that police will not be used to serve the powerful in turn.



In the face of territorial disputes, prisoners escapades, blockades and other focal violent events State governments, sometimes with the support of local and federal police forces have launched operation to stop criminals from crossing internal border. This is a very ineffective way of reacting. Not only the operations result in violations of very basic human rights, but are ineffective as no State has the capacity to shield itself from the outer world.

Finally, to control the flow of international migration bound to the United States the Mexican State has attempted to use similar controls to those used by the United States at the U.S. Mexico border. By doing so it has put hundreds of thousands of foreign citizens in very vulnerable situations creating an opportunity for criminal bands to thrive along the immigration routes that were unattended by the State.

The real democratic challenge is that society seems to be more interested in the development of the comprehensive plans needed to solve regional and urban development problems that keep erupting in the form of violence while the country keeps its strategy of integration to the global economy. Society wants no more failed Leviathan. This approach is framed in many different forms, such as protest where activist cry: ""We don't want any **more death** because of this growing mess,"<sup>9</sup> or other organized forms of participation under the call of "no more blood"<sup>10</sup>.

We have said that governance is hard to measure. But the rime related governance problem of Mexico has reached to a situation where most people agree on a very basic indicator: we will call for success when we start counting less death bodies.

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<sup>9</sup> See, Noe Torres, "Enough already': Mexicans march to protest drug war 'No more deaths, no more hate ... Violence will only bring us more violence'" msnbc.com, consulted in [http://www.msnbc.msn.com/id/42952855/ns/world\\_news-americas/t/enough-already-mexicans-march-protest-drug-war/](http://www.msnbc.msn.com/id/42952855/ns/world_news-americas/t/enough-already-mexicans-march-protest-drug-war/) May, 9, 2011.

<sup>10</sup> See, ""One minute, no more blood" protest in Mexico", consulted in <http://www.ntn24news.com/videos/one-minute-no-more-blood-protest-mexico>

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