

By Stephen Meiners and Fred Burton

U.S. drug czar Gil Kerlikowske paid a four-day visit recently to Mexico, meeting with Mexican government officials to discuss the two countries' joint approach to Mexico's ongoing cartel war. In prepared remarks at a July 27 press conference with Mexican Attorney General Eduardo Medina Mora, Kerlikowske said Washington is focused on reducing drug use in the United States, supporting domestic law enforcement efforts against drug traffickers and working with other countries that serve as production areas or transshipment points for U.S.-bound drugs.

Absent from his remarks was any mention of the U.S. position on the role of the Mexican military in the country's battle against the drug cartels. Kerlikowske's visit comes amid a growing debate in Mexico over the role that the country's armed forces should play in the cartel war. The debate has intensified in recent weeks, as human rights organizations in Mexico and the United States have expressed concern over civil rights abuses by Mexican troops assigned to counternarcotics missions in various parts of the country.

The director of Mexico's independent National Human Rights Commission, for example, has encouraged the new legislature to re-examine the role of the Mexican military in the country's cartel war, saying that the current approach is clearly not working. The number of citizen complaints against soldiers has increased over the last few years as the troops have become actively engaged in counternarcotics operations, and the commission director has expressed hope for greater accountability on the part of the armed forces.

Citing similar concerns, and the fact that such citizen complaints are handled by the military justice system — which has reportedly not successfully prosecuted a case in years — the independent U.S.-based Human Rights Watch has sent a letter to U.S. Secretary of State Hillary Clinton urging her not to certify Mexico's human rights record to Congress, which would freeze the disbursement of a portion of the funds for the Merida Initiative, a U.S. counternarcotics aid package for Mexico.

More important than any possible funding freeze from Washington, though, is the potential response from the Mexican government. President Felipe Calderon has emphasized that the use of the military is a temporary move and is necessary until the country's federal police reforms can be completed in 2012. Legislative leaders from both main opposition parties complained last week that Calderon's approach has unnecessarily weakened the armed forces, while the leader of the Mexican senate — a member of Calderon's National Action Party — said the legislature will examine the role of the military and seek to balance the needs of the cartel war with the civil rights of the Mexican people. In addition, the president of Mexico's supreme court has said the court plans to review the appropriateness of military jurisdiction in cases involving citizen complaints against soldiers.

Domestic debate and international criticism of Calderon's use of the military are not necessarily new. Indeed, Calderon was defending his approach to representatives of the United Nations back in early 2008. However, the renewed debate, combined with recent changes in the Mexican legislature, have set the stage for a general re-examination of the Mexican military's role in the cartel war. And while it is still unclear exactly where the re-examination will end up, the eventual outcome could drastically change the way the Mexican government fights the cartels.

### More than Just Law Enforcement

Since taking office in December 2006, Calderon's decision to deploy more than 35,000 federal troops in security operations around the country has grabbed headlines. While previous presidents have used the armed forces for counternarcotics operations in isolated cases, the scope and scale of the military's involvement under Calderon has reached new heights. This approach is due in no small part to the staggering level of corruption among federal police. But primarily, the use of the military is a reflection of the many tasks that must be performed under Calderon's strategy, which is far more complex than simply putting boots on the ground and requires more than what traditional law enforcement agencies can provide.

This broad range of tasks can be grouped into three categories:

\* The first involves duties traditionally carried out by the armed forces in Mexico, such as technical intelligence collection and maritime and aerial monitoring and interdiction. These tasks are well-suited to the armed forces, which have the equipment, training and experience to perform them. These are also key requirements in the country's counternarcotics strategy, considering that Mexico is the primary transshipment point for South American-produced cocaine bound for the United States, the world's largest market for the drug.

\* The second category includes traditional civilian law enforcement and judicial duties. Specifically, this includes actions such as making arrests, prosecuting and convicting defendants and imposing punishment. With the exception of the military routinely detaining suspects and then turning them over to law enforcement authorities, the tasks in this second category have remained mainly in the hands of civilian authorities.

\* The final category is more of a gray area. It involves tasks that overlap between Mexico's armed forces and law enforcement agencies, and it is the area over the last few years in which the Mexican military has become increasingly involved. It is also the area that has caused the most controversy, primarily due to the fact that it has brought the troops into closer contact with the civilian population.

Some of the most noteworthy tasks in this final "gray" category include:

\* Drug-crop eradication and meth-lab seizures. In addition to being the main transit point for U.S.-bound cocaine, Mexico is also estimated to be the largest producer of marijuana and methamphetamines consumed in the United States. The U.S. National Drug Intelligence Center estimates that more than 17,000 tons of marijuana were produced in Mexico during 2007, most

of which was smuggled into the United States. Similarly, seizures of so-called meth superlabs in Mexico over the last few years — some capable of producing hundreds of tons annually — underscore the scale of meth production in Mexico. The destruction of marijuana crops and meth production facilities is a task that has been shared by both the military and law enforcement under Calderon.

