

Organised Crime and State Sovereignty

The conflict between the Mexican state and drug cartels 2006-2011

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Abstract

Since December 2006, the government of Mexico has been embroiled in a battle against numerous criminal organisations seeking to control territory and assure continued flow of revenue through the production and trafficking of drugs. Although this struggle has been well documented in Mexican and international media, it has not received as much scholarly attention due to the difficulties involved with assessing current phenomena. This thesis seeks to play a small part in filling that gap by exploring how and why the drug cartels in Mexico have proved a challenge to Mexico's domestic sovereignty and the state's capacity to have monopoly over the use of force, maintain effective and legitimate law enforcement, and to exercise control over its territory. The thesis will explain how the violence, corruption and subversion of the state's authority have resulted in a shift of the dynamics of power from state agents to criminal organizations in Mexico. It also suggests implications for domestic sovereignty in regions experiencing similar problems with organized crime, perhaps pointing to a wider trend in international politics in the era of globalization.

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Map of Mexico



Introduction

Mexico's 'War on Drugs'

Mexico's 'War on Drugs' has arguably been the most salient security issue in the North American region for the past five years. Although drug related violence has been endemic in Mexico since the 1980s, the generally accepted starting point of the war between the government and the drug cartels is considered to be 11 December 2006. On this date, new president Felipe Calderón sent 6,500 federal troops to end drug-fuelled violence in the state of Michoacán, attempting to reassert control over areas under cartel command, with the explanations that "organised crime is out of control" (*The Economist* 2009). According to official sources, over 34,000 people have been killed from December 2006 until December 2010 (Tuckman 2011). The scale of the drug related violence is enormous; the murder rate in Mexico is estimated to be about 14 per 100,000 which is considered to be of "epidemic" proportions by the World Health Organization (Manwaring 2007:15). In addition, the drug cartels have an uneasy relationship with the country's economy which sees the drug industry bringing in between US\$25 billion and \$40 billion every year, making up as much as 20% of Mexico's GDP, and by some estimates accounting for more revenue than Mexico's single largest legitimate export industry – the production of oil (Gray 2010). Given these statistics, it is clear that this is a serious matter with grave consequences for Mexico and the international community.

Indeed, so severe is the security risk posed by the drug cartels that a 2008 United States military report had labelled Mexico at risk of "rapid and sudden collapse" with the potential to render it a "failed state", which would cause ramifications not only for Mexico, but also for its northern

neighbour due to their geographical, demographic and economic ties (US Joint Forces Command report 2008; Bonner 2010). The troubling erosion of state authority reflected in the above assessment was admitted by President Calderón himself, who suggested that the drug cartels “are trying to impose a monopoly by force of arms, and are even trying to impose their own laws” (quoted in *The Huffington Post* 2010). The fact that the conflict is so endemic and dangerous in Mexican territory, and is spilling over into the United States and the rest of South America, suggests concerns over the region’s security should the government fail in its efforts to curb the drug cartels’ control over territory and people. The thesis is based on the premise that the key to understanding the drug war in terms of its security ramifications for Mexico and the region is by examining how it challenges the domestic sovereignty of the state.

The puzzle for analysts is to explain how and why the thirteenth largest economy in the world, and one of the most developed countries on the American continent in terms of its economy, political system, education and infrastructure, has come to be in a position where drug cartels are controlling much of the northern part of the country and undermining the authority of the government through corruption and violence. Although the main themes of the thesis – such as sovereignty, transnational organised crime and weak states – have been widely researched and dealt with in several disciplines, the case study of Mexico presents a relatively recent and under-examined example of how these issues interact. In contrast to the extensive literature that has dealt with previous ‘drug wars’ of this kind, for example in Colombia in the 1980s, Mexico’s case has not received the same in- depth and extensive academic treatment, mainly due to its

current nature.¹ As such, the following thesis aims to answer the question of how and why organised crime has impacted on Mexican domestic sovereignty.

The central argument of the thesis is that the activities and violence generated by the drug cartels have undermined Mexican sovereignty by curtailing the government's ability to establish authority in some territories of the country, to control the use of force, to make laws, to manage taxation, to control cross-border flows, and finally, to protect the country's citizens. The direct threat comes from the ability of major criminal organisations to overtly challenge the government, either through violence, intimidation or corruption. This has been enabled through their involvement in the global illicit economy, which provides massive profits to be used for acquisition of high-tech weapons (violence), and for purchasing of state services and personnel (corruption) (Olson 1997: 75). In the context of Mexico, the massive scale of violence and use of weaponry by the drug cartels and their private militias challenges the state's monopoly on the use of force; further, the penetration of the drug cartels into the law enforcement agencies such as the police and judiciary has decreased the capacity of the government to have effective and legitimate authority in the political, economic, legal and social arenas in some territories of Mexico (Bailey and Godson 2000; Shelley 1995; Jackson 2007).

The thesis argument will proceed in several chapters. The first chapter will consider the main theoretical issues regarding key concepts such as sovereignty, transnational organised crime and weak states. The second chapter will deal directly with a major aspect of changing Mexican

¹ Although it has not been the topic of many serious academic studies, it must be noted that the situation in Mexico has received extensive treatment both in Mexican and international media outlets.

sovereignty in relation to organised crime, which is the troubling level of violence and use of weaponry by the drug cartels and their private militias challenging the state's monopoly on the use of force. By violently imposing their will over the elected officials of the state, the drug cartels compromise the legitimate exercise of state authority, thereby undermining sovereignty (O'Neill 2009: 11). The third chapter will build on this by explaining how the drug cartels' ability to compromise law enforcement agents has allowed them to operate with state support in many parts of Mexico. Through corruption, the drug cartels in effect buy the complicity of the police or judiciary, incapacitating the normal functions of the government on behalf of illegitimate ends (Olson 1997: 76). The fourth chapter will discuss the inability of the state to govern many territories of Mexico and show how the cartels have been able to create parallel power structures to substitute legitimate government functions. Looking at these different aspects of the challenges presented by the drug cartels will allow the author to draw some tentative conclusions regarding sovereignty and criminal organisations in the case of Mexico, and suggest implications for regions with a similar relationship to organised crime.

There are several expected benefits of undertaking a study of this kind. To begin with, the untenable situation in Mexico is of great relevance for international affairs and security studies. Theoretically, it would further our knowledge of the manner in which non-state actors have been able to penetrate state structures and functions, and thus suggests new relationships of power in international security. In Mexico, organised crime has impacted on the state's citizens, politics, economy and the country's relations with the United States. If the cartels manage to retain the control and influence which they currently hold in crucial territories of Mexico, these criminal enterprises will continue to operate outside the state and the rule of law, undermining Mexico's

nascent democracy and spreading insecurity in the country. The outcome matters for regional security as well since the drug cartels hold the potential to render Mexico a 'failed state' controlled by powerful transnational drug cartels which threaten the stability of Central and South America (Bonner 2010:35). The implications in Mexico and the region could be used as a valuable point of reference for other areas of the world that are battling organised crime – much of Africa, south-East Asia, and the Balkans are embroiled in struggles against this threat. Finally, it is important to analyse the dynamics of state and non-state actors due to the potential insight that the study may offer regarding the links between transnational organised crime and globalisation, and the changing nature of state sovereignty. While it might be premature to herald an uncontested "retreat of the state" in the face of increasing non-state threats and changes brought on by globalisation, the effect of organised crime on domestic sovereignty is a good indicator of the way the state might be losing some of its traditional power and authority in internal affairs. In this light, it is necessary to explore this trend further given the continued primacy of the nation-state in international politics.

Chapter One

Understanding the threat of organised crime to sovereignty

This chapter seeks to establish a context for assessing the impact of the drug cartels on Mexico's domestic sovereignty by examining the key definitional and theoretical issues dealing with the concepts of sovereignty, weak states and transnational organized crime. It will also consider how these themes are interrelated in the case study of Mexico.

The concept of 'Sovereignty'

Sovereignty is an essential feature of modern international relations, due to its importance for countries in guiding their internal actions and external dealings with other state and non-state actors. Barry Buzan (1983:40-41) claims that sovereignty is the "principal defining feature of states". Stephen Krasner distinguishes between three types of sovereignty: international legal, Westphalian/Vatellian, and domestic sovereignty. The first type indicates that the country is recognized by other nation-states as a legally independent entity, the second enables states to carry out actions in their territory free from the interference of other states, whilst domestic sovereignty is concerned with the ability of the state to have effective internal authority (in the sense that its directives will be followed) and control over its territory (Krasner 2004). Domestic sovereignty also has an international aspect however, in the sense that a sovereign state is expected to have the capacity to control the flow of people, goods and information across its borders. Stephen Krasner's (2004:88) exact definition of domestic sovereignty refers to "authority structures and the extent to which they are able to control activities within a state's boundaries". Sovereignty normally functions through a supreme political authority which relies

on institutions separate from the general community through which it can assert its power and control (Pemberton 2009: 18). Specifically, sovereign states have the authority to make and enforce laws and the capacity to manage their territory, hold a monopoly over the means of coercion, and possess the resources and will to provide basic economic and social security for their citizens.

Although most states claim sovereignty, this does not mean that they effectively exercise authority and control in practice. Hedley Bull (1977:8) notes that sovereignty can be dually present at both a normative and practical level since “states assert their right to supremacy over authorities within their territory...but on the other hand, also actually exercise, in varying degrees, such supremacy and independence in practice”. This marks an important distinction between legal sovereignty (*de jure*) and the actual level of control that officials can exercise in everyday actions of the state (*de facto*) (Cox et. al 2001: 20; Krasner 2001:2). The basis of *de facto* sovereignty is the power to enforce authority, which underlies the ability of the state to handle internal matters. The exercise of power is in this case based on “legitimate domination”, which is accorded to the state through legal-rational authority (Weber 1978: 213, 217). *De facto* sovereignty is thus dependent on the authority and legitimacy it derives from legal and bureaucratic structures, in order to exercise power effectively. It refers not only to the use of force, but also the effective implementation of laws. This led Jackson (2007:17) to argue that sovereignty presupposes that there are “no limits on the authorized exercise of state power at any point within a sovereign’s jurisdiction”.

Jackson's proposition that a truly sovereign state encounters no limits in its exercise of power is problematic however. The difficulty is that sovereignty in this sense is conceptualized in terms of near-absolute control over territory, trans-border flows, judicial systems, taxation, use of force and other factors. In fact, as Thomson (1995:216) correctly points out "there never was a time when state control over anything, including violence, was assured or secure". This is best explained by Charles Tilly (1985:173) who reminds us that "early in the state-making process, many parties shared the right to use violence", and as such we cannot take for granted absolute state control over force or other forms of domination in relation to sovereignty. If we agree with Tilly's assessment that states first monopolized power and the means to safeguard it against the other agents who were competing for control, sovereignty would seem to be a result of this historical process rather than simply a 'principal' condition of the state as Buzan argues. In light of this explanation, threats to state sovereignty and their effects emerge as factors which cannot be measured in absolute terms. Instead, the thesis looks at how the control and authority structures of Mexico are being challenged by the drug cartels.

But what exactly does such a challenge to sovereignty constitute? Usually, it broadly refers to an action, event or structure which "negates, displaces, anticipates, or forestalls" the laws and authorities of a state (Montgomery 2002: 7). The challenges to sovereignty that have manifested in the globalization era have been widely researched, the culprits being "porous territorial borders and permeable decision-making mechanisms" (Kurtulus 2005: 2). Academics agree that in modern times, such threats have arisen with economic liberalization, increased migrant flows, environmental degradation, terrorism, advancements in technology, and international institutions among many others. These phenomena have often constrained, or at least changed, the political,

economic and military means with which states react to new developments in the domestic and international environment (Agnew 2009; Sassen 1996; Strange 1996). Undeniably, such threats to state sovereignty are real. However, most states have always been exposed to some degree of external influence, and the power capabilities inherent in a sovereign state have often been shared with other domestic or foreign actors, and have always co-existed with other institutions (Agnew 2009: 82). Michel Foucault's (1980: 98) analysis of power as "never localized here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth", is a useful reminder of the ambiguity of the limits of power ascribed to sovereign states in the time of globalization. If sovereign states were always limited in their exercise of power through authority and control mechanisms, it seems presumptuous to talk about the 'retreat of the state' and relinquishing of sovereignty in a globalized world. Instead, it seems more credible to argue that sovereignty is actually being redefined in terms of the balance of capabilities between different actors, and their geographical, political and economic scope. It is thus important to recognize that sovereignty is a relative and shifting feature rather than an absolute condition, and as such, "it is always a matter of degree" (Jackson 1990: 29-30).

