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**U.S. Policies to Combat Mexican Drug Trafficking
Organizations**

Diplomová práce

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Abstrakt

Tato diplomová práce se zabývá politikou Spojených států amerických v boji proti mexickým drogovým kartelům, které stojí za drtivou většinou drog plynoucích do USA. Přestože obrovská poptávka občanů USA po drogách je zcela klíčovým aspektem v dlouhodobém hledisku, v této práci je kladen důraz na okamžitá řešení, která by oslabila pozici kartelů, a tudíž omezila proud drog do země. Drogové kartely jsou zde vnímány jako nadnárodní zločinecké organizace a výzkum se zabývá tím, zda USA tuto skutečnost vnímají a jestli tomu přizpůsobují svou politiku. Předmětem výzkumu jsou dva dokumenty - spolupráce s Mexikem v rámci Iniciativy Mérida a americká Strategy to Combat Transnational Organized Crime. Hrozby organizovaného zločinu a cíle v boji proti němu prezentované v těchto dvou dokumentech slouží jako referenční body, na jejichž základě probíhá zhodnocení amerických akcí.

Abstract

This master thesis deals with policies of United States of America in combat against Mexican drug cartels, which are responsible for overwhelming majority of drugs flowing into USA. Although huge demand for drugs by U.S. citizens is crucial aspect in a long-term, this work put emphasis on immediate solutions, which would weaken the general position of cartels and therefore limit the flow of drugs into the country. Drug cartels are perceived as transnational criminal organizations a research aims to find out whether USA acknowledge this fact and whether they adapt their policies. The subjects of this research are two documents - cooperation with Mexico under the Mérida Initiative and U.S. Strategy to Combat Transnational Organized Crime. Threats of organized crime and goals in fight against it presented in these two documents serve as reference points and basis for evaluation of U.S. actions.

Klíčová slova

USA, Mexiko, obchod s drogami, kartely, nadnárodní organizovaný zločin, Iniciativa Mérida

Keywords

USA, Mexico, drug trafficking, cartels, transnational organized crime, Mérida Initiative

Rozsah práce: 147 399 znaků včetně mezer, 23 061 slov

Tímto prohlašuji, že tuto diplomovou práci jsem vypracoval samostatně s použitím pouze uvedených zdrojů a sekundární literatury. Také prohlašuji, že tato práce nebyla využita k získání jiného akademického titulu a že souhlasím s tím, aby byla zpřístupněna pro studijní a výzkumné účely.

V Praze a Ostravě, leden 2016

Bc. Jan Vajda

Na tomto místě děkuji vedoucímu mé práce PhDr. Vítu Stříteckému za jeho komentáře, shovívavost a pozitivní přístup. Nesmírné díky také patří mým rodičům, bratrovi a přítelkyni za jejich podporu v celém průběhu mého studia.

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List of Abbreviations

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BNDD	Bureau of Drug Abuse Control
CJNG	Cártel de Jalisco Nueva Generación (Jalisco New Generation Cartel)
DEA	Drug Enforcement Agency
DTO	drug trafficking organization
EPIC	El Paso Intelligence Center
FARC	Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)
FBN	Federal Bureau of Narcotics
FBI	Federal Bureau of Investigation
ICE	Immigration and Customs Enforcement
NAFTA	North American Free Trade Agreement
NRA	National Rifle Association
NDTA	National Drug Threat Assessment
NSBCS	National Southwest Border Counternarcotics Strategy
PAN	Partido Acción Nacional (National Action Party)
PRI	Partido Revolucionario Institucional (Intitutional Revolutionary Party)
TCO	transnational criminal organization
TVPA	Trafficking Victims Protections Act
UNODC	United Nations Office on Drugs and Crime
USA	United States of America
USAID	United States Agency for International Development

Introduction

This master thesis primarily focuses on analyzing the actions taken by government of the United States of America (USA) in order to combat drug trafficking organizations based in the United Mexican States (Mexico). This includes both unilateral actions and bilateral ones undertaken in cooperation with government of Mexico, country from which year after year tremendous amounts of drugs continue on northbound journey.

On the other hand it is known that supply reflects demand and therefore as a crucial factor in smuggling of drug into USA we can identify high levels of drug consumption by American public. According to data collected by National Institute on Drug Abuse during the latest survey in 2013, around 24.6 million people had used an illicit drug during a month before the survey - that represents 9.4% of population aged 12 or older.¹ However, it is necessary to point out that vast majority of this number, specifically 19.8 million, is represented by marijuana users.² Although it has been legalized in many states, mostly for medicinal use but in some of them even for recreational one, marijuana still remains illegal according to federal law and therefore suitable to be included in this survey.

As already mentioned Mexico was chosen as a second territorial unit of this work because it superbly performs the role of supplier for relatively steady American market. According to June Beittel, who draws from data in *2015 International Narcotics Control Strategy Report*, Mexico still remains the major producer of heroin, marijuana and methamphetamine destined for USA and it is also the main transit country for cocaine manufactured from Colombian coca - almost 95% of cocaine consumed in USA comes from Colombia.³ Despite all the facts above, Mexico is obviously not the only country to serve as a drug gateway to USA. For example, Steven S. Dudley emphasizes that countries of so called Northern Triangle⁴ (Guatemala, El Salvador and Honduras) also represent significant drug transit area, yet they are paid much less attention - both academic and more importantly political.⁵

¹ "Drug Facts: Nationwide Trends," National Institute on Drug Abuse (June 2015). <http://www.drugabuse.gov/publications/drugfacts/nationwide-trends>. (Last access: December 30, 2015).

² Ibid.

³ June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," *Congressional Research Service* (July 22, 2015), 9. From Federation of American Scientists. <https://www.fas.org/sgp/crs/row/R41576.pdf>. (Last access: January 2, 2016).

⁴ The term Northern Triangle is used as a reference to Golden Triangle (Myanmar, Laos and Vietnam) which is traditional global producer of heroin since the mid 20th century.

⁵ Steven S. Dudley, "Drug Trafficking Organizations in Central America: Transportistas, Mexican Cartels and Maras," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L.

Therefore we have to recognize that in combat against drug trafficking USA must do their best to establish a comprehensive strategic cooperation with all countries of this problematic region. However, in this particular thesis all the space is dedicated exclusively to the reality of Mexican drug trafficking organizations (DTOs). The principal reason for this is the existence of unique geopolitical phenomenon that is more than 3 000 kilometers long U.S. - Mexico border, which has played and undoubtedly will continue to play determining role in relationship of both countries.

From more general point of view this topic was chosen from several reasons, but all of them more or less relate to one word - actuality. When we talk about drug problem we can even go little further and use word like timelessness. We can speculate if it is even possible to completely eradicate drug trafficking unless we take into account possible legalization of all known drugs. But even then the reality of drug trafficking would probably have not entirely disappeared. In the words of Paul Rexton Kan: "There will always be a drug trade in some form that will exist alongside continued prohibition on the sale of drugs or restrictions on their consumption."⁶ The scenario of possible, at least partial drug legalization is obviously widely and wildly discussed but for its immense complexity it is completely left out here.

Constant actuality of this topic is also associated with repeated failures of both governments to cope with it. From U.S. perspective we can talk about lack of success of its repressive antidrug policies when we take a look on numbers showing composition of federal prisons according to sentence which inmates are serving. Although the portion of inmates in federal prisons sentenced for "drug offences" is constantly around 50%, the number of drug addicts in country somehow does not drop in any significant way.⁷ To demonstrate failures of Mexican governments to deal with drug-related organized crime in the country we only need to take a closer look on data tied to presidential term of Felipe Calderón, who upon taking his office in late 2006 declared war to drug cartels.⁸ Although we can definitely speak about some successful operations during his mandate, mainly related to arresting or killing some of

Olson, David A. Shirk, Andrew Selee (Washington: Woodrow Wilson International Center for Scholars, 2010), 63-64.

⁶ Brad Amburn, "To Legalize, or Not to Legalize," *Foreign Policy* (October 2009).
http://foreignpolicy.com/2009/10/12/to-legalize-or-not-to-legalize/?wp_login_redirect=0.
(Last access: December 30, 2015).

⁷ "Inmate Statistics: Offences," Federal Bureau of Prisons (July 2015).
https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp. (Last access: December 30, 2015).

⁸ Daniel Hernandez, "Calderon's war on drug cartels: A legacy of blood and tragedy," *Los Angeles Times* (December 1, 2012).
<http://articles.latimes.com/2012/dec/01/world/la-fg-wn-mexico-calderon-cartels-20121130>.
(Last access: December 30, 2015).

leaders or senior officers of drug cartels, all of this was done at catastrophic price of casting the whole country into seemingly endless vortex of violence.

For instance, Beittel estimates that during Calderón's tenure from 2006 to 2012 around 60 000 organized crime-related killings had occurred⁹. She also attaches the assessment of Justice in Mexico Project at the University of San Diego which concluded that in the same time total of 125 000 people were murdered in the country.¹⁰ Even though the impact of drug business on the grievous intra-Mexican situation has not been the primary subject of this research, it still plays a significant role. Mainly because Mexico torn by drug-related violence represents a serious security problem for USA and thus influences U.S. policymaking. The same influencing impact can be attributed to aforementioned demand for drugs by general American public and therefore actions taken in order to decrease drug consumption such as treatment of drug addicts and mainly drug prevention are without a doubt fundamental aspects of the fight against drug trafficking.

These and other domestic steps were part of the original project of this work, however it was concluded that these actions should actually not be the subject of research by thesis from the field of international relations, but rather by students of other fields like public policy or American studies. The original project also aimed to approach four different types of actions by U.S. government, two unilateral (reducing the demand for drugs and fight against U.S. cells of Mexican cartels) and two in cooperation with Mexico (cooperation of intelligence services and cooperation of military), and analyze their influence on combat against drug trafficking. However, I have not realized the elementary flaws of this approach which lacked vision and instruments in order to evaluate success or lack of it in each of those aspects. For that reason this methodology was dropped entirely. Another essential change was the decision to write the whole work in English, since majority of papers I wrote during my studies were written in this language.

The main objective of this thesis is to provide an analysis of U.S. policies to combat drug trafficking organizations which are responsible for smuggling of drugs from Mexico to USA. Essential is the designation of Mexican DTOs as transnational criminals and subsequent analysis of policies U.S. against transnational crime on this particular case. To prove that Mexican DTOs truly are representatives of transnational crime is goal of the first chapter, which firstly provide theoretical explanation for what in fact transnational crime is and then

⁹ June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations, 1.

¹⁰ Ibid.

follows this by applying given criteria to DTOs. Apart from DTOs' affiliation to transnational criminals this chapter also highlights relatively recent phenomenon which June Beittel describes as "fragmentation"¹¹ while Luis Astorga and David A. Shirk call it "fractionalization"¹². Both these terms basically refer to dissolution of original factions of Mexican cartels and tidal emergence of completely new ones. The plural form of the word policies in the title of this work is crucial, since this thesis focuses on how USA design their policies to tackle other sources of DTOs' income rather than just drug trafficking. Therefore the good portion of this work is dedicated to other activities of DTO's than the actual drug trafficking.

In terms of time focus this work ranges approximately from year 2006 to the end of 2014. In regards to Mexico thesis covers the whole tenure of President Calderón and first couple of years of current President Enrique Peña Nieto who replaced Calderón in 2012. Concerning USA the covered period includes last two years of George Walker Bush's mandate and big part of Barack Obama's tenure. Selection of this time horizon is related to the fact that with start of Calderón's presidential tenure corresponds with massive escalation of conflict which still have not passed. Year 2014 was chosen as the end of analysis in order to maintain some sort of hindsight, but paper contains several pieces of information even from 2015.

Essential part in this thesis is played by several primary documents. Among most important ones is security cooperation agreement between USA, Mexico and partially also countries of Central America called *Mérida Initiative* which came into force in 2008. From U.S. perspective the principal document assessed here is the *Strategy to Combat Transnational Organized Crime* from 2011 (further *2011 Strategy*) published with stamp of presidential office. Another important type of document is the annually published *National Drug Threat Assessment (NDTA)* issued by Drug Enforcement Administration (DEA) under U.S. Department of Justice, which assesses the problem of drug usage and trafficking on yearly basis. Website of U.S. Department of State government was also used.

This work also draws heavily from secondary sources. One of those were articles either from academic journals accessed through plethora of databases available to students of Charles University or from online newspapers, as was more the case with recent events.

¹¹ Ibid, 27-29.

¹² Luis Astorga, David Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. - Mexican Context," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 41.

Another source of information were scholarly policy papers or papers published by various think tanks. The most frequently used think tank has been the Congressional Research Service which is part of official Library of Congress. During the research two articles played a prominent role: *Mexico: Organized Crime and Drug Trafficking Organizations* by June Beittel and *U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond* by Clare Ribando Seelke and Kristin Finklea. Former article deals with recent development and evolution in modus operandi of Mexican cartels, while the latter analyzes application of the Mérida Initiative under Barack Obama.

Concerning researched books there were two crucial anthologies: *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, which has been resourceful in providing plenty of information about individual policies of fight against drug trafficking, and *Handbook of Transnational Crime & Justice* edited by Philip Reichel - a complex collection of essays analyzing all aspects of the phenomenon of transnational crime. Handful among monographs was Kryštof Kozák's *Měkký podbřišek navždy* which analyzes the asymmetric element in relationship of both countries across various aspects and also into the history. Moisés Naím's *Černá kniha globalizace* deals with aspects of organized crime in globalized world and aptly illustrates the interconnection of drug trafficking with other illicit activities. Critical perspective provides Cornelius Friesendorf who in *U.S. Foreign Policy and the War on Drugs* deals with so called balloon effect as a result of ever failing U.S. policies. Fascinating insight into both nations' perspective of one another is provided by *Limits of Friendship* by Robert A. Pastor and Jorge G. Castañeda, both academics and diplomats who agreed to switch their lives for more than a year to live and work in capitols of their counterparts. Last but not least, interesting perspective, although not strictly academic, into history and internal machinations of Mexican cartels offers investigative journalist Anabel Hernández in her *Narcoland*.