\* Immigration and customs inspections at points of entry and exit. Thorough inspections of inbound and outbound cargo and people at Mexico's borders have played a key role in some of the more noteworthy drug seizures during the last few years, including the country's largest cocaine seizure at the Pacific port of Manzanillo in November 2007. Similar inspections elsewhere have led to significant seizures of weapons and precursor chemicals used in the production of meth. In many cases, the Mexican armed forces have played a role in either stopping or inspecting suspect cargo.

\* Raids and arrests of high-value cartel targets. Beyond simply stopping the flow of drugs and weapons into and out of Mexico, the federal government has also sought to disrupt the powerful organizations that control the drug trade by arresting drug cartel members. Given the federal police's reputation for corruption, highly sensitive and risky operations such as the arrest of high-ranking cartel leaders have more often than not been carried out by the military's elite Special Forces Airmobile Group (GAFE). In most cases, the suspects detained by GAFE units have been quickly handed over to the attorney general's office, though in some cases military personnel have been accused of holding suspects for longer than necessary in order to extract information themselves.

\* General public safety and law enforcement. The rise in organized crime-related violence across Mexico over the last few years has been a cause for great concern both within the government and among the population. A central part of the federal government's effort to curb the violence has been the deployment of military forces to many areas, where the troops conduct such actions as security patrols, traffic stops and raids as well as man highway checkpoints. In some cities, the military has been called upon to assume all public-safety and law-enforcement responsibilities, disarming the local police force while looking for police links to organized crime. Another part of this militarization of law enforcement has involved the appointment of military officers — many of whom resign their commission a day before their appointment — to law enforcement posts such as police chief or public safety consultant.

It is this final trend that has led to most of the concerns and complaints regarding the military's role in the cartel war. The federal government has been mindful of these concerns from the beginning and has tried to minimize the criticism by involving the federal police as much as possible. But it has been the armed forces that have provided the bulk of the manpower and coordination that federal police agencies — hampered by rampant corruption and a tumultuous reform process — have not been able to muster.

### A Victim of its Own Success

The armed forces' greater effectiveness, rapid deployment capability and early successes in some public security tasks made it inevitable that its role would evolve and expand. The result

has been a classic case of mission creep. By the time additional duties were being assigned to the military, its resources had become stretched too thin to be as effective as before. This reality became apparent by early 2008 in public-safety roles, especially when the military was tasked with security operations in cities as large and as violent as Ciudad Juarez.

Even though the Mexican military was not designed or trained for law-enforcement duties or securing urban areas, it had been generally successful in improving the security situation of the smaller cities to which it had been deployed throughout 2007. But by early 2008, when soldiers were first deployed to Ciudad Juarez en masse, it became clear that they simply had too much on their plate. As the city's security environment deteriorated disastrously during the second half of 2008, the military presence there proved incapable of controlling it, an outcome that has continued even today, despite the unprecedented concentration of forces that are currently in the city.

In addition to the military's mission failures, it has also struggled with increasing civil rights complaints from citizens. In particular, soldiers have been accused of unauthorized searches and seizures, rough treatment and torture of suspects (which in some cases have included police officers), and improper rules of engagement, which have led several times to civilian deaths when soldiers mistook them for hostile shooters. In many cities, particularly in northern and western Mexico, exasperated residents have staged rallies and marches to protest the military presence in their towns.

While the military has certainly not acted flawlessly in its operations and undoubtedly bears guilt for some offenses, these complaints are not completely reliable records of the military's performance. For one thing, many cartel enforcers routinely dress in military-style clothing and travel in vehicles painted to resemble military trucks, while many also have military backgrounds and operate using the tactics they were taught. This makes it difficult for residents, during the chaos of a raid, to distinguish between legitimate soldiers and cartel members. More important, however, is the fact that the Mexican drug cartels have been keenly aware of the threat posed to them by the military and of the controversy associated with the military's involvement in the cartel war. For this reason, the cartels have been eager to exploit this vulnerability by paying residents to protest the military presence and spread reports of military abuses.

### Outlook

As the Mexican congress and supreme court continue the debate over the appropriateness of the military in various roles in the cartel war, it is important to recall what the armed forces have done well. For all its faults and failures, the military remains the most reliable security tool available to the Mexican government. And continued problems with the federal police reforms mean that the military will remain the most reliable and versatile option for the foreseeable future.

Any legislative or judicial effort to withdraw the armed forces from certain tasks will leave the government with fewer options in battling the cartels and, ultimately, in an even more precarious position than it is in now. The loss of such a valuable tool in some areas of the cartel war would force the government to fundamentally alter its strategy in the cartel war, most likely requiring it

to scale back its objectives.

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