What is weak about weak states?

How a state handles the challenges to its sovereignty that have come about in the modern era largely depends on the effective degree of control, authority and power it has. Not all states are equal when it comes to the domestic power they hold. The purpose of a state is to provide security for its citizens, protection of borders, sound economic management, effective law enforcement, legitimate political institutions and social welfare provisions (Patrick 2006: 29). Strong states are those which are able to manifest the above features successfully. They possess

effective control of the legitimate use of force, such as the police and military. States are further considered to be strong when their “national security can be viewed primarily in terms of protecting the components of the state from outside threat and interference, and where the idea of state, its institutions and its territory will be clearly defined and stable in their own right” (Swanstrom 2007: 10). This implies that strong states do not conceive of internal problems to be security threats, since their political and legal institutions are supposedly capable of dealing effectively with domestic issues.

Conversely, when countries cannot establish effective authority in some or all of these areas of governance, they can be considered ‘weak states’ possessing *de jure* but not *de facto* sovereignty. The United States National Security Council defines weak states as lacking “the capacity to fulfill their sovereign responsibilities”, as well as missing “law enforcement, intelligence, or military capabilities to assert effective control over their entire territory” (Wylter 2008: 25). In terms of government, they have “inefficient and corrupt administrative and institutional structures”, whilst their economies are often “incoherent amalgamations” with significant dependence on the world market and on external economic interests (Aydini and Rosenau 2005: 87). Unlike strong states, weak states do not have the institutional mechanisms and capacity to handle internal issues, such as civil discontent and insurgencies that challenge their sovereignty and effective authority, and thus conceive of them as security threats. Since dealing with internal (and external) threats requires the ability to mobilize coercion mechanisms, we can conclude that weak states do not have effective control of coercive methods in their territories, one of the principal features of sovereign statehood according to Weber.

Internal threats to weak states discussed in this thesis are those posed by clandestine networks, specifically, criminal organisations. The relationship between organised crime and weak states is parasitic and reciprocal. On the one hand, “illegal networks may arise from the bowels of the state apparatus”, since insufficient institutional and political strength of a state can be an important factor in the emergence and continued operations of organized crime (Berdal and Serrano 2002:20). Weak and failing states with lax law enforcement and border controls are thought to provide perfect bases for the operations of transnational criminal enterprises involved in the production, transit, or trafficking of drugs, weapons, people, and other illicit commodities (Patrick 2006: 38). Criminal organizations also prefer to be based in institutionally weak countries because their illegal activities are carried out with more ease where public officials relevant to their activities - such as border control officers or police agents- can be corrupted.

Corrupt practices of the bureaucracy play an important role in the weakness of states and the ability of organized crime to gain power. The “lack of public commitment, instrumentalism, high levels of uncontrolled discretionary power and low [salaries]” are all factors which make the executive, judicial and legislative arms of the state ineffective and bolster the existence of ‘sovereignty free’ areas (Kotkin and Sajo 2002:21). Since criminal groups require such areas of relatively lax law enforcement and high instances of venality in order to prepare and conduct illicit operations, they are drawn to and able to exploit regions and countries where state presence is weaker, allowing them to go on with their business largely undisturbed. This also includes border regions remote from the state’s coercive powers but close enough to areas that serve as access points for the global economy (Patrick 2011: 143). Mexico is a prime example, since its

porous borders adjacent to the world's largest economy provide great opportunities for the drug cartels to conduct their illicit activities.

Beyond benefitting from state weakness, criminal groups often deepen it, deploying corruption and violence as a tool to further incapacitate state institutions to carry out their mandated tasks (Patrick 2011: 13; Palan 2009:39). Whilst in some cases organized crime has the intent and capacity to replace the state, the relationship is usually one of cooptation. That is, in weak states criminal organisations can with little effort take advantage of the institutional environment which lacks oversight and accountability mechanisms, and destabilize or corrupt the weak regions in the country (Swanstrom 2009: 9; Castells 2000:171; Meyer 2007: 3). Criminal groups use the massive profits from illicit activities to degrade already fragile institutions by corrupting or co-opting the judicial system, law enforcement agents, politicians, and media workers, becoming a parasitic influence. Also, criminal alliances can use violence to undermine state structures to the extent where they are able to create parallel or competing coercive mechanisms, in effect reinforcing weak states' inability to control the use of force and enforce laws (Castle, 1997: 6). Thus, not only do transnational crime groups target weak states as bases for operations more frequently than stronger states, transnational organized crime makes already fragile states weaker.

Transnational Organised Crime: Old phenomenon, new threats

Transnational organised crime is a very destabilizing phenomenon in countries that are affected by it, transgressing both the domestic and external sovereignty of the state. Scholars generally agree on the classification of criminal organisations as “a continuing criminal enterprise that

rationally works to profit from illicit activities that are often in great public demand” (Albanese 2004: 10). Building on that definition, transnational organised crime consists of: criminal activities which are committed in more than one state; carried out in one state, but some of the planning goes on in another state; committed in one state but involve a criminal group that has activities in another state; and finally, committed in one state but with substantial effects in another (*United Nations Convention Against Transnational Organized Crime 2000*). While there are several activities that transnational organised crime groups engage in which threaten the stability of the international system- such as trafficking of women, arms smuggling, human organ trading and money laundering - the thesis will focus on the narcotics trade, estimated to be valued globally at US\$300 to 500 billion, greater than the Gross Domestic Product (GDP) of all but 38 nations (Patrick 2011: 136).

In the last two decades, there has been a proliferation of academic literature and public discussion about transnational organized crime as a major topic in security studies. This phenomenon is seen to be the consequence of the materialization of a “post-modern and post-sovereign” world, one in which the global economy, civil society, and transnational underworld escape from the measures of authority and control we typically ascribe to sovereign states (Jackson 2007:141). Many academics and politicians have observed that the more serious nature and increased scope of organized crime has emerged as a feature of the globalization era (Dobriansky 2001; Patrick 2006:38; Hobbs and Dunighan 1998:290). Improved communications networks, cheaper travel and better technologies have increased the potential for profit for criminal groups by giving them improved opportunities and easier access to expanding global illicit markets. Criminal organizations have been able to take advantage of these developments

and pursue unlawful activities over a greater spatial area than ever before. Former UN Secretary General Kofi Annan confirmed that criminal groups “take advantage of the open borders, free markets and technological advances that bring so many benefits to the world’s people” (*United Nations Convention Against Transnational Organized Crime* 2000: 36). Transnational organized crime derives its power to harm the state through what some have termed ‘black globalization’, which involves the creation of illegal shadow economies that “squashes legitimate enterprise, corrupts civil society, and fatally undermines the rule of law” (Shirk 2010: 3). The effects of transnational organised crime in modern times have led some academics to categorise it as “a new phenomenon that profoundly affects international and national economies, politics, security, and ultimately, societies at large” (Castells 1998:166)”. International organised crime is not new however- criminals such as pirates and bandits were operating long before the 20th century all over the world. Instead what *is* new is the expanding reach of transnational criminal organisations, and the degree to which their authority in the world economy and in societies rivals and encroaches upon that of legitimate governments (Strange 1996: 110). Friman and Andreas (1999) similarly found that transnational crime groups such as the Mexican drug cartels, although not homogenous, can all derive power from the illicit global economy and destabilise the internal security situation of states from which they operate. The globalization of illicit flows and activities is thus a reflection of the dark side of the global mobility of people, money and information (Aas 2007: 123).

This has prompted debate about the extent to which transnational crime poses a challenge to the functioning or very survival of nation states. A number of authors have suggested that although transnational organized crime “undermines the integrity of individual countries, it is not yet a threat to the nation-state” (Shelley 1995: 463) and others have agreed, calling it “a relatively

sporadic and systemically insignificant phenomenon” (Castle 1997: 12). Conversely, some academics seem to *overstate* the threat posed by transnational crime. Raine and Ciluffo (1994:ix) believe that “the dimensions of global organized crime present a greater international security challenge than anything western democracies had to cope with during the Cold War”, while Susan Strange (1996:121) classifies organized crime as “a major threat, perhaps the major threat to the world system in the 1990s and beyond”.

So, is transnational organised crime a threat to the state, and to what extent? Both ends of the spectrum are problematic. The former view suffers from conceptualizing a ‘threat’ only as something that endangers the nation state as an entity in itself, that is, something that threatens its very survival. As such, it correctly identifies the ‘threat’ as moderate. However, while it is true that organized crime does not necessarily endanger the survival of modern nation-states as such, it does have the capacity to disrupt their domestic sovereignty through undermining authority and control, and as such should be treated as a serious matter (Olson 1997: 75). Still, the latter perspective seems to overstate the threat posed by transnational organised crime, especially given the existence of very grave problems like nuclear proliferation or endemic civil conflicts in the international system. Instead, the thesis argument is that transnational organized crime is not currently the major threat in international politics, but that this phenomenon is “highly insidious at the state level” due to “the pervasive yet clandestine presence” of criminal organizations (Mandel 2011: 1). In the author’s view, transnational organized crime is destabilizing to some extent at the systemic level, but it is more dangerous for particular states, especially weak states, that encounter it at the domestic level, such as the case of Mexico.

Organised crime and Mexican sovereignty

Although Mexico has a long history of organised crime drug trafficking, especially since the 1980's when it served as a major transport route for Colombian cartels shipping drugs to the United States, the narcotics trade has really come under special spotlight in 2006 when President Calderón launched an initiative to curb the influence and violence that the drug cartels were spreading in Mexico (Cook 2007). There are seven main drug cartels in Mexico operating at the time of writing: La Familia Michoacána, the Gulf cartel, the Sinaloa cartel, the Juárez cartel, Los Zetas, Beltran Leyva Organisation, and the Arellano Felix Organisation (or Tijuana Cartel). They are responsible for producing and trafficking drugs across the border to the United States to satisfy that country's demand for illicit drugs. Although there is not a wide variety of sources dealing specifically with Mexico's drug cartels as examples of transnational organized crime, we can classify them as such since they carry out operations in the United States, Europe and West Africa, as well as having ties with other Central American drug organizations, such as Colombia's notorious drug cartels (United Nations Office on Drugs and Crime 2010; Albanese 2004).

The Mexican state is particularly vulnerable to the drug cartels due to a combination of factors. First, it must be noted that Mexico is to some extent a weak state. Grayson (2010:4) notes that "the venality of local, state and federal police, and disenchantment with institutions" are accountable for Mexico being labeled a 'weak' state. Over seventy years of one-party rule by the Institutional Revolutionary Party (PRI) and a socialist command economy created a governmental culture of bribery, injustice, and impunity especially among internal security forces, making Mexico particularly vulnerable to the threats arising from organized crime (Sullivan and Elkus 2008:2; Shelley 2001: 227). During the rule of the authoritarian PRI,

“corruption [enabled] the system to function, providing the ‘oil’ that makes the wheels of the bureaucratic machine turn and the glue that [sealed] political alliances and brought Mexico relative calm” (Bailey and Godson 2000: 54). Corruption of the police, politicians and even the Mexican military is a historic problem that has undermined Mexico’s efforts to ensure the rule of law and combat criminal organizations and the drug trade. With the end of the one-party rule in 2000 and the emergence of a more democratic political system, the acquiescence of the federal government could no longer be taken for granted, thus contributing to the cartels’ increasing employment of violence, intimidation and extortion as tactics, and their increasing threat to the state (Bonner 2010).

Of course, not all countries with one-party rule are troubled by entrenched corruption or provide opportunities for organised crime. Indeed, particular structural weaknesses in Mexico have exacerbated the susceptibility of Mexico to criminal influences in the last two decades. The economic crises experienced by Mexico in the 1980s and 1990s (especially the 1994-1995 *peso* crisis) caused social hardships for middle class and poor Mexicans, who were also hurt by previous neoliberal economic reforms (Demmers et al. 2004: 100). Poverty and income inequality grew, and the unemployment rate jumped to 7.6% in 1995 from 2.6%- 3.7% in the period 1988-1994 (Peters 2000:162). Although this unemployment figure is not particularly high by world standards, many people get only “unproductive and marginal employment” in Mexico’s large informal sector (Martin 2000:4). Further, Mexico’s “limited and in some cases non-existent social net” (Peters 2000:162) meant that the unemployment and general poverty drove a lot of people to become involved in criminal activities in order to generate enough income to survive. It also entrenched a culture of criminality and impunity, making it easier for drug cartels

to operate in society without apprehension and punishment. This further coincided with the demise of the Colombian cartels giving greater access to the US drug market to the Mexican criminal organisations, and fuelled their recruitment for more members which was made easier by the socio-economic difficulties of the 1990s.