From structural point of view this paper is divided into five chapters. The first one deals with theoretical aspects of the work by putting forward the characteristics of transnational organized crime and then applying these criteria to Mexican drug trafficking organizations. It also introduces the concept of fragmentation. Second chapter works as a historical background both to mutual U.S. - Mexican relationship and U.S. anti-drug policies in general as providing proper historical perspective is always essential in fully understanding particular issue. Third chapter deals with U.S. - Mexican bilateral cooperation under the Mérida Initiative with particular subchapters representing evolution of this strategy during

combinations of presidents' tenures: Bush - Calderón, Obama - Calderón and Obama - Peña Nieto. Fourth chapter links unilateral U.S. policies to the threats presented in *2011 Strategy* and documents how has USA acted in fight organized crime's aspects outlined in this strategy. Fifth chapter then serves as sort of balancing act trying to link recent developments and U.S. actions with those mentioned in first chapter, and also aiming to bring up to light some patterns present in current state of affairs.

1) What Is Transnational Organized Crime and how It Relates to Mexican Drug Cartels?

In the beginning of this thesis it is necessary to put things into perspective. Firstly, it is crucial to determine what the term transnational crime constitutes, what are its characteristics and in what forms it can manifest itself. Secondly this knowledge is applied on the case of Mexican cartels and it is specified whether these actors can be labeled as transnational criminals - it is important to find out what are their motivations, what they strive for and how they operate. In this subchapter certain space is also devoted to the term fragmentation. The last subchapter then presents two pivotal U.S. documents, which serve as a framework of fight against organized crime.

1.1. Transnational Organized Crime

The complexity of this term and its fluid nature is proved by the fact that it basically lacks and strict definition. Even the *United Nations Convention against Transnational Organized Crime (Organized Crime Convention)* from 2000 does not contain any definition of the term, which is explained by United Nation Office on Drugs and Crime (UNODC) webpage as follows: "This lack of definition was intended to allow for a broader applicability of the *Organized Crime Convention* to new types of crime that emerge constantly as global, regional and local conditions change over time."¹³ This is not the case of only *Organized Crime Convention* as David Felsen and Akis Kalaitzdidis claim that transnational crime is basically undefined and indefinable phenomenon, they say: "Transnational crime is not a legal concept; it lacks a precise juridical meaning."¹⁴ The reason for that provides Klaus Von Lampe who in principal agrees with *Organized Crime Convention* and treats organized crime not as given straightforward entity but rather as an "ever-changing, contradictory and diffuse construct".¹⁵

This brief introduction immediately strikes with its terminological imbalance. While *Organized Crime Convention* uses the term transnational organized crime, Felsen with Kalaitzdidis speak only about transnational crime, and as a construct Von Lampe sees organized crime. The reason for that is exactly this lack of clarity in defining whether

¹³ "Organized Crime," United Nations Office on Drugs and Crime.

<https://www.unodc.org/unodc/ar/organized-crime/index.html>. (Last access: December 30, 2015).

¹⁴ David Felsen, Akis Kalaitzdidis, "A Historical Overview of Transnational Crime," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel (Thousand Oaks: Sage Publications, 2005), 5.

¹⁵ Klaus von Lampe, "Criminally Exploitable Ties: A Network approach to Organized Crime," In *Transnational Organized Crime: Myth, Power, and Profit*, ed. Emilio C. Viano, José Magallanes, Lauren Bridel (Durham: Carolina Academic Press, 2003), 9.

particular group possess aspects of organized crime or transnational of both. Therefore these two aspects of crime need to be clarified.

1.1.1. Organized

Said *Organized Crime Convention* provides the definition of organized criminal group as a group of at least three persons functioning for period of time and committing serious crimes in order to gain financial or material benefit.¹⁶ These essentialities of continuity and plurality seem to be obvious as they immediately come to mind with the word organized. They are emphasized by John Bailey for whom "organized crime involves repeat actions over time by multiple colluding actors whose objectives are illegal and warrant substantial penalty".¹⁷ Bailey's "warrant substantial penalty" basically equals the phrase "serious crimes" from *Organized Crime Convention* and puts into light another important aspect of organized crime apart from the "organized" itself - committed crimes are of more mischievous and society-damaging nature that they are treated as warranting serious punishment.

Paul Lunde comes up with definition which he deems as common from law enforcement agencies' point of view, he defines organized crime as "a continuing and self-perpetuating criminal conspiracy, having an organized structure, fed by fear and corruption, and motivated by greed".¹⁸ He compiles this definition more as a general perception of organized crime but concerning his own personal view rather than providing the precise definition he lists several attributes shared by all organized criminal groups: durability over time, diversified interests, hierarchical structure, capital accumulation, reinvestment, access to political protection, and the use of violence to protect their interests.¹⁹ Lunde presents several points which revolve around money-making and ways how to protect amassed profits.

Capital accumulation is absolutely crucial for organized crime, since maximization of financial return is the ultimate goal for everyone involved in organized crime. Former Venezuelan Minister of Trade and Industry and also Executive Director of the World Bank Moisés Naím asserts that no matter how immorally persons involved in illicit business act,

¹⁶ "United Nations Convention against Transnational Organized Crime and the Protocols Thereto," Adopted in Palermo in 2000 (New York, 2004), 5. From United Nations Office on Drugs and Crime. <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>. (Last access: December 30, 2015).

¹⁷ John Bailey, "Combating Organized Crime and Drug Trafficking in Mexico: What are Mexican and U.S. Strategies? Are They Working?" In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 329.

¹⁸ Paul Lunde, *Organized Crime: An Inside Guide to the World's Most Successful Industry* (New York: Dorling Kindersley, 2004), 8.

¹⁹ *Ibid*, 11.

this immorality is never a goal of their conduct, but rather only an accompanying aspect of pursuit of their one and only true objective - amassing financial profits.²⁰ Since these organizations have profit as their ultimate goal, they don't truly specialize in any particular branch of criminal activity (drug trafficking, trafficking in humans, guns trafficking etc.), but rather diversify their interests as much as possible. As claims Naím, this fact was even multiplied by globalized and hyper-connected world, which he highlights by conversation with then Executive Assistant Director Intelligence in Federal Bureau of Investigation (FBI) Maureen Baginski who emphasized that commodity itself has become almost irrelevant and what truly matters is its illicit nature and ability to supply it wherever and whenever the need is.²¹

Other aspects as mentioned by Lunde are reinvestment, access to political protection and use of violence to protect the interests. In this sense reinvestment means constant circulation of money until they are legitimized, which according to Lunde is the "greatest problem facing organized criminal groups".²² This legitimization is called the money laundering and will be further discussed later in the work in relation with Mexican cartels. Criminals can protect their interests either by political means or by force. Resorting to violence is frequent option in case of rivalries between various organizations or in clashes with law enforcement when political protection fails. Political protection is the best way how criminal groups can arrange for themselves the luxury of undisturbed money-making. As claims Naím, criminals sometimes aim to participate in highest politics but that is done in order to protect their businesses.²³ Later in the work will be discussed the difference with insurgencies which use financial profits from criminal activities in order to gain political representation and power, which is the opposite of how criminal groups operate.

To sum it up, organized crime's ultimate goal is to amass as much financial profits as possible and eventually legitimize it. To achieve that they aim to undermine political setup and gain its protection, but they are also more than willing to resort to violence in order to protect their interests. While most of the criminal groups prefer to do business with one commodity, it is not a dogma for them and they are more than willing to traffic and trade everything illicit just to profit.

²⁰ Moisés Naím, *Černá kniha globalizace*, translated by Jindřich Mand'ák (Praha: Vyšehrad, 2005), 224.

²¹ Interview with Maureen A. Baginski, Washington, D.C. (November 17, 2014). Quoted from Moisés Naím, *Černá kniha globalizace*, 37-38.

²² Paul Lunde, *Organized Crime: An Inside Guide to the World's Most Successful Industry*, 44.

²³ Moisés Naím, *Černá kniha globalizace*, 15.

1.1.2. Transnational

The transnational part of the analyzed term is from quite obvious reasons the one which came much later in history. In fact the term transnational itself, in relation to any other phenomenon than just organized crime, is relatively young. According to Felsen and Kalaitzdidis the 1970's were the decade when this term was introduced into the field of international relations, with Robert Keohane and Joseph Nye being the pioneers with their 1972 publication *Transnational Relations and World Politics*. In it they "asserted that a variety of transnational actors played a significant roles in international relations. Transnational actors engaged in a whole host of cross-border activities and processes, involving the movement of money, information, and people across frontiers."²⁴ Felsen with Kalaitzdidis also importantly emphasize one aspect as mentioned by Keohane and Nye: "At times, transnational actors could take actions running counter to their own country's interests."²⁵

The first attempt to truly define transnational crime came in 1990 when André Bossard, apart from emphasizing the necessity for such activity to be deemed as crime at least by two countries, concluded that it "is largely influenced by the development of world problems".²⁶ Point emphasized by Keohane and Nye is essential for existence of transnational organized crime, since criminals are interested only in their own benefits not the benefits of their countries of birth or residence. Point raised by Bossard is not so obvious, but maybe even more essential as it relates to aforementioned notion of organized crime diversifying its sources of income. These transnationally operating criminals react to demand (high levels of drug use, civil war, or lack of labor force) and then aim to find and provide the appropriate supply (drugs, guns, or people).

The debate gets complicated, when time comes to put both terms together. For instance in their chapter, Felsen and Kalaitzdidis fairly strictly refuse using the phrase transnational organized crime. From their perspective the organized aspect is no longer valid since nowadays many transnational criminal groups lack strict hierarchical structure and

²⁴ Robert O. Keohane, Joseph S. Nye (Eds.), *Transnational relations in world politics* (Cambridge: MA: Harvard University Press, 1972). Quoted from David Felsen, Akis Kalaitzdidis, "A Historical Overview of Transnational Crime," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 3-4.

²⁵ David Felsen, Akis Kalaitzdidis, "A Historical Overview of Transnational Crime," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 4.

²⁶ André Bossard, *Transnational crime and criminal law* (Chicago: University of Chicago, Office of International Criminal Justice, 1990), 143. Quoted From David Felsen, Akis Kalaitzdidis, "A Historical Overview of Transnational Crime," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 5.

operate within "loosely structured, flexible networks".²⁷ This corresponds with Naím, according to whose perspective a worldwide illicit business functions on the basis of these interlinked networks (connected for instance by kinship, ethnicity, business purpose, or shared time spent in prison) with high level of decentralization and autonomy for particular cells.²⁸ However, Felsen and Kalaitzdidis admit that level of organization can "vary dramatically" and that groups with hierarchical structure are still very real.²⁹ The *Strategy 2011* itself proclaims: "There is no single structure under which transnational organized criminals operate; they vary from hierarchies to clans, networks, and cells, and may evolve to other structures."³⁰

The next subchapter aims to utilize all aforementioned facts and establish a link, if there is some, to Mexican drug trafficking organizations.

1.2. Mexican Drug Trafficking Organizations

Before this subchapter examines whether Mexican drug trafficking organizations can be treated and interpreted as transnational criminals, it is fundamental to clear up what exactly business with drugs stands for. Then the criteria of transnational organized crime are applied to phenomenon of DTOs

1.2.1. What is Drug Trafficking and Drug Trafficking Organizations?

It is probably appropriate to start with the terms related to drug trafficking itself. This particular phrase is almost exclusively used to anything relating to business with drugs, while phrase "smuggling of drugs", maybe more fitting for trans-border transport is used sporadically. Still, Peter Andreas interprets the word smuggling as follows: "Smuggling consists of all cross-border economic activity that is unauthorized by either the receiving or the sending country."³¹ It is important to present also his opinion that unless global and border-free world emerges in the future smuggling will never disappear.³² The more general term drug trafficking is basically used to describe any activity related to illicit drugs. For instance, UNODC defines it as follows: "Drug trafficking is a global illicit trade involving the

²⁷ David Felsen, Akis Kalaitzdidis, "A Historical Overview of Transnational Crime," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 6.

²⁸ Moisés Naím, *Černá kniha globalizace*, 211-214.

²⁹ David Felsen, Akis Kalaitzdidis, "A Historical Overview of Transnational Crime," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 6.

³⁰ Strategy to Combat Transnational Organized Crime," From The White House (July 2011).

https://www.whitehouse.gov/sites/default/files/Strategy_to_Combat_Transnational_Organized_Crime_July_2011.pdf. (Last access: January 2, 2016).

³¹ Peter Andreas, *Border Games: Policing the U.S. - Mexico Divide* (Ithaca: Cornell University Press, 2001), 15.

³² *Ibid*, 26.

cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws."³³

Concerning DTOs, June Beittel defines them as "global businesses with forward and backward linkages for managing supply and distribution in many countries."³⁴ In comparison, *NDTA 2010* defines DTOs as follows: "DTOs are complex organizations with highly defined command-and-control structures that produce, transport, and distribute large quantities of one or more illicit drugs."³⁵ In the same document we can find another definition with vital importance for this thesis, and that is the definition of the word cartel.

According to *NDTA 2010*, "drug cartels are large, highly sophisticated organizations composed of multiple DTOs and cells with specific assignments such as drug transportation, security/enforcement, or money laundering."³⁶ Here we can observe a clear relationship between cartels and DTOs as perceived by U.S. Department of Justice. From its perspective DTOs are entities inferior to cartels, which emerge only when two or more DTOs cooperate. This formulation essentially corresponds with original meaning of cartels as groups of actors who in order to gain an advantage over their competitors merge together and establish monopoly on the market. However, if we take into account Beittel's definition of DTOs we can spot an obvious contradiction. Treating DTOs as global actors, as claims Beittel, and in the same time considering cartels as superior entity, as stated in *NDTA 2010*, we would come to the point when there is only one, truly global cartel overarching the whole of worldwide drug business.