Finally, the drug cartels have the ability to challenge state control and authority in Mexico due to the profitability of the drug enterprise. The increasing potential to make more money which follows the global expansion of illicit markets has given the drug cartels the ability and incentive to fight the state for control of trading space, especially given that they border the world's largest demand market for drugs (Olson 1997). The illicit economy taken advantage of by the drug cartels in Mexico generates an estimated US\$25-40 billion annually, placing the drug industry above oil exports, the country's main licit export (Lange 2010). According to Eduardo Valle, who resigned as personal adviser to the Mexican Attorney General in May 1994, the money generated by the narco-economy troublingly become the "driving forces, pillars even, of our economic growth" (quoted in Andreas 1998: 160). Given the poverty in Mexico mentioned above, the potential for profit is a motivating force for citizens to become involved in the drug trade, and undermines legitimate enterprises. The massive profits additionally pose a threat to the state since they enable the cartels to corrupt key officials and continue with their illegal activities, and also allow them to equip themselves with the latest and most dangerous weapons, impacting on the security of the state and citizens. The negative ramification is that drug cartels and their private militaries use weapons without regard for law and order. Faced with many different groups with the capacity to inflict violence, the government has lost effective control of

many territories, for example, the cities of Nuevo Laredo and Ciudad Juárez, and has been unable to control law implementation due to widespread corruption.

Conclusion

This chapter has elucidated the main themes and key theoretical issues that the thesis is concerned with, regarding domestic sovereignty, weak states and transnational organised crime, and how these are interrelated in Mexico. The next three chapters will build on this foundation and argue that the country's domestic sovereignty has been undermined by the operations of the drug cartels. The following chapter will explain how the use of force employed by organised crime elements in Mexico has impacted on state sovereignty.

Chapter Two

The use of violence and the loss of state monopoly on the use of force

Since 2006, the rise of increasingly aggressive and well-funded drug cartels and the state's subsequent deployment of 50,000 troops to try to stem the violence has become a challenge to the sovereignty of the Mexican state. The involvement of Mexican criminal organisations in the illegal economy, which has experienced a boom in recent years due to the forces of globalization, has allowed them to create and sustain immense wealth. This has been the motivation behind the struggles of the cartels against each other and the government, leading to over 35,000 deaths in less than five years. So how has the proliferation of violence impacted on state sovereignty? The first part will explain why a large-scale unauthorised use of force is a challenge to state sovereignty. The second and third parts will discuss the nature and scope of the violence and the impact on the state. The fourth part will examine the logic of the utilisation of coercive methods by the drug cartels, whilst the final will discuss the two most dangerous organisations, the Sinaloa cartel and Los Zetas, and their utilisation of violence.

Violence and State Sovereignty

Sovereignty can be distinguished as a practical reality when “upon being challenged by other forces, a legitimate government decides to exercise or abandon control over domains in which it faces competing claims or a usurpation of its role” (Cox et al. 2001: 7). This is evident in the case of Mexico, since President Calderón mobilised the state's resources and the army to engage in a violent battle against the cartels in order to preserve its monopoly on the use of force, thus pointing at the existence of a dispute between competing forces vying for control of coercive

mechanisms. The monopoly of control over the legitimate use of force in a given territory is a crucial part of sovereignty. The state needs to be in charge of coercive techniques in order to be the sole authority able to control and defend territory, detain and punish those who break the law, and disarm groups in society which may be a threat to the state (Castle 1997: 6). Undoubtedly, coercion is also a crucial component of sovereignty because the legitimate exercise of authority essentially depends on it (Thomson 1995: 225). Although this control over force never was and probably never will be ultimate and absolute, the state is considered the only source of a legitimate 'right' to use violence. This is embodied mainly through institutions such as the police and army. When these institutions are physically attacked or intimidated, as has been the case in Mexico over the last few years, this effectively undermines the ability of the state to use and control legitimate force mechanisms (Aas 2007: 132). In this light, the argument is that the wide-scale unauthorized use of force by the drug cartels, and their employment of coercive strategies with impunity both towards the state and its citizens, diminishes the state's control and authority systems and thereby its domestic sovereignty.

The scope of drug-related violence in Mexico

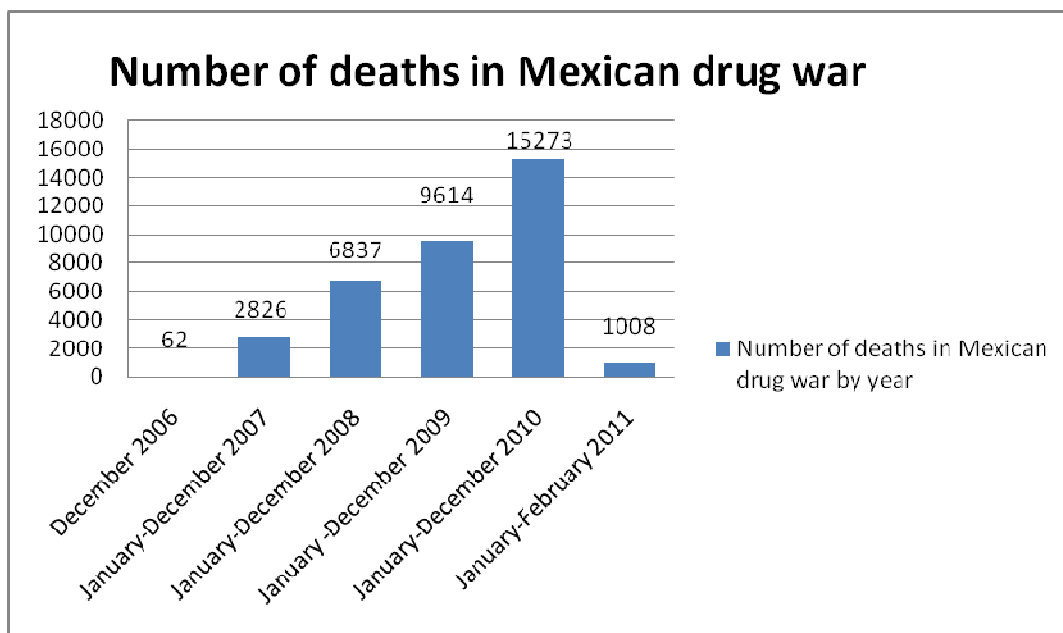
The scale of the aggression exhibited in Mexico has caught the attention of governments and media around the world. Some analysts have noted that Mexico is witnessing a process of “*Colombianization*... a state of all-out war between the government and the cartels . . . [leading to] massive bloodshed” (Teicher 2009: 211). Others agree that the brutality of the crimes committed “appears to exceed the violence that is intrinsic to narcotics trafficking, and organized crime in general” (Beittel 2011: 22). However, some lessen the significance of the violence levels, saying that the cruel acts of the cartels are still “somewhat constrained” compared to the

violence in Colombia during their drug war (Bunker 2010: 13). Indeed, Mexico's homicide rate in 2010 was 14 for every 100,000 people, which is lower than some of its neighbours such as El Salvador and Guatemala, whose homicide figures are three to four times this number, at 40 and 50 per 100,000 respectively (Manwaring 2007: 15). This suggests that while the violence in Mexico is appalling, it is not a complete aberration in the region. Further, various analysts have observed that the violence and control of territory by the cartels in Mexico is "modest" since it is mainly occurring in a few hotspots (Rexton and Williams 2010: 230). This is also true, given that the majority of drug-related homicides have happened in six out of thirty two Mexican states, and indicates that the challenge to Mexico's sovereignty is not country-wide, rendering the label 'failed state' premature and irrelevant (Bonner 2010:35). However, even if we accept these arguments, and that Mexican sovereignty is not threatened on the level of the whole state by the cartels, the violence in Mexico is excessive by any measure for a modern democratic state, and albeit not occurring with the same intensity across the whole country, is a source of great insecurity not just for the state and its institutions, but also for the citizens.

There is a plethora of empirical evidence to support the claim that the violence is threatening state sovereignty, not least the number of drug-related deaths. Drug-related homicides are classified by the Mexican newspaper *Reforma* based on criminal justice protocols and features of the killings which link them to the style used by drug cartels- such as decapitations or messages left with the body that implicate a particular cartel (Beittel 2011: 14). The following chart shows the number of people killed during the drug war since the start of President Calderón's initiative in December 2006. The official figure released in January 2011 was 34,612 dead for the period December 2006 until December 2010 according to a Mexican government database (Mexican

Government 2011; Tuckman 2011). Although no official data has been provided for deaths in 2011 at the time of writing, *The Times* has recently put the figure at a minimum of 38,000 as an approximation including the first few months of 2011 (Hernandez 2011). The numbers below reflect the brutality of the war and the inability of the government to control the use of force in many territories of Mexico. This not only has an impact on state sovereignty, but psychologically on the Mexican population who are less likely to perceive the state and the government as being able to provide peace and security.

Figure 2: Number of deaths in Mexican Drug War 2006-2011

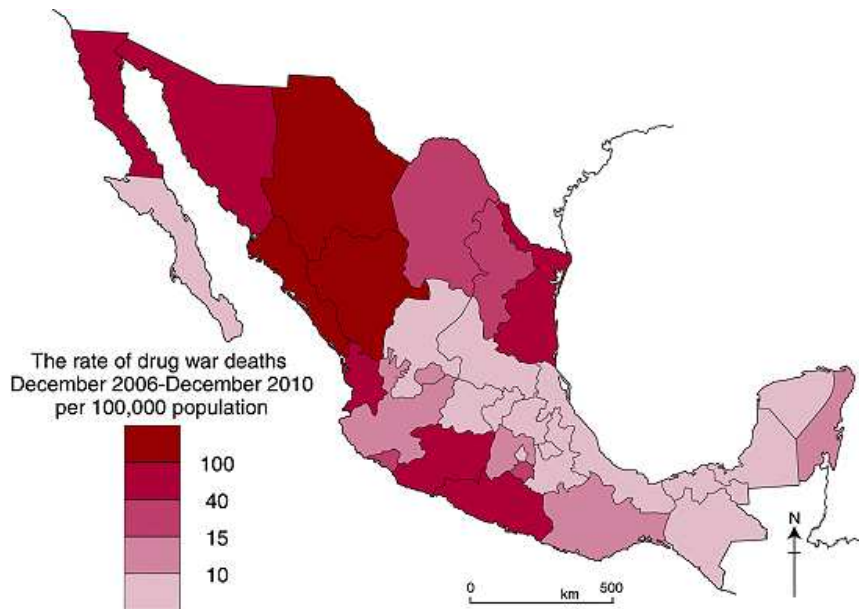


Sources: Mexican government database 2011; The Guardian 2011

Further, although the drug-related violence generally occurs across the whole country, it is more pervasive in border states such as Sonora and Chihuahua and particular towns such as Ciudad

Juárez and Nuevo Laredo, with eighty percent of drug-related homicides occurring in just 162 out of 2,400 municipalities across the country (*The Colombia Post* 2011). As we can see in the figure on the following page, the states along the border have experienced the most casualties due to the drug war, and their rate of homicide is larger than Mexico's as a whole. For example, Durango's homicide rate over the last five years has been 115.87 per 100,000; Sinaloa's was 158.52 per 100,000; and Chihuahua's has been a grisly 297.99 per 100,000, which is over 20 times the rate of Mexico as a whole (*Geo-Mexico* 2011). These figures are troubling since they signify a significant loss of state control over the use of force in those areas. These regions have been especially prone to experience violence due to their proximity to the border, making them important strategic areas for the cartels who wish to control the markets in the US. What makes the cartels' aggressive acts especially dangerous in the border regions is that they are able to acquire weapons such as antitank rockets, armour-piercing munitions, and grenade launchers easily from the United States and smuggle them into Mexico (Redmond 2009). The army and federal police in these areas increasingly face attacks from large units equipped with encrypted communications, automatic weapons, heavy machine guns, and helicopters used to improve their strategic location (Quinones 2009: 78). This kind of weaponry magnifies the ability of the cartels to inflict damage, and thereby decreases state control of the use of force by unauthorised persons.