However, if we consider cartels as rather regional actors, perception encouraged by most frequently used phrase "Mexican drug cartels", then we can imagine DTOs as operators in much broader scale. This differentiation is important since some organizations traditionally labeled as cartels are not necessarily oriented on drug trafficking as their principal activity. A prime example is former military fraction of the Gulf cartel and currently independent cartel known as Los Zetas, which have become notoriously infamous for their cold-bloodedness and explicit brutality. Los Zetas were formed in 2000 when 30 troops deserted

³³ "Drug Trafficking," United Nations Office on Drugs and Crime.

<http://www.unodc.org/unodc/en/drug-trafficking/index.html>. (Last access: December 30, 2015).

³⁴ June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," 6.

³⁵ "National Drug Threat Assessment 2010," U.S. Department of Justice - National Drug Intelligence Center (February 2010), 10. <http://www.justice.gov/archive/ndic/pubs38/38661/38661p.pdf>. (Last access: December 30, 2015).

³⁶ *Ibid.*

from elite Mexican airborne special forces trained in USA.³⁷ Beittel claims that with Los Zetas drug trafficking constitutes minority of their activities, since they focus most of their attention to organized violence and acquire finances from crimes such as fuel theft, human trafficking and smuggling of people.³⁸

Therefore, in the entirety of this work the term DTOs is preferred as a label for Mexican organizations engaged in drug trafficking. The term cartel is used as well, but mostly in the cases when the historical development of these organizations or discussed, or when the emphasis is on their domestic activities.

1.2.2. Drug Trafficking Organizations as Transnational Criminals?

This subchapter applies findings and attributes related to the transnational (and) organized crime to the reality of Mexican DTOs and argue that they meet the criteria to be also labeled as transnational criminal organization (TCO). The nature of DTOs is finely summed up by Andrew Livingston who labeled DTOs as "multi-dimensional for-profit illicit corporations that will generate revenues wherever possible."³⁹

Designation of Mexican DTOs as organized crime groups is relatively straightforward. In regards to Bailey's criteria DTOs are organizations made even of thousands of members, their activities reach back in years and in some cases decades and those who were caught were sentenced even for life jail (both is documented in second chapter). When tested by Lunde's set of attributes Mexican DTOs also meet all of them. They has been acting for very long periods, they diversify their interests into other illicit activities, they have relatively hierarchical structure (more in next paragraphs), they accumulated gargantuan amounts of money which they try to reinvest and launder (more on this topic in third chapter), they also deeply penetrated Mexican political system (more in fourth chapter), and they unleashed a violent hell in most of Mexico (as already proved by death tolls).

Concerning the diversification of DTOs income, firstly it is appropriate to look at their most precious commodity - drugs. This lack of exclusivity of drugs to DTOs highlights Ted Galen Carpenter. He submits the quote from retired DEA agent from 2000: "Twenty years

³⁷ Douglas Farah, "Money Laundering and Bulk Cash Smuggling: Challenges for the Mérida Initiative," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 165.

³⁸ June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," 20.

³⁹ Andrew Livingston, "A Reputation for Violence: Fractionalization's Impact on Criminal Reputation and the Mexican State," *Colgate University Institute for Philosophy, Politics, and Economics* (Summer 2011), 15. [http://www.colgate.edu/portaldata/imagegallerywww/096e1793-d3a4-43b3-b7fa-bd595c56c799/ImageGallery/LivingstonA\(1\)FinalCopy.pdf](http://www.colgate.edu/portaldata/imagegallerywww/096e1793-d3a4-43b3-b7fa-bd595c56c799/ImageGallery/LivingstonA(1)FinalCopy.pdf). (Last access: December 30, 2015).

ago, I read a study in the DEA - I'll never forget it - done by our Intelligence Division - a very well documented study that said the average drug-trafficking organization could afford to lose 90 percent of its product and still be profitable."⁴⁰ This quote symbolizes how much effort must be put into really harming drug traffickers by seizing their precious goods. And that is before we even take into account that these people possess different channels to obtain their riches than just drugs.

Naím claims that Mexican DTOs have varied their incomes to such a degree that if they were completely without the incomes from drugs, they would be shocked for a little while but they would recover very quickly.⁴¹ As was already mentioned there are many possibilities to expand apart from drug business. There are obvious ones such as human (mainly migrant) smuggling and trafficking, extortion, contract killings. Panner introduces other revenue sources such as taking part in trade with stolen auto parts or from the perspective of revenue much more significant oil thefts.⁴² He demonstrates his point with a fact that in 2012 Pemex, Mexico's state-owned oil company, reported loss of 40% of its production due to thefts from areas controlled by criminals.⁴³ This development only confirms that DTOs belong to the bracket of organized crime, since their activities are driven by pure greed and desire for money.

Concerning their trans-nationality it is less straightforward but still valid. First of all, to be labeled as TCO they, unlike many other transnational groups, still meet the requirement of hierarchy. Although Naím claims that contemporary bosses, such as currently fugitive Sinaloa boss Joaquín "El Chapo" Guzmán Loera, are replaceable tip of the iceberg, they are still responsible for all major decision-making and strategy-planning.⁴⁴ James Finckenauer and Jay Albanese back this opinion: "The major groups in Mexico itself are said by U.S. law enforcement to be fairly centrally organized."⁴⁵ The transnational nature of DTOs is demonstrated by their extremely wide scope of activity - transporting drugs from Mexico and South American countries (mainly Colombia) into USA but also other, mainly European

⁴⁰ "Drug Wars: Part 1," PBS, *Frontline* (October 9, 2000), 24. Quoted from Ted Galen Carpenter, *Bad Neighbor Policy: Washington's Futile War on Drugs in Latin America*, *Washington's Futile War on Drugs in Latin America* (New York: Palgrave Macmillan, 2003), 6.

⁴¹ Moisés Naím, *Černá kniha globalizace*, 76.

⁴² Morris Panner, "Latin American Organized Crime's New Business Model," *ReVista: Harvard Review of Latin America* (Winter 2012).

<http://revista.drclas.harvard.edu/book/latin-american-organized-crime%E2%80%99s-new-business-model>. (Last access: December 30, 2015).

⁴³ *Ibid.*

⁴⁴ Moisés Naím, *Černá kniha globalizace*, 67-68.

⁴⁵ James O. Finckenauer, Jay Albanese, "Organized Crime in North America", In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 452.

countries, and laundering money with help of Chinese companies or Russian criminals (as documented in third chapter).

Therefore we can argue that Mexican DTOs can be labeled as transnational criminals. In the end U.S. perspective is demonstrated in *NDTA 2011* which explicitly refers to Mexican cartels as "Mexican-based TCOs".⁴⁶ But as claims June Beittel, recently Mexican criminal environment underwent certain evolution with emergence of plethora of small drug trafficking gangs and further fragmentation of existing DTOs which made the whole security situation in country more confusing.

1.2.3. Fragmentation

This term is closely related to presidential term of Felipe Calderón which lasted from 2006 to 2012. Homicide rates during this period were already mentioned but in order to highlight damage inflicted more on political environment rather than losses of human lives we only need to mention some of the concerns raised by the U.S. side. Adam Thomson, provide a statement of General Barry McCaffrey, former head of the U.S. Army's Southern Command, who in 2009 stated: "Mexico is on the edge of the abyss - it could become a narco-state in the coming decade."⁴⁷

For the purpose of this work it is not that important whether this fear is likely to become reality or not.⁴⁸ What it rather shows is that this conflict not only inflicted massive loss of human lives but also dramatically reduced the credibility of Mexican government to eventually deal with the situation. However, apart from intervening into lives of ordinary Mexicans it is essential for this subchapter and in fact the whole work to introduce how the conflict influenced the DTOs themselves.

According to Beittel, there were four commanding DTOs when Calderón took his office at the end of 2006: the Tijuana/Arellano Félix organization, the Juárez/Carillo Fuentes

⁴⁶ "National Drug Threat Assessment 2011," U.S. Department of Justice - National Drug Intelligence Center (August, 2011), 2. <http://www.justice.gov/archive/ndic/pubs44/44849/44849p.pdf>. (Last access: January 1, 2016).

⁴⁷ Adam Thomson, "Mexico rebuffs 'failed state' claims," *Financial Times* (January 18, 2009). <http://www.ft.com/intl/cms/s/0/1146c7c4-e58e-11dd-afe4-0000779fd2ac.html>. (Last access: December 30, 2015).

⁴⁸ For the purpose of clarity I provide data by independent non-profit organization The Fund for Peace which compiles an annual ranking of countries according to their stability. Since the inception of this project Mexico roughly holds its place around number 100 and stays in a bracket "Warning". So while the situation is not perfect at all, Mexico is still fair away from label "failed state". "Fragile State Index 2015". From Fund For Peace. <http://fsi.fundforpeace.org/rankings-2015>. (Last access: November 25, 2015).

organization, the Sinaloa cartel, and the Gulf cartel.⁴⁹ Following her own view Beittel conveys how DEA assessed the main DTOs during the later Calderón years: apart from aforementioned four there also are Los Zetas, the Beltrán Leyva cartel, and La Familia Michoacana.⁵⁰ She considers these seven as traditional DTOs but immediately adds that since then they "seem to have now fragmented to between 9 and as many as 20 major organizations."⁵¹ In comparison official *DEA Intelligence Report* from April 2015 provide an update on the situation with eight major DTOs - from the original seven the Tijuana cartel is missing while two new actors are observed: the Jalisco New Generation Cartel (Cártel de Jalisco Nueva Generación - CJNG), and Knights Templar Cartel.⁵²

Investigative journalist Anabel Hernández claims that all later development of drug business in Mexico has been fundamentally affected by one meeting of more than dozen drug traffickers convened by Sinaloa boss "El Chapo" Guzmán in 2001, at which the Sinaloa cartel, the Beltrán Leyva cartel, the Juárez cartel and several minor organizations established a partnership of Pacific DTOs called The Federation, and they set a goal of eliminating their opposition - starting with the Tijuana cartel.⁵³ When in 2002 one of Arellano Félix brothers was killed (Ramón) and another was arrested (Benjamin) Tijuana had to put up with gradually marginalized role in the business. According to Hernandez, following Tijuana's decline in 2002 Federation wanted to seize all trafficking routes to the USA and in order to achieve that re-concentrated their attention to destroying the Gulf cartel and its military wing Los Zetas, which was established by Gulf boss Osiel Cárdenas Guillén probably sometime during previous three years.⁵⁴ However, as already mentioned alliances related to organized crime are always there to be reshuffled.

Phil Williams states that while in 2007 the Federation still waged war against the Gulf cartel and remnants of Tijuana cartel in the late 2008 the Federation was already broken to pieces with situation basically being the Sinaloa cartel against everyone else including their once allies Juárez cartel and the Beltrán Leyva cartel.⁵⁵ Another twist in this seemingly

⁴⁹ June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," 9.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² "(U) Mexico: Updated Assessment of the Major Drug Trafficking Organizations' Areas of Dominant Control," DEA Intelligence Report (July 2015), 2.

<http://www.dea.gov/docs/dir06415.pdf>. (Last access: December 30, 2015).

⁵³ Anabel Hernández, *Narcoland: The Mexican Drug Lords and Their Godfathers* (New York: Verso, 2013), 176-179.

⁵⁴ Ibid, 197-205.

⁵⁵ Phil Williams, "Illicit markets, weak states and violence: Iraq and Mexico," *Crime, Law & Social Change*, Vol. 52, Issue 3 (September 2009), 334. (Last access: December 30, 2015).

incredible story took place in 2010 when Los Zetas hived off from the Gulf cartel. Consequently something previously unimaginable happened. The archenemies - Gulf and Sinaloa cartels - broke a truce and set a target of eliminating Los Zetas and their new partner the Beltrán Leyva cartel led by Héctor Beltrán Leyva, who took over the leadership from his older brother Arturo who died a year earlier.⁵⁶

But not only the Gulf cartel experienced secession of its fraction. Same year as Los Zetas left the Gulf previously mentioned CJNG splintered from the Sinaloa and since then has become one of the key actors and now according to *DEA Intelligence Report* "is in prime position to increase its drug trafficking operations, wealth, and influence in Mexico".⁵⁷ Also the Beltrán Leyva cartel was divided after the death of its boss Arturo in 2010. Beittel states that nowadays at least seven DTOs have roots in original Beltrán Leyva cartel with Guerreros Unidos and Los Rojos being the most prominent.⁵⁸ Apart from these examples of segmentation of big DTOs this period is also significant for boom of smaller new drug trafficking gangs.

For instance, in an effort to analyze violence in Mexico Viridiana Rios utilizes her previous research conducted with Coscia in 2012 concerning so called narco-messages around the country. These narco-messages, mostly in form of billboards, serve as cartels' communication channels in order to intimidate, give instructions or simply to identify future victims.⁵⁹ Aforementioned research collected 1 880 narco-messages and in combination with newspaper records Coscia with Rios concluded that more than 350 gangs and individual traffickers operate in the country.⁶⁰ Opinion of Astorga and Shirk mirrors this research since they claim that in recent years Mexico has witnessed a proliferation of so called *narcomenudeo* or drug dealing by lower level networks operating mostly on street level.⁶¹ Another opinion provides Nathaniel Parish Flannery with quotation of Alma Guillermoprieto

⁵⁶ Anabel Hernández, *Narcoland: The Mexican Drug Lords and Their Godfathers*, 280-282.

⁵⁷ "(U) Mexico: Updated Assessment of the Major Drug Trafficking Organizations' Areas of Dominant Control," *DEA Intelligence Report*, 2.

⁵⁸ June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," 22.

⁵⁹ Viridiana Rios, "Why did Mexico become so violent? A self-reinforcing violent equilibrium caused by competition and enforcement," *Trends in Organized Crime*, Vol. 16, Issue 2 (June 2013), 147. (Last access: December 30, 2015).

⁶⁰ M. Coscia, V. Rios, "When criminals cannot hide: Generating intelligence data through search engines," Manuscript (2012). Quoted from Viridiana Rios, "Why did Mexico become so violent? A self-reinforcing violent equilibrium caused by competition and enforcement," 147.

⁶¹ Luis Astorga, David Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. - Mexican Context," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 42.

who says: "Where once there were two or three trafficking groups, there are now dozens of full-blown mafias."⁶²

Not only have the traditional DTOs fractionalized into more units which means that number of professional and transnationally operating actors have increased, but also serious amount of smaller gangs and individual traffickers have appeared. This recent development makes the whole intra-Mexican situation much more complex and difficult to handle both for Mexican security forces as well as for U.S. side trying to curb the flow of drugs.

1.3. U.S. Policies against Transnational Organized Crime

This final subchapter briefly introduces the two essential documents and outlines the way how the U.S. policies will be analyzed.

First one is the security cooperation with Mexico, the Mérida Initiative. After introducing the contours of this treaty under President George W. Bush, the nucleus of third chapter lies in U.S. approach to this cooperation under President Barack Obama. Obama reestablished the Mérida Initiative on four crucial challenges in fight against organized crime in Mexico. Therefore the current situation in relation to all of these four aspects is examined and subsequently the measures, which were introduced in order to improve the situation, are analyzed and determined whether they have done so.

The other document under the microscope is the *2011 Strategy*. In it USA presents main threats to their own security represented by TCOs. There are ten main threats: penetration of state institutions, threats to the economy, crime-terror-insurgency nexus, expansion of drug trafficking, human smuggling, trafficking in persons, weapons trafficking, intellectual property theft, cybercrime, and the critical role of facilitators.⁶³ From these ten, five were selected to be subject of analysis - it is examined whether and how much these threats are represented by Mexican DTOs and then how USA react to these threats.

These five are: penetration of state institutions, crime-terror-insurgency nexus, human smuggling, trafficking in persons, weapons trafficking. While the first two represent the variations to aspects of organized crime (political protection and use of violence), the other three are possible business branches. Another business areas and issues are not analyzed from various reasons: expansion of drug trafficking (it is an overarching theme of the paper),

⁶² Alma Guillermoprieto, "Drugs: The Rebellion in Cartagena," *New York Review of Books*, 7 (June 2012). Quoted from Nathaniel Parish Flannery, "Calderón's War," *Journal of International Affairs*, Vol. 66, No. 2 (Spring/Summer 2013), 190-191. (Last access: January 1, 2016).

⁶³ Strategy to Combat Transnational Organized Crime," 5-8.

intellectual property theft (not a severe issue with DTOs), cybercrime (lack of sources) and the role of facilitators (partly dealt in third chapter as money laundering).

The main goal of analysis in chapter three and four is to determine how USA act on the basis of their own anti-organized crime policies in relation to Mexican DTOs. To achieve that lot of space is given to description of how are these certain elements projecting themselves in Mexico and how much they are fulfilling the abovementioned criteria.

2) The 20th Century History of U.S. Drug Enforcement Policies and U.S. - Mexican Relationship

In order to better understand the U.S. policies during the researched period it is necessary to dig deeper into history and provide some background to it. Therefore, the following chapter summarizes policies, facts and events which were essential in shaping both U.S. stance towards drugs as well as U.S - Mexican relationship. It is divided into subchapters in periodic sequence, starting with one covering the period from the beginning of century until the Second World War and continuing into the beginning of 21st century. Last short subchapter serves as sort of bridging into the present times.

2.1. The First Half of the Twentieth Century

Although this chapter deals with the events of 20th century it is necessary to start off with couple of facts from the second half of the 19th century. According to Kryštof Kozák this era was significant both for igniting the cooperation of both countries as well as for the planting the seed of the most problematic area of their future relationship. Kozák claims that period around the middle of century, that means right after Mexican-American war, triggered trans-border cooperation against the Comanches, tribe of Native Americans, who used to fled from the American scalp hunters to Mexico.⁶⁴ Also at the turn of 19th and 20th century Mexicans started to cultivate opium poppy which was then legally transported into USA, where it served as a working stimulant for the incoming waves of Chinese immigrants.⁶⁵ The northern states of Durango, Chihuahua and Sinaloa, where the poppy was cultivated, later became the epicenter of Mexican drug business.⁶⁶

Chinese immigrants also played an important role in establishment of international drug prohibition regime. According to Kozák, the prejudice of general American public against Chinese opium users was one of the main factors which motivated U.S. government to convene the 1909 International Opium Commission in Shanghai, which subsequently led to a signature of the 1912 International Opium Convention in Hague and creation of

⁶⁴ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem* (Praha: Dokořán, 2010), 33-34.

⁶⁵ Ibid, 124.

⁶⁶ These three states are known as Golden Triangle - again the reference to already mentioned Asian Golden Triangle.

Luis Astorga, David Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. - Mexican Context," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, 32-33.

aforementioned regime.⁶⁷ Coincidentally in 1909 there was also a first ever meeting between presidents of Mexico and USA. Porfirio Diaz and William Howard Taft aimed to establish a tradition of bilateral summits, however Mexican Revolution, which ousted authoritative Diaz, world war, and the Great Depression prevented any further meetings for many years - next presidents to meet face to face were Franklin Delano Roosevelt and Manuel Avila Camacho in 1943.⁶⁸

To return one last time to Shanghai Commission, I would like to mention one of U.S. delegates at this meeting - Dr. Hamilton Wright. In publication *Drugs and Justice* he is labeled as "the driving force behind drug prohibition in the United States" and as "father of American narcotic laws".⁶⁹ Authors of this book present him as the main proponent of very restricting stance leading to adoption of 1914 Harrison Narcotics Act.⁷⁰ The original legislation was meant to establish sort of control regime, however U.S. Supreme Court eventually upheld federal decision to impose much more rigid criminal ban on drugs.⁷¹ The Harrison Narcotics Act remained the cornerstone for U.S. antidrug policies for decades.⁷²

In 1930 the Federal Bureau of Narcotics (FBN) was established under Department of Treasury and from then on this agency played absolutely crucial role in setting the tone of antidrug policies. From 1930 to 1962 FBN was led by Harry Anslinger who carried on with Wright's policy public intimidation with dreadful scenarios. Anslinger published several books and in 1936 was main initiator of Hollywood movie *Reefer Madness*, which was culmination of his long-term agenda to portray marijuana as profoundly evil substance turning young people into criminals or even causing their insanity.⁷³ His propaganda was unveiled after more than five years of research in 1945, when panel of experts put together by New

⁶⁷ Kryštof Kozák, "Permanentní válka? Drogy v zahraniční politice USA vůči Latinské Americe," *Mezinárodní politika*, 1 (January 29, 2010).

<http://www.iir.cz/article/permanentni-valka-drogy-v-zahranicni-politice-usa-vuci-latinske-americe>.

(Last access: December 12, 2015).

⁶⁸ Robert A. Pastor, Jorge G. Castañeda, *Limits to Friendship: The United States and Mexico* (New York: Vintage Books, 1989), 97.

⁶⁹ Margaret P. Battin et al., *Drugs and Justice: Seeking a Consistent, Coherent, Comprehensive View* (New York: Oxford University Press, 2008), 33-34.

⁷⁰ *Ibid*, 34.

⁷¹ *Ibid*.

⁷² Larry K. Gaines, Peter B. Kraska, ed., *Drugs, Crime, & Justice: Contemporary Perspectives* (Long Groove: Waveland Press, 2003), 17.

⁷³ Duane C. McBride, Clyde B. McCoy, "The Drugs-Crime Relationship: An Analytical Framework," In *Drugs, Crime, & Justice: Contemporary Perspectives*, ed. Larry K. Gaines, Peter B. Kraska, 103.

York city major Fiorello La Guardia found out that Anslinger was simply making his evidence up.⁷⁴

The 1930's and 1940's were times when organized smuggling of drugs into USA was already in place, even though not in any large scale. Astorga and Shirk claim that during those years vast majority of Mexican traffickers smuggled homegrown marijuana and opiates from their own territories, this was mostly case of the Golden Triangle, but the production was rising also in southern states of Michoacán and Guerrero.⁷⁵ Nevertheless, the Second World War fundamentally changed the situation and position of U.S. government. Jorge Castañeda argues that the real boom in cultivation of marijuana and poppy is partly American responsibility, since USA repeatedly requested deliveries of hemp and opium to supply their soldiers in Europe and Pacific with ropes and other hemp products but also with morphine.⁷⁶ Although USA supported the Mexican cultivation of opium poppy during the war, once the conflict ended the emphasis on repressive policy was reinstalled. This development culminated when Richard Nixon won the Presidential election

2.2. The Three Decades after the end of Second World War

The relationship between two countries suffered a setback in 1947 when the governor of Sinaloa state Pablo Macías Valenzuela was publicly accused from active cooperation with drug traffickers.⁷⁷ This was the first public case of possible cooperation of drug traffickers and Mexican politicians, but it certainly was not the last. However, Kozák claims that throughout the Cold War, and especially during its early stages, the fight against drug trafficking was downgraded by intensive cooperation of U.S. and Mexican security agencies in order to suppress any potentially dangerous activity of leftist radicals.⁷⁸

1960's were the decade when lot of taboos in American society were breached and many people, mainly youth or people with opinions often labeled as leftist, took a more liberal approach to politics, social issues or culture. Side by side with it came also increase in drug consumption. And demand was answered by supply. By Kozák's assessment, opium and marijuana cultivators and traffickers, mainly from Pacific state Sinaloa, utilized the smuggling

⁷⁴ Larry K. Gaines, Peter B. Kraska, ed., *Drugs, Crime, & Justice: Contemporary Perspectives*, 5-6.

⁷⁵ Luis Astorga, David Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. - Mexican Context," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, 32-33.

⁷⁶ Robert A. Pastor, Jorge G. Castañeda, *Limits to Friendship: The United States and Mexico*, 244-245.

⁷⁷ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 127.

⁷⁸ *Ibid*, 34.

routes they had built in previous decades as well as contacts to corrupted officials and significantly upped the volume of their shipments to USA.⁷⁹

As Kozák claims, Mexico intervened by employing military units but dismissed American pressure to tougher approach even more as interference in its sovereignty.⁸⁰ Still the mood in mutual relationship was relatively positive. Cornelius Friesendorf demonstrates this by highlighting that both John F. Kennedy and Lyndon B. Johnson held several bilateral meetings with their Mexican counterparts and governments also discussed possible solutions to the issue on couple of occasions.⁸¹ The fundamental change came in 1968 when Richard Nixon won the U.S. Presidential election. Friesendorf summarizes his general attitude by claiming that he "embarked on a conflict with Mexico".⁸²

Nixon sparked a big fuss in September 1969 when he launched the Operation Intercept - intensification of border controls almost to the point of actual closing of crossings. Castañeda aptly presents the Mexican interpretation of the event: "According to the American administration, Mexico was not doing enough to combat drug traffic into the United States. From the Mexican standpoint, Nixon was seeking a scapegoat to hide his government's own impotence in the face of growing drug abuse in the United States."⁸³ To complement Castañeda's Mexican view it is ideal to use both Friesendorf's own assessment of this operation as well as evaluation of U.S. authorities. According to Friesendorf, U.S. authorities labeled the operation as a success because they had shown their commitment and forced Mexico to act, but in reality only small amount of drugs was seized, since traffickers simply interrupted their operations and waited until the operation was called off - that was done after mere seventeen days.⁸⁴ In the end only thing Nixon achieved was strong resentment in Mexican population and a setback in mutual relationship.

Operation Intercept was transformed into new Operation Cooperation, which in fact represented only mutual agreement on relatively stricter and more frequent controls on both sides of the border.⁸⁵ Then in 1971 in his message to the Congress, Nixon famously declared war on drug abuse in USA. However the most significant remnant of his era is the creation of

⁷⁹ Ibid, 128.

⁸⁰ Ibid.

⁸¹ Cornelius Friesendorf, *US Foreign Policy and the War on Drugs: Displacing the cocaine and heroin industry* (New York: Routledge, 2007), 57-58.

⁸² Ibid, 58.

⁸³ Robert A. Pastor, Jorge G. Castañeda, *Limits to Friendship: The United States and Mexico*, 127.

⁸⁴ Cornelius Friesendorf, *US Foreign Policy and the War on Drugs: Displacing the cocaine and heroin industry*, 58.

⁸⁵ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 129.