Figure 3: The rate of drug-related deaths by state 2006-2010



Source: Geo-Mexico, 2011

The nature of the violence

The use of force in Mexico has taken on a very sinister character since the end of 2006, in an attempt by the cartels to intimidate law enforcement and instil fear in the population. The violence itself has been widely documented by local and foreign media, and condemned by Mexican and international governments for its vicious and indiscriminate character. The cartels' use of high-tech weapons and brutality in conducting their operations damages the state's ability to control the use of force and provide security for its citizens. The propensity for kidnapping, torture and beheadings shows willingness on the part of the criminal organisations to go to any lengths necessary to remove threats they face either from rival organizations or the state. *Narco-*

ejecuciones (narco-executions) typically involve use of high-calibre weapons, beheadings or decapitations, execution-style mass shootings, markings or written messages with the body that signify a particular cartel is responsible, and often the presence of large sums of cash, drugs or weapons (Shirk 2010: 3). There are three main targets of narco-executions which will be examined in more detail below- violence between rival criminal organisations, violence involving various cartels and government agents or law enforcement figures, and violence targeting civilians such as journalists or innocent bystanders caught in the crossfire (Turbiville 2010: 127).

The majority of the drug-related deaths have occurred as a result of clashes between rival criminal organisations, in areas crucial for ensuring unhindered access to drug trafficking routes (Selee et al. 2010). Often, cartel members are killed in extremely cruel ways, dissolved in acid, burned to death or even in some instances dismembered and fed to lions kept on ranches belonging to rival drug lords (Bunker et al. 2010: 148). For example, in October 2009, killings attributed to La Familia Mihoacana involved nine members of a rival cartel beheaded, hacked to pieces and stored in plastic bags along with threatening messages from the criminal organisation that claimed responsibility for the atrocity (Ellingwood 2009). In 2010, the increased number of drug-related murders from 2009 was attributed to the outbreak of new conflicts, for example, between Los Zetas and their former allies the Gulf Cartel, resulting in a violent turf war along the United States- Tamaulipas border (Stewart 2010). The violence between cartel members has raised the volatility of Mexico's security situation, since the government has no control over the weapons cartels purchase or how they are used. Although the state might see it as opportune that the cartel members are destroying one another, they are constantly hiring new members through

intense recruitment campaigns, making the cycle of violence never-ending. This has ramifications for state sovereignty since it destabilizes the security environment and undermines the state's ability to control the use of force.

Further, while most of the victims belong to the drug cartels themselves, the brutality also extends to members of the army and law enforcement. For example, in June 2009, twelve federal police officers were tortured and killed in retaliation for an earlier arrest of an important member of La Familia ("The Globalization of Crime" 2010: 240). The criminal organisations also use the threat of violence against the police, by posting menacing messages such "Join us or die" in recruiting banners hung across roadsides and in publicly posted death lists (Fox News 2008). Incidences like this not only demoralize and terrorize the police force, but they also highlight the specific threat of the cartels to sovereignty. Violence can intimidate police or judicial agents into relinquishing their loyalty and responsibility to the state, by tempting them to defer to the cartels for fear of being killed. Making matters worse is the fact that since many police officers and judicial systems in Mexico are corrupt, even the most brutal of killings can go unpunished. The drug cartels, fearing no consequences, can carry out their violent attacks using any means necessary to achieve their aims of territory control and profit maximization, contributing to further violence (Bunker et al. 2010: 146). Manwaring (2007:30) argues that when cartels have the freedom to carry out violent acts with such impunity, "the state is not adequately exercising its social-contractual and constitutional-legal obligations to provide individual and collective security within the national territory". Since members of the police are the authorized agents with power over coercive methods and represent the control and authority institutions of the

state, attacks on them compromise the legitimate exercise of state authority and constitute a direct challenge to the state's *de facto* sovereignty.

Whilst it is clear why the drug cartels have targeted their rivals and law enforcement officials who get in their way, a disturbing trend since 2008 has been the rising number of innocent civilian deaths. This suggests “less discrimination and more collateral damage” in the drug war, and indicates that the state is further losing control over the use of force, with negative ramifications for the citizens (Williams 2009: 331). An article in April 2011 in *The Washington Post* reported on the increasing incidence of innocent bystanders being caught in the crossfire, and alarmingly, in some instances the cartels seem to have started targeting children (Booth and O'Connor 2011). The acts of violence against civilians are often perpetrated to intimidate the population into accepting the criminal culture and cause obedience through fear. One of the men interviewed in the article, Javier Sicilia, explained how his son has been found dead in March along with four others who had been suffocated; the message left with the bodies read “This happened to you for making anonymous calls to the military” and was signed “the Gulf Cartel” (Booth and O'Connor 2011). This psychological warfare serves the purpose of intimidating rivals and instilling fear in the general population, and shows the state that the savagery of the cartels is not diminishing as a result of the military initiatives against them. The effect of the endemic violence on local law enforcement and citizens can result in a “failed community, a virtual analogue of a failed state” (Sullivan and Bunker 2003: 41). Also targeted by the drug cartels have been media workers, since the criminal organisations wish to control the flow of information regarding their activities. In one instance in July this year, a Mexican journalist was found with her throat slit, killed while she was investigating the murder of another journalist

thought to have been shot by the drug cartels earlier in the year (Greensdale 2011). Through these violent acts of murder, intimidation, and other forms of coercion on innocent civilians, violent non-state actors are damaging the capacity of the government to perform its legitimizing functions and provide security in its territory (Manwaring 2005: 25-26).

The causes of the violence

Given the discussion above, it is clear that the violence in Mexico has adversely affected state sovereignty. This has occurred due to two main reasons. First, the challenge of the large scale use of force by the cartels has been both a cause and a result of the drug war which started in December 2006. Although President Calderón justified his ‘war on drugs’ in 2006 by reiterating his commitment to reduce the violence associated with the drug trade in order to preserve the security of the Mexican state, others have argued that it was actually the drug war itself that led to increasing violence. Jorge Castaneda, Mexico’s former Secretary of Foreign Affairs (2010:78) argues that “the failed war has led to the cartels’ greater power”. Similarly, Beittel (2011:12-13) notes that the criminal organisations were simply employing increased violence as a strategic response to the government aggression against them. As the cartels faced a military crackdown on their internal and cross-border activities, they took to fighting each other and the government, leading to a “high level of violence, impunity and a criminal insurgency... [as an] unintended side effect” (Sullivan 2010: 186). Indeed, if we look at Figure 1 above, we can see a substantial increase in violence year after year since December 2006, supporting the proposition that more violence has occurred as a result of the government initiatives. The number of deaths in 2010 was 60% higher than 2009, and although official figures have not been released for 2011, the

number is likely to be higher yet again as cartels employ more violent tactics to secure routes and territory which is becoming more difficult due to the high level of state involvement.

The government on the other hand has rationalized its strategy by arguing that the increased violence is a sign that it has succeeded in destabilizing the cartels' control (Shirk 2010: 12). American and Mexican officials say the grotesque violence is a symptom the cartels have been wounded by police and soldiers. Michele Leonhart, head of the Drug Enforcement Administration claims that although "it may seem contradictory...the unfortunate level of violence is a sign of success in the fight against drugs" (Booth and O'Connor 2011). Bonner (2010:35) agrees with this assessment, observing that while the increase in deaths is unfortunate, it is "a sign of progress: a consequence, in part, of government actions that are destabilizing the drug cartels and denying them access to areas in which they used to operate with complete impunity". On the other hand, the increased violence may represent a failure on the part of the state to affect the cartels and disrupt their operations enough to curb the violence. The use of force by the cartels could just be practical evidence of the existence of gang rule in the territories where they operate, and might in fact point against the success of the state. Regardless of whether the rising violence represents success or failure of the government's approach, it is still a convincing argument that the drug war itself was a cause of the increased violence since it forced the cartels to employ more brutal tactics to safeguard their control of territory and market share and carry out their illegal activities unfettered.

The second factor enabling the violence to challenge the state is the profitable nature of the narcotics trade which the cartels are involved in. It is estimated that about 180 tons of cocaine is

shipped from Mexico to the United States each year, accounting for \$6 billion in revenue for the cartels (“The Globalization of Crime” 2010: 238). When we consider that the drug cartels also export large quantities of marijuana and methamphetamines, as well as venturing into other illegal activities like extortion, kidnapping and people smuggling, their profit potential is significantly higher. The immense wealth generated by these illegal activities has had two causal effects on the violence. First, it has allowed the cartels to purchase very advanced weapons with the capacity to do great damage to rival cartel members, state police and army officers, as well as ordinary citizens. If the cartels were not able to generate such profits, they would also not be able to procure such quantities of high-tech weaponry, transportation and communication technologies, and would thus be less likely to inflict the scale of violence that has been pervasive since 2006. Second, being profit-driven, the cartels have become more competitive over the reduced market, leading to more intense fighting amongst the cartels wishing to maintain turf control, market shares and consequently, profits. This has led them to employ any means necessary to preserve their earnings, including the threat and actual use of physical force to ensure their security, internal order, and power.

A profile of the Mexican drug cartels’ use of force

So how exactly does this threat and actual use of force by the drug cartels involve, and how does it undermine sovereignty? While there are many drug organisations and it would be impossible to scrutinize all their violent operations, it is useful to examine the two largest and most powerful drug cartels in Mexico at the moment, the Sinaloa Cartel and Los Zetas.

The Sinaloa Cartel headed by Joaquín “El Chapo” Guzman is one of the strongest cartels in Mexico, with vast monetary resources at their disposal. Their domination creates instability as they attempt to both preserve their territory and wealth from rivals, but also to gain new territory and markets from the smaller cartels (Friedman 2008). According to a Mexican government document published in *Milenio* in October 2010, the majority of the drug-related killings have occurred as a result of operations by the Sinaloa cartel. They found that the deadliest conflicts in terms of the rate of killings are being fought by the Sinaloa and Juárez Cartels, followed by Sinaloa and Beltran Leyva organisation, then Sinaloa and Gulf Cartel/Los Zetas, and finally, between the Sinaloa and Arellano Felix organization; a staggering 84% of total narco-homicides are related to the Sinaloa cartel (Mosso 2010). This shows an inability on the part of the government to successfully destabilise the biggest perpetrator of violence. According to *Reforma* newspaper, Sinaloa employ violent tactics with their victims and often leave messages taking responsibility for the deaths, trying to intimidate the law enforcement and public (Reuters 2011). In a gruesome attack in January 2011, police discovered fifteen dead people, fourteen of whom were headless on a street outside a shopping centre in the resort town of Acapulco, with handwritten signs left on the bodies indicating the men were killed for trying to invade the Sinaloa cartel’s territory (Gallagher 2011). The brutality has a deterrent effect on prosecutors and police, who are reluctant to pursue the organizations for fear of reprisal attacks, and are thus limited in enforcing laws effectively as a state should be able to do. In fact, the Mexican government has even been accused of collaborating with, and protecting the Sinaloa cartel since the drug lords possess powerful contacts within the ruling National Action Party (Burnett and Peñaloza 2010). The perception is based on the fact that rival organisations’ leaders, such as Osiel Cárdenas Guillén, the head of the Gulf Cartel, and Benjamin Arellano Félix, the head of

the Tijuana Cartel, have been captured in recent years, while the Sinaloa cartel continues its operations unabated; the perception is so strong that Mexican justice officials felt compelled to issue a press release in 2010 denying the links (Insight: Organised Crime in the Americas 2011). The suggestion of a dual loyalty of some government officials exemplifies the penetration of the cartels into state politics and institutions, and proves damaging to the state's legitimacy and sovereignty since it implies that illegitimate non-state actors are able to influence public policy and law enforcement.

Similarly to the Sinaloa cartel, Los Zetas are thought to be one of the most dangerous cartels in Mexico due to the brutality they employ when carrying out attacks against rival cartels (Brophy 2008: 251). They utilize extreme forms of violence including torture and mutilation of their victims; some are found with the letter 'Z' carved in their back, used as an intimidation tactic and a deterrent to those who try to challenge them (Brophy 2008: 252). One of the most brutal attacks by the Zetas happened in July 2011, when fighting amongst them and rival cartels led to the deaths of more than forty people in three Mexican cities in the space of a day (Cattan 2011). Through attacks like these, they are able to spread fear into the population and their rivals, ensuring success of their operations since adversaries and police are intimidated into not confronting them (Meyer 2007: 6; Campbell 2010: 65). Further, Los Zetas challenge state sovereignty through intimidating municipal and border police agents, which enables them to carry out their illegal activities without consequences. For example, the municipal police in Nuevo Laredo, due to a combination of cooptation and corruption, are responsible for kidnapping opponents of the Zetas, who proceed to hold them for ransom or torture and intimidate them into revealing information about their adversaries' operations (Brophy 2008:

253). The fact that the federal police, the army, the municipal and state police have all been penetrated or compromised by the Zetas reduces the ability of the state to implement effective law enforcement mechanisms, thus proving a challenge to state sovereignty in territories where Los Zetas are active. Also, the origins of Los Zetas have made this cartel uniquely threaten state sovereignty. The original members were recruited in the late 1990s by the Gulf Cartel from Mexican elite airborne Special Forces that had been trained to locate and capture cartel members (Campbell 2010: 56). The defection of elite units to higher-paying cartels is a big blow to the security and control apparatus of the state, displacing the government's authority over the use of force. The recruitment by the Los Zetas of former suggests that the state cannot rely on the legitimate use of force by those who are supposed to be trusted with that responsibility. It is also a threat to sovereignty since it means that the drug cartels have insider knowledge of Mexico's security forces which they can employ to the detriment of the state and citizens.