DEA under Department of Justice in 1973. Emergence of DEA was a result of a years of effort to make the fight against drugs more effective and without unnecessary bureaucratic delays. Firstly, in 1968 the Justice Department's Bureau of Narcotics and Dangerous Drugs (BNDD) came to light by merging the Treasury Department's FBN and the Bureau of Drug Abuse Control (established only in 1966) under the Department of Health, Education and Welfare, and then in 1973 the BNDD itself merged with the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence (both also Department of Justice agencies established only year earlier), and certain elements of the U.S. Customs Service to create one huge, overarching organization - DEA.⁸⁶

It certainly did not take long and DEA had a first scandal around its neck. According to Rachel Neild, the DEA was forbidden from conducting independent investigation in foreign countries. Yet some information leaked that DEA agents were arresting in foreign countries on their own and there was even an accusation of torture during interrogations.⁸⁷ Therefore in 1976 Congress passed the Mansfield Amendment which officially prohibited all U.S. law enforcement agents from investigation, surveillance or arrests on foreign soil without permission of given country.⁸⁸ Despite all of the above, Kozák considers that U.S. - Mexican cooperation against drug traffickers was not tainted in a significant way even by Operation Intercept fiasco and 1970's were the decade when Mexico started vast operations of crop eradication by using U.S. technology.⁸⁹

The scale of this cooperation fully manifested itself in the 1975 Operation Condor. By that time the role of Mexico as a supplier strongly intensified. Robert A. Pastor assesses that since 1930's Mexico supplied constantly around 10% of heroin to U.S. market, but by 1975 the number was somewhere between 80% to 90%.⁹⁰ The essence of Operation Condor lied in extensive eradication campaign which involved U.S. crop dusting planes.⁹¹ According to Friesendorf, this operation achieved substantial volume of eradicated poppy but it also meant unprecedented rise in amount of financial assistance provided by USA - he puts in contrast

⁸⁶ "Organization, Mission and Functions Manual: Drug Enforcement Administration," The United States Department of Justice (updated September 9, 2014). <http://www.justice.gov/jmd/organization-mission-and-functions-manual-drug-enforcement-administration>. (Last access: October 22, 2015).

⁸⁷ Rachel Neild, "U.S. Police Assistance and Drug Control Policies," In *Drugs and Democracy in Latin America: The Impact of U.S. Policy*, ed. Coletta A. Youngers, Eileen Rosin (Boulder: Lynne Rienner Publishers, 2005), 72-73.

⁸⁸ *Ibid*, 73.

⁸⁹ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 35.

⁹⁰ Robert A. Pastor, Jorge G. Castañeda, *Limits to Friendship: The United States and Mexico*, 268-269.

⁹¹ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 130.

2 700 hectares of eradicated poppy in 1972 with 10 000 hectares in 1975 as well as 1.3 million dollars of U.S. financial support in 1973 with 15.6 million in 1975.⁹²

By Kozák's assessment, in the grand scheme Operation Condor only resulted in cultivation on smaller, hidden and better camouflaged fields and in relocation of production to other states, often further south, or even other countries.⁹³ Carpenter notes that after the Operation Condor, Colombia replaced Mexico as the main supplier of marijuana on U.S. market, but when decade later Colombian government stroke on its drug farmers, Mexico regained its position as a prime supplier.⁹⁴ This phenomenon of production relocation is known as the "balloon effect". Friesendorf explains it as follows: "If a balloon filled with water or air is squeezed on one side, the air or water goes somewhere else."⁹⁵ In short this balloon effect explains that physical intervention is not usually followed by complete eradication of production but rather only by its displacement to another geographical location.

2.3. The Reagan Years

Couple of years before Reagan assumed his office President Jimmy Carter and his Mexican counterpart José López Portillo signed the 1978 Extradition Treaty. In it both parties committed themselves to mutually extradite any serious offenders, with list of appropriate offences provided, be it even citizen of the particular country if the executive power of requested state deemed it lawful to do so.⁹⁶ This agreement might be interpreted as a recognition of both parties that organized crime and drug trafficking in particular is not an exclusive problem of Mexico or USA but rather a shared issue..

Robert Pastor assesses Reagan's first year in an office and claims that after drug problem in USA was deemed very serious, in December 1981 Reagan signed a law which authorized the cooperation of military and civilian drug enforcement authorities - according to Pastor previous policy separating police and military had been in place since the end of Civil War.⁹⁷ Then right in January 1982 Vice President George Bush was appointed to combat

⁹² Cornelius Friesendorf, *US Foreign Policy and the War on Drugs: Displacing the cocaine and heroin industry*, 59.

⁹³ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 130-131.

⁹⁴ Ted Galen Carpenter, *Bad Neighbor Policy: Washington's Futile War on Drugs in Latin America*, 116.

⁹⁵ Cornelius Friesendorf, *US Foreign Policy and the War on Drugs: Displacing the cocaine and heroin industry*, 20.

⁹⁶ "Extradition Treaty between the United States of America and The United Mexican States, 1978" (Mexico City: May 4, 1978), 3-7. From Organization of American States.

https://www.oas.org/juridico/mla/en/traites/en_traites-ext-usa-mex.pdf. (Last access: November 25, 2015).

⁹⁷ Robert A. Pastor, Jorge G. Castañeda, *Limits to Friendship: The United States and Mexico*, 267.

smuggling of drugs into country through South Florida.⁹⁸ It was exactly this clampdown on Florida smuggling corridor that proved to be absolutely crucial for emergence of future leading role of Mexican DTOs.

As was already mentioned, in relation to cocaine Mexico serves only as a transit country for drug manufactured in Colombia. And from 1970's until early 2000's USA concentrated a major share of their efforts to combat drug trafficking there. As explained by Julien Mercille, during 1970's and early 1980's Colombian cartels smuggled their cocaine via the Caribbean islands into Florida - their entry point into USA.⁹⁹ Therefore when special task force led by Bush engaged in stopping cocaine from entering USA through Florida, Colombian cartels had to adapt and find a new smuggling route. The porous U.S. - Mexican border was the ideal replacement. Castañeda captures it well: "Once a shipment entered Mexico, access to the United States was practically ensured."¹⁰⁰

This sudden change in transporting routes can be seen as another example of the balloon effect and it certainly influenced the future of U.S. antidrug policies. How big game changer it was is reflected in Adam David Morton's estimation that while in the 1980's around 80% of cocaine entering the USA went through Florida by the 1990's the tide has shifted and 90% of cocaine arrived through the U.S. - Mexican border.¹⁰¹ Now Mexican DTOs found themselves in very lucrative situation. They were the main suppliers of marijuana and heroin to the U.S. market and they also started receiving fair amount of money for getting Colombian cocaine on the other side of the border. The most important person in this mutually beneficial relationship was Miguel Ángel Felix Gallardo, who organized flights of cargo planes fully loaded with cocaine from Colombia to Mexico and then spread the drug out across the border.¹⁰² Being one of the bosses of the Guadalajara Cartel, Felix Gallardo was regarded as the most powerful drug trafficker in Mexico at the time.

In 1985 Felix Gallardo was right in the midst of a huge setback in U.S. - Mexican relationship. That year a Mexican-born DEA agent Enrique Camarena was kidnapped, tortured and executed right in one of Felix Gallardo's houses. Anabel Hernández states that

⁹⁸ Ibid.

⁹⁹ Julien Mercille, "Violent Narco-Cartels or US Hegemony? The political economy of the 'war on drugs' in Mexico," *Third World Quarterly*, Vol. 32, No. 9 (November 9, 2011), 1642. (Last access: December 30, 2015).

¹⁰⁰ Robert A. Pastor, Jorge G. Castañeda, *Limits to Friendship: The United States and Mexico*, 249.

¹⁰¹ Adam David Morton, "Failed-State Status and the War on Drugs in Mexico," *Global Dialogue*, Vol. 12, Issue 1 (Winter/Spring 2011), 7.

¹⁰² Peter Reuter, David Ronfeldt, "Quest for Integrity: The Mexican-US Drug Issue in the 1980s," *Journal of Interamerican Studies and World Affairs*, Vol. 34, No. 3 (Autumn 1992), 89-153. Quoted from Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 131.

Felix Gallardo had learned about the Camarena's abduction when it was already done and that it was orchestrated by other two co-bosses of the Guadalajara Cartel - Rafael Caro Quintero and Ernesto Fonseca Carrillo.¹⁰³ Caro Quintero allegedly made a confession that him and Fonseca Carrillo did kidnap Camarena but did not murder him, which in the end did not make any difference, because all three bosses were eventually captured and sentenced to decades in jail for Camarena's murder as well as plethora of drug-related crimes.¹⁰⁴ Already great anger of U.S. government was, according to Kozák, multiplied by DEA's conviction that some of Mexican security forces senior officials were involved in this crime.¹⁰⁵

In domestic issues the Reagan era is distinctive by emergence of new and very dangerous drug - crack cocaine. Manufactured on the basis of cocaine but containing several other additives crack cocaine is much cheaper than regular cocaine and therefore more dangerous. Adam Isacson even says that after it emerged in the middle of the 1980's crack was so widely and frequently used that it devastated cities across the country.¹⁰⁶ In 1986 in the light of this epidemic which plagued the whole USA Reagan signed the *National Security Decision Directive 221* declaring drug trafficking and drug usage a threat to national security.¹⁰⁷

In 1986 the process of certification was introduced as an annual evaluation of antidrug efforts of countries which were deemed as drug producing or drug transit ones.¹⁰⁸ Should particular country refuse to cooperate with United States or fail to show any signs of effort in fighting drug trafficking it would not be treated eligible for any sort of U.S. foreign assistance and would have to face U.S. opposition to any potential loan from development bank.¹⁰⁹ This was obviously a significant lever and many countries in Latin America did their best to at least create the impression of effort. As Kozák says, particularly in Mexico there were several instances when top drug traffickers were publicly arrested right before Congress made its

¹⁰³ Anabel Hernández, *Narcoland: The Mexican Drug Lords and Their Godfathers*, 41-46.

¹⁰⁴ Ibid. 46-47.

¹⁰⁵ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 132.

¹⁰⁶ Adam Isacson, "The U.S. Military in the War on Drugs," In *Drugs and Democracy in Latin America: The Impact of U.S. Policy*, ed. Coletta A. Youngers, Eileen Rosin, 22.

¹⁰⁷ Cornelius Friesendorf, *US Foreign Policy and the War on Drugs: Displacing the cocaine and heroin industry*, 11.

¹⁰⁸ Heather A. Golding, "U.S. Drug Certification and the Search for the Multilateral Alternative," *Creating Community in the Americas*, No. 1 (July 2001), 1. From Woodrow Wilson Center.

<https://www.wilsoncenter.org/publication/us-drug-certification-and-the-search-for-multilateral-alternative> (Last access: December 30, 2015).

¹⁰⁹ Ibid.

decision for the following year.¹¹⁰ But in reality this policy was regarded as a clear manifestation of hypocrisy since country with biggest drug consumption in the world set the rules for everybody else. Chris Eskridge and Brittawni Olson write that certification is "the quintessential example of condescending arrogance, is an example of blatant imperialism, and is clearly based solely on American self-interest".¹¹¹

Certification certainly did not help mutual relationship of both countries and it completed the picture of the 1980's as sort of wasted decade. But before the end of Reagan's tenure some strides forward were made. In December 1987 both governments signed a Memorandum of Understanding which improved mutual legal mechanisms by establishing premier rules for exchange of information by law enforcement agencies as well as regulating personnel operating in each other's country.¹¹² This agreement was the first of the kind and from the perspective of intelligence services it could also be regarded as a predecessor of the Mérida Initiative.

During the last year of Reagan's tenure a significant document was ratified - Defense Authorization Act adopted in May 1988. Peter Kraska summarizes it: "The act designated the Pentagon to serve as the single lead agency for the detection and monitoring of air and marine drug smugglers and to integrate the national command, control, communications, and intelligence assets for drug interdiction."¹¹³ This one sentence perfectly captures the intended nature of the antidrug policy - rigorous and hard. The Department of Defense happened to be its flagship and military became the major tool in struggle against drug trafficking.

2.4. The 1990's

In 1990 the first case of one particular smuggling technique was recorded - underground tunnels. After conducting her personal research, Cynthia Sorrensen claims that very first tunnel used for smuggling of drug was found connecting warehouse in Douglas, Arizona with home in Agua Prieta in the Sonora state that were 82 meters across the border apart.¹¹⁴ She

¹¹⁰ Kryštof Kozák, "Permanentní válka? Drogy v zahraniční politice USA vůči Latinské Americe," *Mezinárodní politika*.

¹¹¹ Chris Eskridge, Brittawni Olson, "The Mexican Cartels and Their Challenge to Popular Sovereignty," In *Transnational Organized Crime: Myth, Power, and Profit*, ed. Emilio C. Viano, José Magallanes, Lauren Bridel, 110.

¹¹² Sigrid Arzt, "U.S. - Mexico Security Collaboration: Intelligence Sharing and Law Enforcement Cooperation," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 352.

¹¹³ Peter B. Kraska, "The Military as Drug Police: Exercising the Ideology of War", In *Drugs, Crime, & Justice: Contemporary Perspectives*, ed. Larry K. Gaines, Peter B. Kraska, 293.

¹¹⁴ Cynthia Sorrensen, "Making the Subterranean Visible: Security, Tunnels, and the United States-Mexico Border", *Geographical Review*, Vol. 104, No. 3 (July 2014), 334. (Last access: December 30, 2015).

asserts that while between 1990 and 1999 the total of nine tunnels were discovered, from 2000 until 2009 the number of these findings was 98.¹¹⁵ She argues that this development was partly due to continuous fortification of borders - in contrast to 1980's barbed-wire fences during the 1990's major ports of entry as well as plenty of small border communities erected steel barriers up to ten meters high.¹¹⁶ These fortifications were built primarily because of constantly increasing illegal immigration but they were also restricting the mobility of drug traffickers who often used migrants as their moles.

One of the historical milestones in mutual relationship occurred in 1992 when President Bush, Canadian Prime Minister Brian Mulroney and Mexican President Carlos Salinas signed the North American Free Trade Agreement (NAFTA). From Kozák's perspective, NAFTA's entry into force in January 1994 not only brought plethora of investment into the country but this unprecedented opening of Mexican economy towards the USA also symbolized Mexican acknowledgment of its subordinated role towards the northern neighbor.¹¹⁷ In relation to the topic of this thesis, NAFTA proved to have some seriously negative effects. Fernando Romero quotes the 2005 proclamation of Laura Carlsen from International Relations Center: "a recent study shows two million small farmers displaced from the rural sector and rising unemployment despite huge growth in the informal sector growth and out-migration."¹¹⁸ Romero argues that in their desperation these farmers turned for profits to cartels and started to cultivate crops for them, he says: "NAFTA and its domino effect of negative impacts are making criminals out of the people who previously fed the nation".¹¹⁹

Other negative aspect is pretty obvious. With adoption of NAFTA the flow of vehicles, people and goods across the border significantly increased and therefore the customs officers and USBP agents had suddenly much more work to do. Andreas assesses that while in 1991 USA registered 1.9 million commercial arrivals from Mexico in 1996 the number was more than 3.5 million, and for instance in 1997 entry point in Laredo, Texas had to manage almost one million trucks, which was five times what they had to deal with a decade earlier.¹²⁰

¹¹⁵ Ibid, 338-339.