Conclusion

The drug cartels have been able to successfully intimidate both the public and the law enforcement agents, either with the threat or actual use of force. While it is positive that the violence is not pervasive across the whole country, this does not diminish the significance of the number of deaths or their gruesome nature. The ability of the cartels to utilize weapons undermines the country's security and challenges the state's monopoly on the use of force, which is necessary for the maintenance of sovereign control and authority. It also holds ramifications for law enforcement institutions and other authority structures which are unable to carry out their functions, and thus diminishes the population's trust in the legitimacy of their sovereign

government. The next chapter will detail how corruption is creating similar implications for state sovereignty.

Chapter Three

The issue of corruption

How has corruption and cooptation of Mexican law enforcement by the drug trafficking organizations impacted on the government's ability to assert law enforcement authority and control? The first part of this chapter will explain how corruption presents a challenge to state sovereignty; the second part will discuss systemic factors of corruption in Mexico; the following section will examine the nature and function of corruption in Mexico and analyse particular cases of corrupt practices of law enforcement agents, with the final part noting the implications for state sovereignty.

Corruption and state sovereignty

The ability to make and enforce laws within a given territory is a major feature of sovereign states. This capacity depends on the legislative and executive arms of the state, such as politicians, government officials and judiciary who make the laws, as well as those who carry them out and enforce them, like the police and the army. If we take that sovereignty cannot be "conceived of without a bearer capable of making highest laws and of executing them", with a "real will" taken to be a "physical person or a group of persons", then it is clear that these agents are the physical embodiment of sovereignty (Eulau 1942, quoted in Pemberton 2009: 50). Thus it follows that the corruption of these representatives of the state and the subsequent inability to carry out their responsibilities cripples sovereignty.

Sovereignty relies on a high measure of authority, which is usually characterized by particular offices that people occupy, in government or judiciary. As Jackson (2007:14) explains, the power of a sovereign state is measured by the instrumental means under the control of state officials. He argues that the level of effectiveness and skill that they possess in carrying out their duties “is a question of power, not one of authority; yet without power, authority may be hollow” (2007: 14). Hence, should the apparatus of power which carries out laws, policies and decisions become subverted or weakened through corruption, the sovereignty of the state will be challenged. Especially in the case that the state already has inherent weaknesses in key institutions necessary for law enforcement, as is the case in Mexico, its vulnerability to transnational criminal groups is greater and its capacity to fight their activities is diminished. As Patrick (2011:13) suggests, “beyond simply benefitting from fragility, criminals often deepen it, deploying corruption as a tool to weaken state institutions”. This enables them to carry out their activities free from any real or effective state involvement, since they can use their profits to degrade already weak state institutions by bribery, extortion, and intimidation. An inability to apprehend and punish criminals, to secure border passages, to stem the cartels’ illicit activities- all of which results from systemic corruption- undermines state sovereignty to the extent that it permits non-state actors to take control over authority and law enforcement in certain territories.

Systemic and cultural factors of corruption in Mexico

As explained in chapter one, weak states are generally more predisposed to be affected by the activities of transnational organized crime and the coercive and corruption strategies employed by such groups, since such states have essential shortcomings in the structure and effectiveness of their institutions. The situation in Mexico is especially precarious due to three factors which

make it especially prone to corruption- the historical culture of corruption, the social inequality and poverty pervasive across the country, and finally, the profits that the Mexican cartels are able to obtain from the drug trade.

Mexico as a country has been plagued by serious corruption issues for much of its modern history. Under the control of the PRI for over seventy years, the state was led by an authoritarian political system that had a strong president, breeding a weak and inefficient legislative and judicial system (Nagle 2010: 96). Shelley (2001:227) remarks that the long history of tolerance for corruption and the culture of impunity have led to “the failure to accord the rule of law primacy in society, and the institutionalized corruption of the police”. In 2010, *Transparency International*, an organization which measures the levels of public sector corruption in countries around the world, ranked Mexico at a lowly 98 out of 178 countries, with a score of 3.1 on a scale of 10 (highly clean country) to 0 (highly corrupt country) (Transparency International Corruption Index, 2010). In 1995 when the index was launched, Mexico’s score was 3.18. The fact that Mexico’s corruption rating has been the roughly the same over 15 years suggests that there is a pervasive corruption problem regardless of the type of political system in place. The corruption of the public sector also seems to be a major part of Mexico’ institutional history when it comes to the drug trade. According to Mexican academic Luis Astorga, “since the beginning of the drug business, the best known drug traffickers in Mexico were linked in special official reports in Mexico and the USA to high-ranking politicians. More precisely, these politicians were suspected of being directly involved in the illegal trade and even controlling it” (Meyer 2007: 3). These circumstances have led one author to observe that “corruption is not a characteristic of the system in Mexico. It is the system” (Nagle 2010: 97).

Further, Mexico is characterized by many social inequalities and inadequate social welfare provisions to deal with poverty, often leaving little choice for individuals or families other than engaging in criminal activity or accepting bribes in order to be able to provide the necessities for life. This has been the case particularly since the mid- 1990s after the introduction of the North American Free Trade Agreement, and has intensified after the 2008 global financial crisis. The border region had been especially affected because of the recession in the US, leading to 329,000 job losses since 2008 (Redmond 2009). Since the border region is crucial for the drug cartels to carry out their operations, the border agents and police operating there are at higher risk of being targeted by the cartels for corruption. A major concern is the fact that police officers do not get paid enough across the country, leaving them open to bribery, often not for greed but simply to survive. Thousands of Mexico's police officers working in 1,661 local, state, and federal law enforcement agencies earn less than \$250 per month (Nagle 2010: 113). Faced with the prospect of a better life, it is easy for law enforcement agents to bow to the pressure of cartels and become corrupt. In a well documented case in June 2009, ninety three Mexican police in the central Mexican state of Hidalgo were arrested on corruption charges for being on the payroll of the Zetas, some of whom were receiving up to \$225,000 per month for providing information or protection, or simply looking the other way (Nagle 2010: 100). Thus inadequate monetary compensation in their jobs renders "what should be the first line of defense against criminal gangs ...anemic and easily compromised", with obvious problems for state sovereignty (Quinones 2009: 79).

Finally, the profits that the drug cartels are able to obtain from trafficking drugs into the United States have given them an unprecedented motive and opportunity for corruption. The cartels seek to control territory and border crossings to ensure their markets and obtain massive profits, enabling them to spend millions on corruption. While small-scale corruption has always existed everywhere in the world, the situation in Mexico is more precarious since the powerful drug cartels “are increasingly the only ones that can afford the millions of dollars that it takes to keep the wheels of the drug smuggling business rolling” (Payan 2006: 38). Mexican journalist Carlos Loret de Mola claims that cartels make three times as much profit as Mexico’s 500 largest companies combined (Gray 2010). Although it is hard to estimate the exact drug revenue of the cartels- partly due to variations in retail prices of marijuana, cocaine and heroin, and partly due to the illegal nature of the business which does not bode well for transparency or an ability to collect official figures-the estimated value of the profits is \$25-40 billion annually (Lange 2010). Thus it is in the economic interests of the powerful cartels to spend a small portion of this money to ensure their highly profitable activities can continue without hindrance.

The nature and function of corruption in Mexico

The link between transnational organized crime and the significance of corruption in enabling criminal activities has been paid scant attention in the literature, partly because of its more recent, but also imprecise and ambiguous nature (Williams and Vlassis 2001: 77). However, corruption has always been a crucial component of all illegal industries which conduct their operations in a sphere outside of law enforcement. As one author notes, corruption “greases the wheels of the drug smuggling business and assures its flow” (Payan 2006:38).

Corruption in Mexico has long been characterized by a ‘carrots and sticks’ strategy of “plata o plomo” (silver or lead), which gives officials or law enforcement agents a chance to take a bribe, or be killed if they should refuse (Payan 2006: 40). Corruption can involve taking bribes, ignoring cartel activity, actively providing protection for the cartels in certain territories, or protecting drug shipments and ensuring their safe passage (Beittel 2009: 8). This facilitates illegal activities since it gives the cartels the opportunity to evade or bypass the legal constraints normally applied to movement of goods across borders. Law enforcement agents can also be bribed to provide important information, either regarding government or rival cartels’ activities, and warn the cartels of government raids and impending attacks on their drug supplies (Campbell 2009: 200). Corruption is also utilised in order to get rid of competitors, with the *narcos* paying the police to intimidate and imprison rivals, or providing them with information on their whereabouts leading to the capture of enemy gangs, in order to attain a greater market share and profit potential.

Police are involved in kidnapping, extortion, and protection for the cartel members which is problematic for sovereignty because government officials begin giving their primary loyalty not to the state but to one or more of the cartels. This has been exemplified in recent years through the number of killings of honest officials by corrupt officials. In May 2008, the head of the federal police was killed by an official who was believed to be taking money for protecting shipments at the Mexico City airport and whom the police chief had removed from that post (Reuter 2009: 280). The government thus becomes “both an arena for competition among the cartels and an instrument used by one cartel against another” leading to a situation where it becomes “helpless, or itself a direct perpetrator of crime” (Friedman 2008). This has obvious

implications for sovereignty, since the loyalty of state agents is placed under question, and their ability to carry out law enforcement duties threatened when they are themselves a part of the lawless system. Aside from using monetary incentives, the cartels can also employ the threat or actual use of force in order to pressure police or judiciary into illegal acts. This can encompass police deliberately ignoring illegal activity, or investigators and judges purposely compromising investigations into alleged wrongdoings (Olson 1997: 76). According to a study published in Mexico's *Milenio* newspaper in 2010, a staggering 98.5 percent of crimes committed in the country go unpunished, and of the 7.48 million crimes committed in Mexico that year, only one percent of the offenders were actually convicted (study quoted in *Latin America Herald Tribune* 2010). While these statistics do not solely represent drug-related crimes, they show the general inefficiency and impunity of the system, and the practical effect of corruption at local and federal levels. It also emerges that the problem of corruption is systemic- those who have the power and authority to hold criminals accountable to the law are themselves often inefficient and corrupt, rendering the whole system incompetent.

The logic behind corruption as a means by the cartels to attain their goals is relatively simple. Corruption prevents law enforcement agents from carrying out their duties to the state, and guarantees that the illegal activities of the cartels are carried out with no obstruction from the government (Payan 2006: 39). It also enables desired support from state officials- such as their provision of strategic information or help in ensuring secure transportation of drug shipments. The effect is that the government is impotent to deal with the problem of narco-trafficking, since state institutions are penetrated by the cartels and by dishonest officials. However, it is important to note that drug cartels do not have a direct intention of overtly overthrowing the government

for ideological or political goals, but simply strive to protect their illegal enterprise from unwanted interference in order to retain massive profits (Olson 1997: 75). Jonsson (2008: 375) agrees, arguing that since organized crime is profit-driven, these organizations seek to gain revenue through weakening and destabilizing the state and its institutions, rather than destroying them as such. The cartels choose to “intimidate and subvert” government agents and institutions not because they wish to replace the state, but because a weakened government can deflect efficient and accountable law enforcement actions and agents, and in turn allow the cartels to operate without hindrance posed by the state and the law (Beittel 2009: 11).

This suggests a very important two-way relationship between the state and crime. It is said that while corruption is found in settings even without the presence of organized crime, organized crime cannot function without corruption, so it seeks to deepen systemic weaknesses that make this possible (Freeman 2006: 12). As Baja California’s attorney general, Rommel Moreno Manjarrez correctly noticed, “It’s impossible for the *narco* to succeed without the help of the police. The success that the *narco* has been having is because of the police” (Roig-Franzia 2007). Drug cartels cannot carry out their activities without the state; they have to buy the complicity of the state officials, and a specific service monopolized by law enforcement agents- the non-enforcement of law (Andreas 1998: 161; Farer 1999: 93). The cartels want the state to remain relatively stable, since it is desirable to have a basic level of domestic order, the rule of law and a functional economy in order to carry out their operations. It is more useful to corrupt state officials and have them at the service of the cartels where they can use their positions of power in the interests of organized crime, than it is to have an anarchic and failed government which the cartels cannot benefit from. It is also in their interests for the state to remain sovereign so as to

avoid involvement from other countries in the region threatened by Mexico's internal disorder, namely the United States, which could hinder the capacity of the cartels to produce and export drugs, and threaten their profit potential. Finally, the cartels need the state as they do not actively seek to replace it- it would be too costly for them to assume all the functions of control and power that a government holds, and as such it is more beneficial to corrupt and exploit it in order to continue their illicit activities.

Corruption of law enforcement agents

As mentioned above, the use of corruption as a strategy by the cartels to ensure the continuation of their business is widespread. Bribing police officers, especially those working close to the border or in border towns, accounts for the majority of the cases and is very beneficial for cartels seeking to attain important information or security for their drug shipments. In a well documented case in April 2011, sixteen police officers were charged with attempting to cover-up for the drug cartels who had killed more than 120 people found in a mass grave in Tamaulipas (CNN Wire Staff 2011; Wilkinson 2011). Cases like this are very common, leading to mass firings of police at local levels, with hundreds of agents discharged from duty at one time for corruption (Reuter 2009: 278). Not only do the cartels bribe the local police, but they also infiltrate the highest levels of law enforcement, which shows the easily corruptible nature of those who are supposed to be trusted with the responsibility of breaking up the criminal organizations and limiting the scope of their drug smuggling and violence. This issue was exemplified through a case in October 2008 which brought to light just how easily penetrable the state is: Noé Ramirez Mandujano, the head of the government agency 'Specialized Investigation of Organized Crime' (SEIDO), as well as at least thirty five other employees, were arrested for

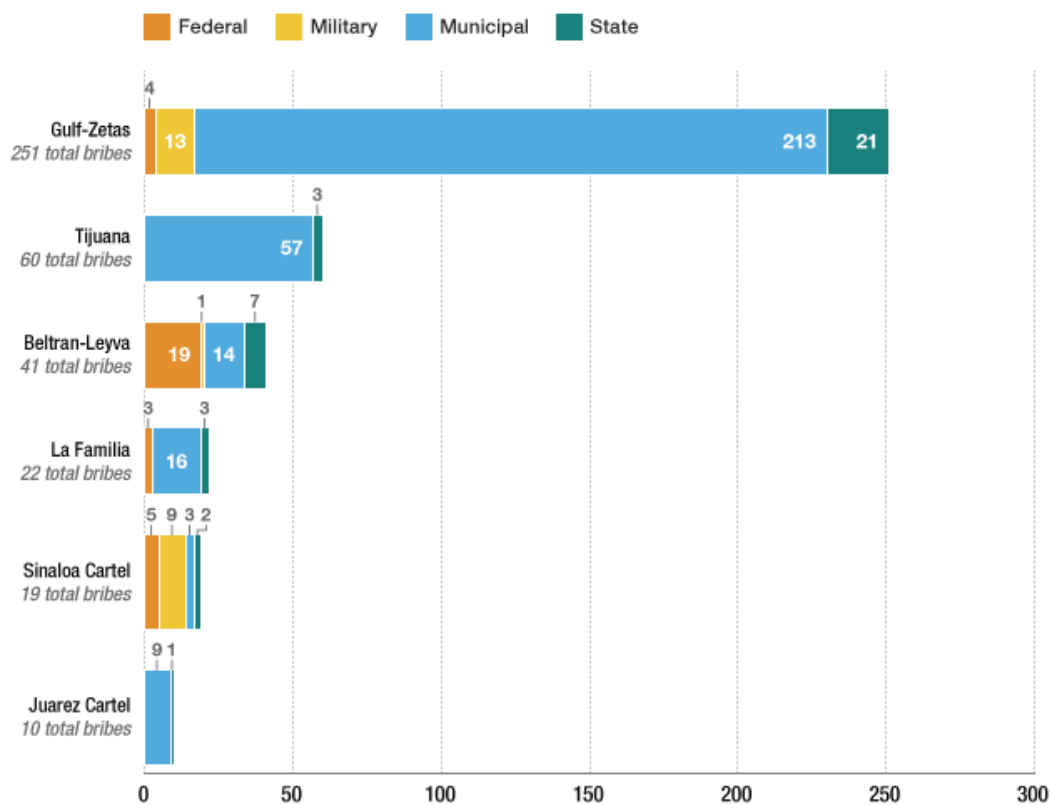
leaking classified information to the cartels in exchange for monthly payments of \$150,000 to \$450,000 (Redmond 2009; Reuter 2009:278).

Government initiatives aimed at discovering corruption in the state law enforcement agencies, such as ‘Operation Cleanup’ in August 2008, found that many highly ranked officials- such as the interim commissioner of the Federal Police, as well as the acting leader of the counternarcotics division, amongst many others- took bribes from cartels (“The Globalization of Crime“ 2010: 241). Given the weaknesses of the police force and their susceptibility to corruption, it is no wonder that the drug cartels have continued their activities unabated. The pervasiveness of the corruption was once again highlighted two years later, when 3000 federal police officers, representing 10% of the total number, were purged for their associations with drug cartels (Beittel 2011: 19). Deputy Police Chief Facundo Rosas stated that they were fired because they had “failed to carry out duties established in the federal police law” (Reuters 2010). It is significant that even the top echelons of public service may not be loyal to the state since it compromises their ability to carry out their responsibilities and functions and to stem the illegal activities of the cartels.

Although such cases of high-level corruption have not been uncommon, the majority of the bribes are directed at the municipal police, with President Calderón himself admitting that they “are the most vulnerable” to corruption (*The Economist* 2010). The chart below shows the approximately 400 reported bribes of Mexican officials since 2006. While this figure does not reflect the total number of bribes taken by government agents because most of the corruption goes unreported for obvious reasons, it does give us an insight into how corrupt practices are

spread out. Part of the reason for the higher number of bribes within municipal police is because there are over 165,510 municipal officers around the country, while the number of federal police is significantly lower at 30,000 (*The Economist* 2009). Further, the municipal police is badly organised and has a very ineffective command structure; for example, in Monterrey the metropolitan area alone has 11 different forces, using different training, tactics and even brands of radio (*The Economist* 2010). The unproductive organisation of resources combined with insufficient remuneration make the municipal police easily penetrable by the cartels.

Figure 4: Reported cartel bribes taken by Mexican public officials 2006-2010



Source: Burnett and Peñaloza, 2010, NPR

Worryingly, corruption has not only led the police to act in the interests of the drug cartels *indirectly* through law enforcement agents assisting them in their activities, but often *directly* against the state itself. For example, in June 2005, Mexican Army troops were sent to the border town of Nuevo Laredo to try to contain intense drug-related violence there, and were openly attacked by local police who had been paid to protect the Gulf Cartel in its stronghold city (Brophy 2008: 253). This not only showed the disloyalty of government agents, but also revealed how corruption had undermined the coherence of state policies, since the state was unable to effectively coordinate its authority mechanisms. This event also suggests that in certain territories, the state has weaker control over its own power apparatus than the cartels do. As Sullivan and Bunker (2003:46) explain, “such corruption and distortion of the state, where drug cartels...gain local dominance within an existing state, can potentially lead to the emergence of a cartel acting as a criminal free state or enclave”. This provides them with the ability to make their own laws, as is the case in places like Ciudad Juárez, Nuevo Laredo, and large parts of some states, like Sinaloa and Tamaulipas.

Similarly, the drug cartels have managed to undermine the state’s authority and control directly by co-opting members of the police and army into their own ranks. As discussed in the previous chapter, Los Zetas, now one of the most deadly cartels, were originally created from elite army units. Mexican authorities have a belief that the majority of the approximately 100,000 soldiers that have deserted the army in the period 2001-2007 due to harsh conditions and poor pay had gone on to join various drug cartels (Madsen 2009: 71). Since 2000, an average of 16,000 soldiers a year, out of a total force of about 195,000 have left the state services, significantly

reducing the army's resources (Lloyd 2007). The drug leaders see much value in recruiting members from the police or the army (luring them with the promise of better pay) since they are already trained in combat tactics, use of weapons and often know insider information that is useful to the cartels for moving drug shipments or for attacks against rivals (Payan 2006: 40). Thus the direct cooptation of law enforcement personnel infringes on the state's ability to utilize its resources effectively in order to enforce laws and combat crime.

The consequences for state sovereignty

As examined above, the internal weakness and corruption of state agencies which the drug cartels in Mexico have taken advantage of, creates "leverage" over politicians, law enforcement agents and state institutions who uphold sovereignty (Swanstrom 2007: 17). Since these actors are the ones who hold the instruments of power in a sovereign state, if their roles are appropriated and compromised by illegitimate non-state actors, the authority and control that presuppose the sovereignty of the state are weakened. Although it is not a necessary attribute of a sovereign state, most states need legitimacy in order to function effectively. As discussed above, corruption is utilized in order to facilitate illicit activities, subvert rival drug cartels, attain new skilled members, and avoid punishment for crimes. This serves to distort the sovereign functions and actions of the state and its law enforcement and judicial arms, and as such undermines the Mexican state's legitimacy. The consequences are a slow discrediting of the state's institutions and a lack of public trust in the ability of the government to provide security and justice (Olson 1997: 76). Corruption in Mexico has also led to a dangerous situation where the drug cartels have become a "parasite" to the state, attaching themselves to its vital institutions and criminalizing the police, judiciary and public administration until they are weakened to the point

where they are not able to carry out their duties effectively, or where they are completely controlled by the cartels (Sullivan and Elkus 2008: 5).

Further, in a sovereign state, accountability mechanisms are an important factor for determining the practical capacity of the state for control and authority over law enforcement institutions and agents. In Mexico, corruption renders such mechanisms “either nonexistent or defunct”, since the police force and judges are bribed into relinquishing their responsibilities to the state (Nagle 2010: 113). Not only is corruption a failure of law, it also signifies a deficiency in political control to hold accountable and punish those who undermine the system. The impunity which characterizes the justice system has eroded the capacity of the state to govern effectively. The lack of accountability mechanisms also causes particular problems for Mexico, which has been affected by weaknesses left over from the PRI’s rule and which prevent it from consolidating its new democratic system. Corruption is used as a tool by the drug cartels to prevent a more accountable and sovereign regime from becoming stronger, since it is in their interest to keep a system of patronage and impunity so that they can continue their illegal activities and keep a low profile “in an unstable and corrupted state” (Swanstrom 2007: 17).

Finally, as Anthony Placido, one of the Drug Enforcement Agencies (DEA’s) most important intelligence officials argues, “the single largest impediment to seriously impacting the drug trafficking problem in Mexico is Mexico’s police corruption” (Payan 2006: 37). What this means is that the state, which should be able to handle internal security threats, is unable to effectively and successfully tackle these problems, since the impediment lies within the state itself. Sovereignty presupposes that a state can exercise control and authority in its own territory, which

in Mexico's case specifically includes stemming the activities and violence resulting from the drug trade. Williams and Vlassis (2001:77) draw a correct conclusion that corruption networks at both the "political and the operational levels are as insidious as they are pervasive and make organized crime increasingly difficult to counter". This challenges Mexico's ability to utilize its legitimate agents such as politicians, judges, and the police force to successfully fight organized crime in the affected states.

Conclusion

This chapter has explained the dynamics and problems of corruption in Mexico, utilized as a strategy by the drug cartels to undermine law enforcement and carry out their operations freely. Although corruption in Mexico is a historical problem, due to the entrenched culture of impunity, systemic weaknesses and a long-term public mistrust of state institutions, the control and authority institutions of the state have been further eroded by the presence of organized crime, posing serious problems for sovereignty. Corruption has shifted the loyalty of official agents from the state to drug cartels, has diminished the ability of the state to enforce laws, and has undermined legitimate institutions. All these factors point to the "surging debility of the Mexican state, whose fragmentation is concomitant with increasing opportunities for drug lords to go about their nefarious trade with impunity" (Levy et al. 2006: 3). The following chapter will build on this by analysing how organised crime has been able to substitute certain functions of the state through infiltrating territory and culture.