¹¹⁶ Ibid, 338.

¹¹⁷ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 25.

¹¹⁸ Laura Carlsen, "The Strange Mission of Vicente Fox: Mexico's Ill-Conceived Push for Free Trade," *Counterpunch* (December 8, 2005). Quoted From Fernando Romero, *Hyper-border: The Contemporary U.S. - Mexico Border and its Future* (New York: Princeton Architectural Press, 2008), 201.

¹¹⁹ Fernando Romero, *Hyper-border: The Contemporary U.S. - Mexico Border and its Future*, 201.

¹²⁰ *New York Times*, 20 March 1998. Quoted from Peter Andreas, *Border Games: Policing the U.S. - Mexico Divide*, 76.

The DTOs could not ask for the better scenario to get their businesses thriving. As already mentioned, in the 1980's Miguel Ángel Felix Gallardo arranged transport of Colombian cocaine to USA and then took cash for doing that. At the beginning of the 1990's Juan García Ábrego, boss of the Gulf cartel, went even further and struck a new deal with Colombians. However, instead of money as his reward he demanded half of the cocaine shipments - which in the end brought him even greater profits.¹²¹

What Felix Gallardo started and García Ábrego improved, in 1995 Amado Carrillo Fuentes, boss of the Juárez cartel, perfected. Eskridge with Olson claim that when new drug war in Colombia erupted, Carrillo Fuentes seized his chance and negotiated that he would purchase all of Colombian cocaine immediately after they had transported it to Mexico.¹²² This made him the controller of basically all the cocaine circulating on U.S. market and his monopoly was that huge that he was smuggling four times as much cocaine as the rest of Mexican DTOs.¹²³ To provide a picture of this complete change of guards Eskridge with Olson use quote from 1997 by Thomas Constantine, then the DEA director: "These sophisticated drug syndicate groups from Mexico have eclipsed organized crime groups from Colombia as the premier law enforcement threat facing the United States."¹²⁴ This paragraph clearly demonstrates that first half of 1990's was the time when Mexican DTOs truly became the major actors on U.S. market.

Concerning bilateral relationship there were couple of declarations during administrations of Bill Clinton and Ernesto Zedillo. Sigrid Arzt assesses that around 1995 both countries had accepted their roles as consumers and producers respectively and were determined to establish more effective collaboration in key issues such as education, prevention or fight against drug and arms trafficking or money laundering.¹²⁵ Those two documents were the Declaration of the United States-Mexico Alliance against drugs signed in

¹²¹ Peter A. Lupsha, "Transnational Narco-Corruption and Narco Investment: A Focus on Mexico," *Transnational Organized Crime* (Spring 1995), 90. Quoted from Chris Eskridge, Brittawni Olson, "The Mexican Cartels and Their Challenge to Popular Sovereignty," In *Transnational Organized Crime: Myth, Power, and Profit*, ed. Emilio C. Viano, José Magallanes, Lauren Bridel, 106.

¹²² Chris Eskridge, Brittawni Olson, "The Mexican Cartels and Their Challenge to Popular Sovereignty," In *Transnational Organized Crime: Myth, Power, and Profit*, ed. Emilio C. Viano, José Magallanes, Lauren Bridel, 106.

¹²³ *Ibid*, 106-107.

¹²⁴ T.A. Constantine, "Testimony before the United States Congress" (February 27, 1997). www.thomas.gov. Quoted from Chris Eskridge, Brittawni Olson, "The Mexican Cartels and Their Challenge to Popular Sovereignty," In *Transnational Organized Crime: Myth, Power, and Profit*, ed. Emilio C. Viano, José Magallanes, Lauren Bridel, 104.

¹²⁵ Sigrid Arzt, "U.S. - Mexico Security Collaboration: Intelligence Sharing and Law Enforcement Cooperation," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 352-353.

May 1997 and Mexico-U.S. Bilateral Strategy of Cooperation against Drugs from February 1998.¹²⁶ But as has become almost a habit these signs of progress were followed by another setback.

In 1997 general José Gutiérrez Rebollo, the head of Mexican Instituto Nacional para el Combate a las Drogas and the highest drug interdiction officer in the country, was sentenced for forty years in prison for being on the payroll of Amado Carrillo Fuentes.¹²⁷ Exposure of links between the most powerful criminal in the country and the man who held the ultimate responsibility for hunting him down obviously proved to be very contentious topic. There has always been suspicion about serious corruption in Mexico (more about this topic in next subchapter) but the Rebollo case proved those fears right straight at the highest places of Mexican enforcement agencies. In order to detect potential sources of corruption in Mexico U.S. authorities conducted some operations which again proved to be very controversial. The most prolific one struck right in the heart of Mexican bank sector.

As a part of the Operation Casablanca U.S. Customs Service agents posing as drug traffickers prompted Mexican bankers to launder their fictional money and then during staged conference held in 1998 on American soil arrested 167 of them and accused three Mexican banks from money laundering.¹²⁸ According to Kozák's sources the severe diplomatic rift which consequently occurred was resolved by the Brownswille Agreement regarding U.S. duty to inform the Mexican side about all planned operations on its soil.¹²⁹ Since arrests of Mexican bankers were made on U.S. soil the Operation Casablanca legally did not oppose the Mansfield Amendment from 1976, even though the original actions of agents should be considered as investigation on Mexican soil.

2.5. After the Turn of the Millennium

Vicente Fox became President of Mexico on 1st December 2000. His election represented a revolutionary change because Fox was a member of the National Action Party (Partido Acción Nacional = PAN) and so he became the first president since 1929 who was not a member of the Institutional Revolutionary Party (Partido Revolucionario Institucional = PRI).

¹²⁶ Ibid.

¹²⁷ Jorge Chabat, "Mexico's War on Drugs: No Margin for Maneuver," *Annals of the American Academy of Political and Social Science*, Vol. 582 (July 2002), 136. Quoted from Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 134.

¹²⁸ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 135.

¹²⁹ *Narco News: Operation Casablanca, Investigation of Money Launderers Stopped When It Reached Too High* (February 3, 2001). Quoted from Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 135.

During those seven decades PRI was in power it built a reputation as a party which tolerated organized crime as long as it was beneficial for the system.

Astorga and Shirk put it as follows: "Of course, while the PRI regime was not tolerant of criminal activity in general, such activities were more likely to be tolerated or even protected when they promised a substantial payoff to corrupt government officials."¹³⁰ According to Mercille the corruption stretched all across the system: from the military and police to local and national politicians.¹³¹ Astorga and Shirk state that consequence of this governmental protection was lack of narco-violence as we see it nowadays and that cartels even adhered to some sort of rules and followed territorial divisions between each other.¹³² So decentralization of state power and the end of state's protective regime also can be seen as one of the reasons for such an escalation of conflict in Mexico in 2000's. The allegations of corruption and favoritism to certain cartels did not stop even during administration of President Fox.

In her investigative book Anabel Hernández provides several allegations of corruption directly linked to Vicente Fox. Obviously none of these allegations were proved, yet Hernandez claims possession of sworn testimonies to some of them. For instance she claims that in 2006 former DEA agent told her that prior El Chapo's jailbreak in 2001 Fox obtained forty million dollars for helping Guzmán in his escape and for further protection of his Sinaloa cartel.¹³³ She also says to had obtained sworn testimony of Guillermo Ramirez Peyro who happened to be both the main executioner of Amado's Carrillo Fuentes brother Vicente and simultaneously U.S. Immigration and Customs Enforcement (ICE) secret informer. In this testimony given to the Federal Court in Minnesota Peyro claims that Fox purposefully attacked only the Tijuana and the Gulf cartels, which happened to be enemies of the Federation, group of Pacific cartels assembled by El Chapo.¹³⁴ Whether these serious allegations are true or not, Hernandez's arguments simply prove that regime overhaul and apparent democratization changed nothing on cloud of corruption hanging over Mexico.

¹³⁰ Luis Astorga, David Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. - Mexican Context," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 33.

¹³¹ Julien Mercille, "Violent Narco-Cartels or US Hegemony? The political economy of the 'war on drugs' in Mexico," 1641.

¹³² Luis Astorga, David Shirk, "Drug Trafficking Organizations and Counter-Drug Strategies in the U.S. - Mexican Context," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 33.

¹³³ Anabel Hernández, *Narcoland: The Mexican Drug Lords and Their Godfathers*, 158-160.

¹³⁴ *Ibid*, 179-197.

Concerning U.S. foreign policy, everything obviously changed with 11th September 2001. In 2002 George W. Bush signed the Homeland Security Act and by that he established Department of Homeland Security. Tony Payan argues that by this action Bush merged three crucial security issues (immigration, drugs and terrorism) into one big theme and by that he dangerously oversimplified each one of them instead of dealing them in their complexity.¹³⁵ Payan has a point that each one of these issues should be seen through different optics and dealt with by experts from those particular fields with appropriate tools. But more important is how this merge resonated in the eyes of public. Immigration, drugs and terrorism were all thrown to one bowl and that could induce a very dangerous feelings in general population and evoke generalizations such as immigrant equals drug trafficker equals terrorist.

Apart from merging these security issues together, 9/11 also represented massive transfer of staff and agents away from drug-related investigations. Moisés Naím reflects that between 2000 and 2003 FBI divisions devoted to fight against organized crime lost precisely 758 special agents, with large portion of them coming from Mexican DTOs-focused divisions.¹³⁶ To sum it up, the beginning of the 21st century caught both countries in times of profound changes when they had to enter relatively unknown waters - after decades Mexican people had to become familiar with new political environment while Americans found themselves right in the middle of the war against terrorism.

2.6. From Past to Present Times

This short section serves as a summarizer of the recent history and tries to bring up some patterns or common themes in U.S. - Mexican relationship. We can also point out some characteristics of both countries which prevailed during all those years. Concerning Mexico the thing which immediately comes to mind is corruption. I spoke about years when the PRI was in power and the system was set in a way to be profitable for both parties - regime as well as drug traffickers. While victory of Vicente Fox in 2000 election brought certain democratization of the country we cannot speak about clear progress in this field. Even if Hernandez's presumptions about President Fox should prove to be false the feeling that corruption is simply omnipresent will prevail.

On the other hand, when we consider U.S. actions we can definitely spot some signs of superiority feeling or even hint of imperialism. Be it Nixon's Operation Intercept, Reagan's

¹³⁵ Tony Payan, *The Three U.S. - Mexico Border Wars: Drugs, Immigration, and Homeland Security*, (Westport: Praeger Security International, 2006), 19-21.

¹³⁶ Moisés Naím, *Černá kniha globalizace*, 170.

process of certification or Operation Casablanca conducted under administration of Bill Clinton. Simply, when it seemed that things were going to get unpredictable USA acted only in their very own interest without even considering the consequences their actions would bring to other countries. This probably relates to strict enforcement regime which was imposed on anything even ostensibly related with drugs. The uncompromising attitude of U.S. government towards its southern neighbor is then among representatives from the other side of the border obviously felt as a sign of arrogance.

This relates to the essential argument of Kozák's book which sees this relationship as constant projection of asymmetry.¹³⁷ From the geographical and demographical characteristics through political and economic status in the international affairs to consumer vs. producer role in drug trafficking both countries often represent opposite sides of the spectrum. Otherwise this relationship could be characterized as fluctuating. There were certainly signs of progress, lots of bilateral treaties and cooperation agreements were signed, yet there were always moments of diplomatic tension, often as a result of unilateral U.S. policy. Yet never mind all rifts, disagreements and severe allegations of corruption the U.S. government never took the unilateralism to the point of applying decertification. Carpenter also points out that possibility of decertifying Mexico was actually off the table after the adoption of NAFTA, since economic sanctions would be inconsistent with NAFTA provisions.¹³⁸

Another issue is that drugs probably were not the primary agenda for most of the time. During the heydays of early Cold War and then again under Reagan the containment of any potential communist activities in the Americas was the priority. With the turn of the new century drugs slowly found their way on the pedestal of interest, but then September 11th happened. What really brought drugs back to the center of attention was the rapid escalation of violence in Mexico since Felipe Calderón declared the war against the cartels.

¹³⁷ Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*.

¹³⁸ Ted Galen Carpenter, *Bad Neighbor Policy: Washington's Futile War on Drugs in Latin America*, 172.

3) U.S. - Mexican Cooperation under the Mérida Initiative

This chapter deals with U.S. - Mexican bilateral actions taken in order to fight drug trafficking, weaken the general position of Mexican DTOs and to enhance Mexican ability to fight them. The aim here is to determine how has Mérida Initiative, which between 2008 and 2014 brought 2.4 billion dollars of U.S. aid to Mexico, evolved during the time and how it reflected transnational criminal nature of Mexican DTOs. As writes Ivan Kováč, since the very beginning the Mérida Initiative has been founded on mutual conviction that drug trafficking is a shared problem and in order to fight it effectively both countries have to fully commit themselves.¹³⁹ In this chapter firstly the nucleus of original Mérida Initiative is introduced, then follows major subchapter dealing with changes implemented under President Obama. Next subchapter discusses the most recent development, after Enrique Peña Nieto assumed his office of Mexican President, and is followed by final summarizing section.

3.1. Mérida under Bush and Calderón

Michael Kryzanek assesses that because Bush administration was almost fully absorbed by the wars in Iraq and Afghanistan with Colombia being the main subject of U.S. focus in relation to fight against drug trafficking, it did not pay any significant attention to the events unfolding in Mexico.¹⁴⁰ However, when Calderón assumed its office and ignited the all-out war against cartels things rapidly changed also for USA. The sudden eruption of violence right across the borders represented more of immediate threat for U.S. security and prompted Bush to establish means of cooperation against Mexican drug cartels. Thus, we could argue that a trigger for Mérida initiative was not the phenomenon of smuggling of drugs from Mexico but rather the potential for spillover of violence into USA.

This relates to assumption of Stephen Heidt who claims that prior to Congress's approval of Mérida Initiative in summer 2008 there were prolonged talks about violent or even possible terrorist threat from Mexican cartels on U.S. soil.¹⁴¹ But then Clare Ribando Seelke and Kristin Finklea state that the original pretext to Mérida came in early 2007 from Mexican side when President Calderón made a particular and unprecedented request for U.S.

¹³⁹ Ivan Kováč, "Drug Cartel War as the Major Security Challenge in the US-Mexican Relations," In *Panorama of global security environment*, ed. M. Majer, R. Ondrejcsák (CENAA: Bratislava, 2012), 583. <http://cenaa.org/analysis/drug-cartel-war-as-the-major-security-challenge-in-the-us-mexican-relations/>. (Last access: December 30, 2015).

¹⁴⁰ Michael J. Kryzanek, *U.S. - Latin American Relations* (Westport: Praeger Publishers, 2008), 266-267.

¹⁴¹ Stephen Heidt, "Drugs, Borders, and the Merida Initiative: Analogy and Policymaking," *Conference Proceedings -- National Communication Association/American Forensic Association* (Alta Conference on Argumentation 2011, July 2011), 561.

support and assistance in combat against cartels which ferociously defended themselves against Mexican military and police forces.¹⁴² Never mind the true reasons for igniting this process, the Mérida Initiative was signed in October 2007 and the fiscal year of 2008 was the first one when U.S. financial support headed towards Mexico.

The original initiative was not intended only to encourage relationship with Mexico but there was also some incentive to support the Central American and Caribbean countries in their struggles with drug trafficking. They were deemed to play important role as a transit area, sort of substitute for Mexico, which served as another link between South American cocaine and USA. However, the aid designed for these regions was rather marginal. For instance during first two years when Mérida was in place, the aid for Mexico reached 950 million dollars while all of the other countries of Central America plus Haiti and the Dominican Republic obtained 150 million dollars.¹⁴³ So the intention to support other important transit countries was there, but right from the very beginning it was obvious that Mexico is going to be the main recipient of U.S. financial assistance. Concerning the main areas of U.S. - Mexican cooperation and sectoral recipients of U.S aid, Mérida set four crucial objectives. As submitted by Ribando Seelke and Finklea they were "(1) break the power and impunity of criminal organizations; (2) strengthen border, air, and maritime controls; (3) improve the capacity of justice systems in the region; and (4) curtail gang activity and diminish local drug demand".¹⁴⁴

Basically we can observe that two of these points focused on law enforcement or military activities (1 and 4), while another aimed to improve border policing, which also relates to law enforcement agencies (2), and the last one revolved around potential judicial reform (3). So from its inception the Mérida Initiative put quite an emphasis on security issues and fulfilling its main targets required significant effort in military or police engagement. Nevertheless Roberta Jacobson submits Bush's intentions not to send U.S. soldiers to fight in Mexico as well as his supposed conviction that the nucleus of initiative's purpose lies in

¹⁴² Clare Ribando Seelke, Kristin Finklea, "U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond," *Congressional Research Service* (May 7, 2015), 6. From *Federation of American Scientists*. <https://www.fas.org/sgp/crs/row/R41349.pdf>. (Last access: December 30, 2015).

¹⁴³ Colleen W. Cook, Rebecca G. Rush, Clare Ribando Seelke, "Merida Initiative: Proposed U.S. Anticrime and Counterdrug Assistance for Mexico and Central America," *Congressional Research Service* (March 18, 2008), 3. From *Foreign Press Centers - U.S. Department of State*. <http://fpc.state.gov/documents/organization/103694.pdf>. (Last access: December 30, 2015).

¹⁴⁴ Clare Ribando Seelke, Kristin Finklea, "U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond," 6.

institution building, corruption fighting and improvement of human rights, and she backs her argument by adding that 60% of the first year's funding went to Mexican civilian agencies.¹⁴⁵

Concerning the militaristic nature of Mérida it is important to take at least brief look on Colombia where, as already mentioned, the Bush administration's main attention in relation to combat against drug trafficking had previously been fixed. The so called Plan Colombia has been in place there since 2000 and while under Bush it was broadened to the Andean Counterdrug Initiative with focus also on other countries of Andean region, according to Kozák, Colombia was still the major recipient of aid and from 2000 to 2007 it received almost 4.7 billion dollars from U.S. government.¹⁴⁶ Crucially the Colombian Department of Justice and Security stated in 2005 that 57.5% of total 3.8 billion dollars from the U.S. aid were received by institutions directly responsible for fighting the organized crime - law enforcement institutions.¹⁴⁷ Also Amnesty International USA claims that overwhelming majority of this annual aid was intended to Colombia's military and police, for example in 2006 their share of aid reached 80% of the whole.¹⁴⁸

This very brief overview serves as an outline of how was Plan Colombia designed and that there was a strong emphasis on promoting use of power in combat against drug trafficking. In his article, which concludes that various private companies from the fields of security and intelligence services are the ones who truly profit from war on drugs, Todd Shack argues that Mérida Initiative was a copy of Plan Colombia and that it was truly orchestrated to serve U.S. companies, since large bulk of financial aid was not meant to be sent directly to Mexican government but through the supplies of specific equipment and technologies manufactured or developed by U.S. companies.¹⁴⁹ Shack also mentions that soon after Mérida's adoption the Latin American press started to mockingly label it as the "Plan

¹⁴⁵ Henry Cuellar, "Five Perspectives on the Mérida Initiative: What It Is and Why It Must Succeed," *American Enterprise Institute for Public Policy Research*, Vol. 1 (March 2008), 4.

<https://www.aei.org/publication/five-perspectives-on-the-merida-initiative/>. (Last access: December 30, 2015).

¹⁴⁶ That is exactly twice as much as Mexico received from the Mérida Initiative in seven-year span from 2007 to 2014.

Kryštof Kozák, *Měkký podbřišek navěky: Důsledky asymetrie mezi Spojenými státy a Mexikem*, 264.

¹⁴⁷ "Plan Colombia Progress Report," *National Planning Department, Department of Justice and Security* (September 2006), 9.

https://colaboracion.dnp.gov.co/CDT/Justicia%20Seguridad%20y%20Gobierno/bal_plan_Col_ingles_final.pdf (Last access: December 30, 2015).

¹⁴⁸ "U.S. Policy in Colombia," *Amnesty International USA*.

<http://www.amnestyusa.org/our-work/countries/americas/colombia/us-policy-in-colombia>

(Last access: November 30, 2015).

¹⁴⁹ Todd Shack, "Twenty-first-century drug warriors: the press, privateers and the for-profit waging of the war on drugs", *Media, War & Conflict*, Vol. 4, Issue 2 (August 2011), 147. (Last access: December 30, 2015).

Mexico".¹⁵⁰ Funnily enough Walter Rodriguez, drawing on Laura Carlsen, claims that originally the Mérida Initiative was supposed to be named Plan Mexico but this was changed since Mexicans could be offended "at the very thought of a U.S. military incursion into its sovereignty", as actually happened in Colombian case.¹⁵¹

To sum it up, when adopted Mérida Initiative certainly exhibited signs of being mainly the U.S. power tool to help Mexicans fight the cartels, be it by financial support of military and police or by delivering equipment which was later used in this fight. Surely as the goals set by Mérida proclaim there were also efforts to promote rule of law in Mexico and to enhance judicial reform, however there was really not much of an emphasis put on it.

3.2. Mérida under Obama and Calderón

Barack Obama assumed his presidency in January 2009 and year later his administration introduced changes to the Mérida Initiative. Firstly, John Bailey says that while under Bush Mérida represented a "combined regional perspective", since 2010 onwards it has functioned as an operation with "three separate sub regions: Mexico, Central America, and the Caribbean".¹⁵² In other words, each region has been managed by its own section with separate financing and directorate and therefore the attention has not been shifted from region to region. Of all three regions Mexico obviously maintained its position as a priority in the eyes of U.S. government. Secondly, there have been efforts to move the Initiative forward and to introduce some changes in the focus and constitution of Mérida in actual relation to Mexico. This modification of the initiative, often labeled as "Beyond Mérida", is based on newly introduced four-pillar system. These four pillars are: 1) Disrupt Capacity of Organized Crime to Operate, 2) Institutionalize Capacity to Sustain Rule of Law, 3) Create a 21st Century Border Structure and 4) Build Strong and Resilient Communities.¹⁵³

When we take these four pillars and compare them to four goals set when the Initiative was adopted, there does not seem to be any revolutionary changes. Rather at a first glance they both seem almost identical. From the very beginning the Initiative literally urged to fight

¹⁵⁰ Ibid.

¹⁵¹ Laura Carlsen, "A Plan Colombia for Mexico," *Foreign Policy in Focus* (September 10, 2010). Quoted from Walter Rodriguez, "Mexico's Catch-22: How the Necessary Extradition of Drug Cartels Leaders Undermines Long-Term Criminal Justice Reforms," *Boston College International & Comparative Law Review*, Vol. 38, Issue 1 (Winter 2015), 163. (Last access: December 30, 2015).

¹⁵² John Bailey, "Combating Organized Crime and Drug Trafficking in Mexico: What are Mexican and U.S. Strategies? Are They Working?" In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 341.

¹⁵³ "The Merida Initiative - An Overview," From *United States Diplomatic Mission to México*. <http://mexico.usembassy.gov/eng/ataglance/merida-initiative.html> (Last access: December 30, 2015).

not drug traffickers but organized criminal groups, which means that already in 2008 both countries perfectly realized the intrusion of drug trafficking business into other criminal activities. Both versions of Mérida also emphasize the need to enhance the rule of law in Mexico through reformed judicial system. Each of these versions also mentions common border but while the original one literally speaks about strengthening the controls, the adjusted one encourages to modernize everything related to the border in order to satisfy the requirements of 21st century, which does not strictly equal further fortification of the border. Only component which the new Mérida proposed and its predecessor did not even mention is an appeal to build resilient communities inside Mexico.

3.2.1. Disrupt Capacity of Organized Crime to Operate

According to webpage of U.S. embassy in Mexico this pillar aimed to cause damage to DTOs by "systematically capturing and incarcerating their leaders and by reducing drug trade revenues by interdicting drugs, stopping money laundering, and diminishing production".¹⁵⁴ Also as a part of this pillar Mexico obtained some significant equipment and technologies in order to gain an advantage over cartels. Among those were four maritime surveillance aircrafts for Mexican Navy and one surveillance aircraft for the Federal Police, or in total nine UH-60M Blackhawk helicopters - everything worth hundreds of millions of dollars.¹⁵⁵ All of these were meant to help Mexico curb substantial violence and to diminish ever-rising power of cartels.

While level of violence as well as amount of drugs smuggled into USA remained at approximately same level, Calderón's government boasted about their success in fight against cartels. It is important to note there certainly were some achievements. For instance, Steven Dudley assesses that at the end of Calderón's tenure 25 of the 37 criminals which had been put on the "most wanted" list was either killed or captured.¹⁵⁶ During his presidency there was also substantial increase in extraditions of criminals to USA. While in 2006, last year of Fox's tenure, 63 people were extradited to USA, in Calderon's first year the number already climbed to 83 and during the whole six-year term this number was around 100 a year and culminated

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Steven Dudley, "Drug Deals," *The Wilson Quarterly*, Vol. 37, No. 4 (Autumn 2013), 7. (Last access: December 30, 2015).

the same year as his presidency in 2012 with 115 extraditions from which 52 were directly related to serious drug offenses.¹⁵⁷

This rising tendency highlights Calderón's willingness to grant U.S. their wishes and hand over Mexican criminals, whom U.S. government deemed responsible for loss of lives of drug using U.S. citizens. It is more than likely that this readiness to extradite so many criminals came in return for substantial U.S. support in fight against those very criminals who were later extradited. This notion of extraditions as a favor in return to U.S. support is also backed by 2010 extradition of prominent prisoner Mario Villanueva. This ex-governor was arrested in 1999 for protecting the information about more than 200 tons of U.S-bound cocaine owned by the Juarez Cartel and during the years all U.S. requests for extradition were rejected until 2010, when Calderón finally allowed the process to go through.¹⁵⁸

The absolutely crucial part of the first pillar is the fight against money laundering. U.S. *National Southwest Border Counternarcotics Strategy (NSBCS)* from 2009 estimated that both Mexican and Colombian DTOs annually generate and then launder somewhere between 18 to 39 billion dollars.¹⁵⁹ Concerning the techniques used by DTOs to launder their money, the end of Cold War and the rise of Chinese economy and Russian criminal organizations respectively brought new possibilities how to launder money outside of Mexico. As frequent methods used by Mexican DTOs Douglas Farah submits purchases of various cheap Chinese products, which means transactions of money obtained in USA to China to launder and then back to Mexico, or redirections of money to Russian banking system and then back to Mexican Pacific coast, where Russian organizations are allowed to run their hotels and casinos - places where tremendous amounts of cash circulate.¹⁶⁰

While bypassing the geographical border by using banking system is the most frequent way to launder money in modern world, DTOs still use sort of old school technique of smuggling cash from USA back to Mexico through real geographical border. Farah observes

¹⁵⁷ Clare Ribando Seelke, Kristin Finklea, "U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond," 26.