Chapter Four

Substituting the state: territorial and social control of the cartels

Increasingly since the drug war started, there have been worrying observations that the “state’s presence and authority are questionable over large geographical portions of the country” (Manwaring 2007: 29). Control of territory refers not only to power and authority over a physical space, but also the influence over society and culture in those spaces. The first part of the chapter will examine what territorial control involves, the following part will explain how this has allowed the cartels to substitute some government responsibilities and functions, and the third part will discuss the implications for Mexico’s culture and society.

How drug cartels control territory in Mexican states

The territoriality of the modern state has been questioned in recent decades due to the forces of globalization breaking down barriers in mobility of people, goods and services. Non-state actors and their involvement in the global economy have “the capacity to undo the particular form of the intersection of sovereignty and territory embedded in the modern state and the modern state system” (Sassen 1996: 5). However, rather than ushering a new era of borderless states, it seems that globalization has further complicated an already ambiguous relationship between territory and sovereignty. As Agnew (2009:90) notes, “the spatial monopoly of power exercised by a state is not and cannot be total when it derives from that given up by and potentially retaken by others”. This suggests that territory, although central to statehood and sovereignty since it delineates a spatial area of authority and control, is not definitive since it can be taken over by non-state actors, in this case, elements of organised crime. An important challenge to state

sovereignty then has been the ability of the drug cartels to infiltrate and control large swathes of territory across the country through coercion and corruption. Rival cartels have taken control of different regions in Mexico as a way of subdividing markets and of securing lucrative trade routes (Brophy 2008: 250). Figure 4 below represents the areas under the influence of Mexican cartels over various territories. It shows that there are hardly any territories left in Mexico that have not been penetrated to some extent by drug cartel operations, with particular border states such as Michoacan, Tamaulipas, Sonora and Chihuahua being especially affected.

Figure 5: The geographical distribution of cartel influence and operations in Mexico 2010



Source: STRATFOR, 2010

Territorial control refers to several specific ways in which drug cartels appropriate physical space for their illegitimate objectives. One example of this is the cartels controlling border crossings and especially cities close to the border, known as *plazas*, where they operate with the help of local law enforcement (Campbell 2009: 272). They do so in order to ensure safe shipments of drugs into the US, and as such control of territory is necessary for their illegal activities. The control is exemplified by their ability to collect *pisos* (tolls for border crossings) from less powerful traffickers, and their effective use of local law enforcement to ensure the continuation of their activities (Campbell 2009: 23). Another way of controlling territory has been the appropriation of land for illicit purposes, such as for growing or transporting drugs. The discovery of several underground tunnels in recent years along the Mexico-US border used for smuggling drugs verifies this. Some of these are very sophisticated, being equipped with rails to move contraband quicker, and featuring electricity and ventilation systems (Stier 2009). In November 2010, a tunnel over 600 metres long containing 40 tons of marijuana was discovered, running from the Mexican border to San Diego (Spagat 2010). This shows a blatant disregard for legitimate control of territory and undermines the state's ability to control movements of goods, services and people in and out of the country.

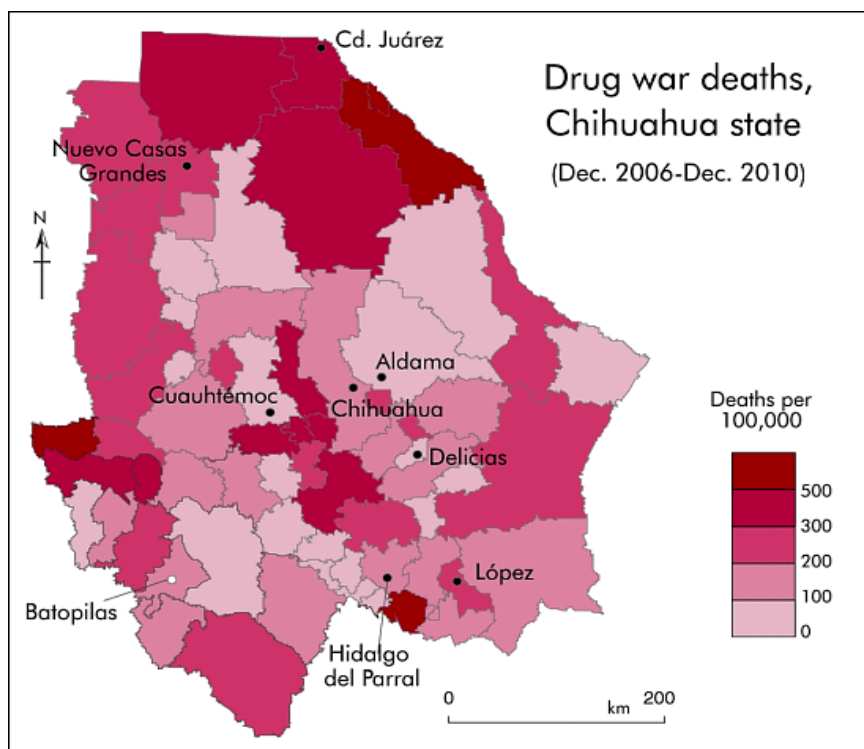
Since the cartels in some cities and states have the ability to impose their own (often violent) rule over the citizens and people who pass through, they inherently become a competitor of the state which claims sovereignty over the same territory. One of the most telling examples of the situation in Mexico in terms of the conflict over territory has been in Ciudad Juárez in Chihuahua, just across from El Paso in Texas. Sullivan (2011:5) has classified Ciudad Juárez as

a 'contested zone', in other words an area of frail state authority and law enforcement, with daily occurrences of homicides, kidnappings, extortion attempts and general violent scuffles between the rival cartels, and against government forces trying to reassert control. There, the state has virtually lost control of the city. Ciudad Juárez is an example of how 'black globalization' creates "fortresses of criminal influence" where non-state actors control territory and turn it into contact points for the global illicit economy (Sullivan and Elkus 2008: 4). This is the situation in Juárez, whose proximity to the United States border makes "drug trafficking a logical, even predictable, response to poverty and social inequality" (Campbell 2009: 273). The violence resulting from the drug trade has created a state of criminal anarchy, where gangs fight for turf control with corrupt police officers making the whole city "a criminal enterprise" (Vulliamy 2011).

As shown in Figure 5 below, the border state of Chihuahua (including Ciudad Juárez) has very high death rates. The drug-related deaths in Juárez have accounted for the majority of drug homicides from December 2006 until June 2010 in all of Mexico, with 36% of the killings occurring there according to Mexico's National Public Security Council (Beittel 2011: 15). The federal police, military, government officials and local law enforcement are not able to guarantee the safety of the population, nor ensure public order, producing a collective insecurity in the population (Campbell 2009: 270). In this vein, the Mexican newspaper *Proceso* called Ciudad Juárez a place "where the *narco* rules", based on the general lawlessness and violence that characterises life there (Sullivan and Rosales, 2011). For example, in July 2010 there was a cartel attack on the Federal Police (which was trying to assert control over the border), signifying their resistance to conform to law and order; it has also been widely documented that they buy the

complicity and services of local police officers, effectively displacing the state's authority (Sullivan and Rosales 2011). While it is true that Juárez is not typical of the majority of Mexico—its homicide rate is seven times higher than the country as whole, and thirteen times that of Mexico City (Knight 2011), this does not in any way make it a less potent example. The fact that the government does not have territorial control over a city of over 1.5 million residents in a very strategic position is significant. It points to an inability to assert its legitimate authority in the country's territory and suggests that the government has lost the power to govern entire sectors within its sovereign territory with these areas “taken by a narco-insurgency and lost to the influence of criminal-based entities” (Bunker 2010: 10).

Figure 5: Drug related deaths in the state of Chihuahua 2006-2010



Source: *Geo-Mexico, 2011*

Substituting government responsibilities and functions

Another dangerous development for state sovereignty has been that in the territories controlled by the drug cartels, they are increasingly behaving like a state. Whilst it is certain that the cartels do not wish to replace the state as a whole, they have become a parasitic element attempting to create parallel power and social structures. This means that in addition to the local and state governments, there exists a powerful ‘narco-administration’ which provides employment, maintains civic order (protecting citizens from the activities of rival cartels in the territory it considers its own), enforces laws (either through its own activities or corrupting government law enforcement agents), performs civic duties (such as building schools, roads and churches) and finally, collects taxes (extortion of businesses) (Grayson 2010: 61-62).

In a *New Yorker* interview (Finnegan 2010) Lázaro Cárdenas Batel, the former governor of Mihoacan during 2002-2008, provided an informative account of the process of takeover of control by the drug cartels from legitimate local government:

“There were these incredible scenes in small towns all over Michoacán...I would get a call afterward from the mayor. Ten pickup trucks full of armed men had arrived at the municipality. The local police could do nothing. They were outgunned. But the criminals were very respectful. They would tell the mayor, ‘We want to work here. There will be no trouble, no crime, no drunkenness, nothing.’ Then they would take over the town, and enforce their rules. If a boy hit his mother, they would punish him and dump him in the plaza for people to see. If he did it again, they would kill him. It was a strategy to gain popular sympathy, and it worked.”

As the above quote suggests, drug cartels have succeeded in assuming positions of control and authority and substituting the state in particular territories. For example, Alberto Islas, a security analyst in Mexico City, suggests that “neither the regional nor federal government have control over the territory of Tamaulipas” and contends that the drug cartels are more efficient than the government of Tamaulipas in collecting taxes (Miglierini 2011). This is also the case with the Gulf Cartel in the territories they control, and often includes violence when the citizens refuse (Brophy 2008: 254). Instead of being protected by the state’s judicial and law enforcement system, people and especially businesses have become targets of extortion rings run by the cartels, where they have to pay in order to safeguard the security of their staff and operations (O’Neill 2009). This has been confirmed by President Calderón, who sees these actions as trying to supplant the regime (quoted in *The Huffington Post*, 2010). Indeed, when illegitimate non-state actors take on the role of law makers and government officials, it allows them to run a parallel power structure to the government, reducing its legitimacy.

One of the most telling examples of drug cartels substituting state functions is found with the La Familia Michoacána cartel, which is very influential in its home state of Michoacán. La Familia first came to public attention in 2007 when it put five severed heads into a nightclub, promising to protect citizens in that state from the growing rivalry and violence between criminal organizations fighting for turf control (Greensdale 2011). From then on, it has fashioned itself as a protector of sorts, providing traditional state services like protection and maintaining public order, and thereby has taken on a growing role in Michoacán society. The leaders of this cartel have tried to portray themselves as Robin Hood-style figures that protect the citizens and provide social welfare for the poor, when the government could not or would not help (Leonard 2009;

Sullivan and Rosales 2011). This was possible because the state had since the early 2000's been economically crippled and suffered unemployment without the help of the traditional safety nets provided by the PRI and the Roman Catholic Church, leading three quarters of the population to live in poverty by 2007 (Grayson 2010: 10). José Luis Piñeyro, a Mexican analyst in the armed forces, believes that these dire socio-economic circumstances around the country have created "an army in reserve" for the drug cartels (quoted in Grayson 2010: 40). The insufficient funds allocated to provision of social welfare left Michoacán open to powerful non-state agents to build local legitimacy through provision of alternative service structures (Patrick 2011: 143). La Familia has a quasi-religious approach in the sense that they appeal to people who feel abandoned or isolated from society, often those who have been drug-addicts or juvenile delinquents, or more broadly, the youth who are the poor and marginalized. Michoacán's population comprises of 4.7 million residents, 224,270 of whom are aged 12 to 25 and are drug addicts (Grayson 2010: 37). This has provided plentiful opportunities for recruitment and cultural influence.

La Familia has taken on the role of the state in many regards. The organization claims to protect *Michoacáños* from rival cartels and even federal forces, taking on a security role normally reserved for government forces in a sovereign state. According to a schoolteacher in Zitácuaro, a small city in Michoacán, La Familia members are "a second law. Maybe the first law...The police work for them. When they arrest people, they don't take them to police headquarters but to La Familia" (Finnegan 2010). This exemplifies the shift of power and authority from state law enforcement to non-state agents taking care of law and order in the territories they control. Further, although others would classify this as extortion, La Familia insists that it 'protects' its

clients (such as shop-owners, hotels, local gangs) who are forced to pay them in exchange for their services (Grayson 2010: iii). A recent study found that almost 85 percent of legitimate businesses were connected to La Familia (Finnegan 2010). Similarly, Mexican newspaper *Reforma* claimed in 2009 that this organization acquires much of its resources through 'taxing' businesses, usurping a role of the government (Leonard 2009). And much like a government that appropriates taxes for public expenditure, so does La Familia. They have rebuilt schools in the state, provided employment, financed church completions, issued credits to farmers and small businesses, given money to local officials, built drainage systems, made volleyball courts, collected debts owed to *Michoacáños*, amongst many others activities (The Guardian 2011; Grayson 2010: 41). Although they often employ strong coercive strategies, they portray their acts as benevolent and in the interests of the citizens of the state. Increasingly, these acts allow them to infiltrate society and the economy in Michoacán, and to increase their social legitimacy as a means by which to influence the local population (Grayson 2010: 47).

This suggests a weakening of state power and dominance in several territories and areas of governance, leading to a degree of 'state capture' not just in Michoacán but in several other regions controlled by rival cartels (Williams 2009: 335). Joaquín "El Chapo" Guzman, the FBI's and Interpol's most wanted person after the capture of Osama Bin Laden, and leader of the powerful Sinaloa cartel, has also been providing money and food to residents of small towns in Sinaloa (Sullivan and Rosales 2011). The same has been observed of Los Zetas, who also provide social services and goods in the territories they control. The effect is that the citizens have started to accept and trust non-state actors for provision of goods and services that the sovereign state should be responsible for, effectively changing their loyalty and decreasing the

legitimacy of the government. This has led Sullivan and Rosales (2011) to note that while “the cartels may not seek a social or political agenda...once they control turf and territory and effectively displace the state, they have no choice- they become “accidental insurgents”.

The ramifications for culture and society

As discussed above, the drug cartels have succeeded in many parts of Mexico in asserting territorial control and substituting the state in many of its functions. This has had a broader impact on society as seen by the emergence of a ‘narco-culture’ which has become a significant cultural challenge to the state, propagating a glorified view of a dangerous lifestyle in order to win the hearts and minds of Mexico’s youth for recruitment or passive acceptance by the population of their increasing power (Kocherga 2011). The features of this narco-culture including *narcocorridos* (songs with lyrics that praise and accentuate the narco lifestyle), drug-related slang, ‘narco-style’ (such as big houses and luxurious cars), are all “genres of communication and forms of publicity that attempt to rework the public sphere of Mexican society and elevate the status of drug cartels” (Campbell 209: 30). The drug cartels aim to raise their public profile by portraying drug trafficking as an appealing lifestyle choice, providing a source of hope for Mexico’s unemployed, marginal and other disadvantaged citizens.

The drug cartels have been able to propagate this narco-culture due to Mexico’s particular socio-economic circumstances. Mexico has millions of unemployed youth, who are often drawn in by the drug trade due to the incentives it promises. The young people see the drug traffickers making large amounts of money without a lot of hard work through their involvement in the criminal underworld, and this is naturally appealing when the alternative involves unemployment

and insecurity. The narco economy spans more than just drug growing and trafficking- it includes jobs in transportation, communications, security and banking amongst others, sometimes providing a greater range of opportunities than the state does, especially for those on the socio-economic margins of society (Grayson 2010: 11). According to Mexico's National Security Strategy spokesman, Alejandro Poire Romero (2011), narco-culture has allowed the drug cartels "to invade cultural spheres with impunity to normalize their crimes, weaken our systems of values [and] prevent the construction of the culture of legality we need to achieve security". Author and anthropologist Howard Campbell believes that this infiltration of narco-culture creates a "counterculture of criminality", since "if organized crime is in control, that means everyone in that region has to play by their rule...that means young people growing up learn who has the power, and they join the people with power" (Kocherga 2011). Thus the power of narco-culture emerges as a challenge to the legitimate authority and control of the state. This suggests that a type of cultural influence and control is spreading into the regions which the drug cartels run, undermining the state effort to fight crime and violence.

One of the main ways in which the drug cartels have been able to infiltrate society has been through their use of the media, which has been used to intimidate and manipulate public opinion through the "selective release of symbolically coded messages and images and violent narco-spectacles" (Campbell 2009: 270). A press that should be fair and free has in many territories been taken over by the cartels, with the criminal organizations controlling what is and is not printed. For example, Ciudad Juárez's *El Diario* newspaper published an editorial in 2010 specifically asking the drug cartels what they are and are not allowed to write, which "implicitly acknowledged the agenda setting and latent political power of the cartels in the battle for

Mexican social space” (Sullivan and Rosales 2011). The Gulf Cartel even has a position for a ‘press liaison’, who dictates to the media what sort of information they can print and how much detail they can give without the danger of the cartels’ retribution (Freeman 2006: 16). The increase in violence seen since the drug war started in 2006 has endangered the lives of journalists, photographers, radio presenters and other people working in that industry since those who cover the drug war are often killed (Committee to Protect Journalists 2008). The cartels have intimidated the media to the extent that they are scared to report detailed accounts of corruption and violence for fear of reprisals, a justified fear since 44 media workers have been killed since the beginning of the drug war according to a report by the Committee to Protect Journalists (2011), making it one of the highest rates in the world. In July this year, several reporters from the city of Veracruz went into hiding, after the decapitated body of a journalist reporting on the drug war was found near the building of a local newspaper. Local reporters told the CPJ that they assumed the murder was a general threat to journalists to make sure they only publish stories with the consent of the drug cartels (O’Connor 2011). Journalists are frequently threatened to avoid coverage of unfavourable events such as capture of drug lords or losing a battle against a rival cartel, since it makes them look weak (Reuters 2011).

In response to such intimidation, reporters in many parts of the country have taken to self-censorship, choosing to avoid reporting on the drug war altogether for fear of angering the drug cartels. This was exemplified by an incident which occurred in August 2010 in Nuevo Laredo, as reported in *The Washington Post* two weeks later (Booth 2010). A five hour gun battle between government forces and drug cartel members resulted in at least a dozen deaths, and many, including children, seriously injured in the crossfire. The article mentions that Nuevo Laredo has

three television broadcasters, four newspapers and several radio stations, none of which had provided coverage of the incident (Booth 2010). Further, the cartels not only prevent unfavourable incidents from being reported, but they also endeavour to influence or extort coverage in a particular cartel's perspective or interests (Campbell 2009: 215). The criminal organizations pressure journalists into printing favourable stories in order to raise their public profile. Aside from being used as a seductive tool for recruitment of youth (as examined above), the other intention of the propagation of such a violent culture in the media has been to intimidate the citizens and the rival drug cartels- for example, displaying *narcomantas* (banners with threatening messages from the drug cartels) in public, and posting videos of gruesome killings on YouTube (O'Neill 2009). The permeation of the violent culture into media and society shows the increasing inability of the state to protect these domains from dangerous influences and undermines their legitimacy in the eyes of its citizens, negatively impacting on *de facto* domestic sovereignty.

Conclusion

In this chapter, it was made clear that the state is losing control over territory in certain parts of the country, and that the drug cartels have been able to create parallel power structures to substitute certain government functions, thus undermining state sovereignty. While it is premature to label Mexico a 'failed state' based on this situation, it is certainly worrying that whole states, such as Tamaulipas, and cities, such as Ciudad Juárez, are under the influence and authority of criminal organizations. It is also a concern that in the territories controlled by the drug cartels, their activities and operations have permeated culture and society, further undermining the legitimacy of the state and its ability to fight organised crime.

Conclusion

Organised crime and state sovereignty

To understand the security impact of the Mexican war on organised crime for the country and the region, this thesis proposed that it is crucial to examine how and why drug cartels have been able to affect Mexico's domestic sovereignty. To this effect, the thesis has looked at the three key features of sovereignty and how the cartels have successfully subverted government authority and control in these areas. First, the state's inability to have a monopoly on the legitimate use of force has allowed the cartels to utilise methods of coercion with impunity as the means to achieve their aims of ensuring unhindered access to markets and profits. The brutality of the violence and the ruthlessness with which the drug cartels operate has led to a situation where legitimate law enforcement is unable to control the use of force, with obvious security implications. Given that control over coercive methods and power mechanisms is necessary for the exercise of authority and thereby *de facto* sovereignty, we can conclude that the drug cartels' unauthorised use of violence on a large scale in many territories of Mexico is a significant challenge to the state's domestic sovereignty.

Moreover, the drug cartels have been able to corrupt state authority and law enforcement in significant parts of the country, thus affecting one key feature of sovereignty. Although corruption has been a pervasive characteristic of Mexico's institutions for decades, it has become more dangerous when used as a strategy by the cartels to undermine the state. Through bribery, extortion, and threatening of the police, border officials and judiciary, the criminal organisations have been able to weaken the state power apparatus and incapacitate them in apprehending or

punishing criminals. Since the politicians, police and judiciary are the agents that exercise power in sovereign states, when their roles are compromised or usurped by illegitimate non-state actors, the *de facto* sovereignty of the state is weakened.

Finally, the state's virtually complete loss of control over certain territories, particularly border regions and cities like Ciudad Juárez and Nuevo Laredo, has undermined a central feature of sovereign statehood since territory delineates a spatial area of authority and control of the state. The drug cartels' appropriation of territory has deprived the state of the power to direct movements of goods and services over its borders, undermining its sovereignty. It has also provided the cartels with the opportunity to undermine and substitute the state by performing government duties such as managing education, infrastructure and taxation in some places, and allowed them to infiltrate society and culture. Their ability to act like a 'parallel state' in terms of government functions and social relations with the population suggests that an involuntary transfer of power has occurred from the state to non-state criminal agents in some territories.

The preceding discussion has attempted to elucidate the process by which Mexican drug cartels have been able to challenge the key features of state sovereignty over the last five years. According to Eduardo Medina Mora, President Calderón's attorney-general, the aim of the government initiatives starting in 2006 was "to take back from organised criminal groups the economic power and armament they've established in the past 20 years, to take away their capacity to undermine institutions and to contest the state's monopoly of force" (*The Economist* 2009). With President Calderón's six year presidential term set to expire next year, it remains to be seen whether the 'Drug War' has succeeded in curbing the power and influence of these

criminal organisations and their activities. My thesis suggests that it has not; instead, what we have observed in the last five years is a failure of the state to establish authority and control consistent with *de facto* sovereignty in several areas of the country, especially border regions. While it has not been a focus of this project to assess the government initiatives and their success, it is clear that the drug cartels have been able not only to retain their aggressiveness and influence despite the state's efforts to rein them in, but also to further weaken the state's institutions and power mechanisms.

Although it is clear that Mexico's sovereignty is undermined by the drug cartels, it seems unwarranted to call it a 'failed state' at this point in time, since the country has a *de jure* sovereign and legitimate government that is able to provide basic economic, social and political security for the majority of its citizens. While the violence underscores weaknesses in the government's ability to assure security for citizens in certain areas of the country, organized crime is not yet a threat to the survival of the government as such, since it seeks the subversion of the state rather than its replacement in order to achieve illegal aims. However, it must also be recognised that some parts of Mexico are in the control of non-state criminal actors, and the implications this holds for effective governance. As one analyst notes, "state failure is a process, not an outcome...it is a process by which the state loses the capacity and/or the will to perform its legitimizing security and governance functions" (Manwaring 2007:33). Since the thesis has presented evidence that the state has indeed lost the capacity for effective governance in certain arenas, this might have negative ramifications for the long term development of Mexico's democracy and society. Further, while this in itself will not make Mexico a 'failed state', the loss of confidence in public institutions and the increasing resentment of the population for the

insecurity and unrest that they are experiencing “may ultimately lead to hostility toward democratic institutions that seem incapable of providing adequate protection from criminal activities” (Olson 1997: 77).

The situation in Mexico also has implications for the region. Since the pervasive violence is showing no signs of abating yet, the Mexican government must be prepared for an extended battle against organised crime. If the cartels over that time should gain control of more territory and continue to operate outside the rule of law, they will increasingly threaten the internal stability of surrounding countries where they conduct illicit activities. The stakes are especially high for the United States given that most of the violence is occurring due to a struggle to control the US-Mexico border. This could lead to political, military or economic involvement of the United States, along the lines of Plan Colombia as a precedent. Consequently, Mexico’s domestic and Westphalian sovereignty would be undermined further as a result of another state’s interference in their internal affairs.

Last, the thesis suggests fruitful areas of research for regions experiencing similar problems with transnational organised crime, such as the Balkans and South-East Asia. Although transnational organised crime is not yet a threat to the nation-state as such, it does undermine the integrity of individual countries, as seen in the case of Mexico. It proves a challenge to political structures, the economy and the social order in the countries in which it operates. The decline of state authority and control in Mexico correctly point to the power wielded by these non-state actors, and also to the dangers of transnational organised crime for ‘weak states’ especially vulnerable to it. It also suggests that we should re-examine our conceptions of state sovereignty and the loci of power in the era of globalisation.

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