¹⁵⁸ Sigrid Arzt, "U.S. - Mexico Security Collaboration: Intelligence Sharing and Law Enforcement Cooperation," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 365-366.

¹⁵⁹ "2009 National Southwest Border Counternarcotics Strategy," *Office of National Drug Control Policy* (June 2009), 25. From Executive Office of the President of the United States. https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/swb_counternarcotics_strategy09.pdf. (Last access: December 30, 2015).

¹⁶⁰ Douglas Farah, "Money Laundering and Bulk Cash Smuggling: Challenges for the Mérida Initiative," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 157-158.

the fact that although the U.S. - Mexican border is very fortified and monitored area, most of the attention is focused on the northbound traffic while the southbound one is somehow overlooked.¹⁶¹ Never mind the quota that ten percent of vehicles crossing the border to Mexico should be screened, Farah claims the real figure is much lower, which creates relatively very big chance for cars loaded with drug money to sneak unchecked into Mexico.¹⁶² In order to curb this flow of bulk cash through U.S. southwest border NSBCS 2009 emphasized the need to take an action even before the border is reached, meaning more frequent controls of outbound traffic on U.S. highways, and also called for enhanced cooperation, action coordination and intelligence sharing by federal agencies (mainly DEA and ICE) between themselves and also with agencies of particular border states.¹⁶³

The same strategy from 2013 admits that bulk cash smuggling still persists but highlights other means of laundering such as electronic transfers through bank or businesses or trade-based laundering through shell companies (companies without any significant real assets).¹⁶⁴ Considering the amounts of the cash seized on the border, webpage Public Intelligence¹⁶⁵ submits ICE's data that in 2011 more than 150 million dollars was seized while ICE web itself states that in 2013 these seizures accounted for 59 million dollars.¹⁶⁶ However, we can only speculate what this substantial decrease means: worsening of effectiveness in patrolling the border, decrease in amounts of laundered money, or DTOs abandoning this strategy and rather focusing on completely bypassing the smuggling of cash through the border. The reality probably includes both lack of effectiveness in border patrolling as well as using other means how to get money from USA to Mexico.

These other methods, ideally with money in non-physical form, are ideal for laundering gargantuan sums of money, which would have required complex logistic effort if smuggled across the border. During the examined period U.S. government recorded some achievements in discovering and shutting down some channels used by DTOs. While not

¹⁶¹ Ibid, 147-149.

¹⁶² Ibid, 148.

¹⁶³ "2009 National Southwest Border Counternarcotics Strategy," *Office of National Drug Control Policy*, 26-27.

¹⁶⁴ "2013 National Southwest Border Counternarcotics Strategy," *Office of National Drug Control Policy* (2013), 39-40. From Executive Office of the President of the United States.

https://www.whitehouse.gov/sites/default/files/ondcp/policy-and-research/southwest_border_strategy_2013.pdf. (Last access: December 30, 2015).

¹⁶⁵ "More Than \$18 Billion in Cash Smuggled Across U.S. - Mexico Border Each Year," *Public Intelligence* (February 13, 2012).

<https://publicintelligence.net/more-than-18-billion-in-cash-smuggled-across-u-s-mexico-border-each-year/> (Last access: December 30, 2015).

¹⁶⁶ "Bulk Cash Smuggling Center," *U.S. Immigration and Customs Enforcement*.

<https://www.ice.gov/bulk-cash-smuggling-center>. (Last access: December 30, 2015).

being absolutely specific, as a major success of Bush administration in fight against money laundering Hernández states its 2007 identification and subsequent freezing of U.S. assets of six Mexican companies and twelve individuals who laundered money for El Chapo's right hand El Mayo Zambada.¹⁶⁷ However, this relative success pales in comparison with Obama administration's tackle on huge western banks which happened to launder Mexican DTOs money, be it willingly or unknowingly.

Undoubtedly the biggest case was the 2010 sanctioning of Wachovia bank. By accident or willingly, Wachovia did not strictly apply anti-money laundering procedures to certain Mexican transactions for several continuous years and by that laundered astonishing 378.4 billion dollars.¹⁶⁸ Such an enormous amount was truly unprecedented and Wachovia had to pay fines to avoid legal prosecution. However, Mercille claims that total fine of 160 million dollars represented mere one percent of bank's 12.3 billion dollars profit for 2009.¹⁶⁹ So in the end not a single representative of the bank faced any repercussions for their unlawful behavior. Another case happened in 2012 when was revealed that British bank HSBC laundered hundreds of millions of dollars for the Sinaloa cartel.¹⁷⁰ Evelyn Krache Morris states that again there was an off court agreement with U.S. government - this time USA obtained 1.9 billion dollars, which still accounted only for 12 percent of HSBC's profits that year.¹⁷¹

These cases showed that even the biggest world's institutions may be guilty of assisting the DTOs. As urged by the Mérida Initiative U.S. government definitely spotted the money as the DTOs' weak spot and revealed several high-profile cases. However, the repercussions for institutions helping DTOs were far from sufficient and very likely they have not worked as serious discouragement for any potential cooperation. Therefore it is very probable that these two are not the only cases of big banks laundering money for DTOs.

3.2.2. Institutionalize Capacity to Sustain Rule of Law

As was mentioned in the second chapter, Vicente Fox's 2000 presidential win meant that after more than seven decades Mexico had president from other party than PRI. Tolerant and even protectionist nature of this regime over organized crime in the country was also discussed. But

¹⁶⁷ Anabel Hernández, *Narcoland: The Mexican Drug Lords and Their Godfathers*, 185.

¹⁶⁸ Julien Mercille, "Violent Narco-Cartels or US Hegemony? The political economy of the 'war on drugs' in Mexico," 1649.

¹⁶⁹ Ibid.

¹⁷⁰ Evelyn Krache Morris, "Think Again: Mexican Drug Cartels," *Foreign Policy* (December 2013).

<http://foreignpolicy.com/2013/12/04/think-again-mexican-drug-cartels/>. (Last access: December 30, 2015).

¹⁷¹ Ibid.

some space was also given to allegations of corruption that have been raised against Fox, first PAN president in Mexican history. Also Felipe Calderón certainly had its share of accusations of collaboration with cartels. These allegations will have its space in further parts of this work. Apart from corruption there is also a prevalent feeling that in Mexico plain justice is not something which should be taken as granted. So as states U.S. embassy in Mexico the principal target of Mérida's second pillar was to "enhance the capacity of Mexican public security, border and judicial institutions to sustain the rule of law".¹⁷²

Significantly, the complex process of judicial reform started already in 2008, so even before Obama's four pillar system. Among essential points of this reform (due to be fully implemented by 2016) in fight against cartels, Shannon O'Neil lists introduction of investigative and prosecution instruments such as possible suspension of habeas corpus act or use of surveillance methods if there is suspicion of organized crime.¹⁷³ David Shirk adds another tool to use in case of organized crime allegations, even without raising the criminal charges - the possibility of 40 days detention in order to collect evidence and build up the case.¹⁷⁴ Although these measures may sound effective and appropriate in fight against those who do not acknowledge any rules or moral imperatives, on the other hand such powerful tools in the hands of potentially corrupt courts or public officials can be very dangerous and misused against people deemed inconvenient.

There are however broader problems highlighting the weakness of legal institutions and general absence of rule of law in Mexico. Livingston provides stark numbers that in 2010 around 75% of crimes in the country went completely unreported while from those reported whole 98% ended up unsolved.¹⁷⁵ His assumptions are backed by Seelke and Finklea who provide estimations from 2012 saying that only 13% of all crimes in Mexico are reported.¹⁷⁶ And the upward trajectory in this trend illustrates Marguerite Cawley by using the same INEGI survey as Seelke and Finklea only for year 2013, when the number of unreported

¹⁷² "The Merida Initiative - An Overview " From *United States Diplomatic Mission to México*.

¹⁷³ Shannon K. O'Neil, "Refocusing U.S. - Mexico Security Cooperation," (statement before the Subcommittee on Western Hemisphere and Global Narcotics Affairs of the United States Senate, 1st Session, 113th Congress, June 18, 2013). From *Council on Foreign Relations*.

<http://www.cfr.org/mexico/refocusing-us-mexico-security-cooperation/p29595>.

(Last access: December 30, 2015).

¹⁷⁴ David A. Shirk, "Justice Reform in Mexico: Change & Challenges in the Judicial Sector," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 232.

¹⁷⁵ Andrew Livingston, "A Reputation for Violence: Fractionalization's Impact on Criminal Reputation and the Mexican State," 27.

¹⁷⁶ Gobierno Federal de Mexico, Instituto Nacional de Estadísticas as y Geografía (INEGI), 2012 *Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública*. From Clare Ribando Seelke, Kristin Finklea, "U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond," 14.

crimes rose to slightly more than 90%.¹⁷⁷ While the validity of these assessments is not hundred percent, it certainly shows that ordinary Mexicans have not had a great deal of confidence in their juridical system over the last years. And there have certainly been no signs of any improvement in this situation. That is obviously not ideal background for USA since the prevalent absence of rule of law is the ideal condition for DTOs to flourish and to continue in their supply to U.S. market.

3.2.3. Create a 21st Century Border Structure

As mentioned earlier, the modified Mérida Initiative does not strictly speak about further fortification of the border but rather about its modernization in order to correspond with the realities of the 21st century. David Shirk points out that current U.S. - Mexican border is more fortified than it ever was, in relative terms probably apart of U.S. - Mexico war of 1846-1848, and that in 2010 more than twenty thousand U.S. Border Patrol agents were deployed there.¹⁷⁸ According to O'Neil, apart from serving as a barrier to illegal immigration and trafficking of illicit goods this constant fortification also results in extensive waiting times but more importantly has cost billions of dollars in trade losses.¹⁷⁹ She also criticizes outdated infrastructure and as an example states collapse of roof at San Ysidro, California border crossing, which resulted in injury of seventeen people.¹⁸⁰

However, there have certainly been joint efforts to ensure both the modernization of the border as well as security cooperation in order to curb the flow of drugs and other illicit goods. In 2010 both countries issued the joint declaration whose main outcome was establishment of the Twenty-First Century Border Bilateral Executive Steering Committee as the actor responsible for making border more efficient.¹⁸¹ In its Proposed 2013 Action Items there are descriptions of several ongoing projects with goal of improving infrastructure of the border (including the San Ysidro Port-of-Entry) but most importantly there are also concrete

¹⁷⁷ Marguerite Cawley, "Mexico Victims' Survey Highlights Under-reporting of Crime," *InSight Crime* (October 1, 2014). <http://www.insightcrime.org/news-briefs/mexico-victimization-survey-highlights-reporting-gap>. (Last access: December 30, 2015).

¹⁷⁸ David A. Shirk, "The Drug War in Mexico: Confronting the Shared Threat," *Council on Foreign Relations* (Council Special Report No. 60, March 2011), 18. (Last access: December 30, 2015).

¹⁷⁹ Shannon K. O'Neil, "Refocusing U.S. - Mexico Security Cooperation," 2-3.

¹⁸⁰ *Ibid*, 3.

¹⁸¹ "Declaration by The Government Of The United States Of America and The Government Of The United Mexican States Concerning Twenty-First Century Border Management," The White House: Office of the Press Secretary (May 19, 2010).

<https://www.whitehouse.gov/the-press-office/declaration-government-united-states-america-and-government-united-mexican-states-c>. (Last access: December 30, 2015).

steps to take in fight against drug trafficking and other illicit trans-border activities.¹⁸² As a major points it encourages more coordination of intelligence through mechanisms as EPIC as well sharing data from e-Trace System with Mexican Federal Police.¹⁸³

The El Paso Intelligence Center (EPIC) serves as a hub where experts and representatives of crucial agencies (in U.S. case DEA, ICE or FBI) from both sides of the border share their opinions and experiences with crime and terrorism and, as claims Sigrid Arzt, aim to build professional but also personal ties with each other to improve their co-operational capabilities.¹⁸⁴ From this perspective the EPIC should have been used as much as possible and sharing of all possible experiences from both sides certainly must be at the heart of the coordinated fight against DTOs. Also the human element should not be marginalized as simple personal relationships can be difference between sharing a crucial information or not. The lack of empathy demonstrates personal experience of Tony Payan who during his field research at the border asked several U.S. Border Patrol agents about their general knowledge of Mexico and received answers that they simply don't care at all about stuff happening on the other side of the border.¹⁸⁵

The e-Trace System is an online tracking system for firearms made in US developed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and since December 2009 has been provided in Spanish version for usage in Mexico for its agencies to be able to determine and track down whether guns confiscated from DTOs were made in USA and where.¹⁸⁶ The maximization in usage of e-Trace is another crucial components of bilateral cooperation and U.S. side should be as communicant as possible concerning weapons trafficking and use of U.S. made weapons by Mexican DTOs. However, that has often not been the case since USA in this regard conducted some unilateral actions on Mexican soil. This will be further discussed in the fourth chapter.

¹⁸² "U.S. - Mexico 21st Century Border Initiative: Proposed 2013 Action Items," From Department of Homeland Security. <https://www.dhs.gov/sites/default/files/publications/21cb-2013-action-plan.pdf>. (Last access: December 30, 2015).

¹⁸³ Ibid.

¹⁸⁴ Sigrid Arzt, "U.S. - Mexico Security Collaboration: Intelligence Sharing and Law Enforcement Cooperation," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 361.

¹⁸⁵ Tony Payan, *The Three U.S. - Mexico Border Wars: Drugs, Immigration, and Homeland Security*, 122-123.

¹⁸⁶ Colby Goodman, Michel Marizco, "U.S. Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 182.

3.2.4. Build Strong and Resilient Communities

The importance of resilient communities is illustrated by Fernando Romero's claim from the previous chapter that one of the negative effects of NAFTA was sort of herding of desperate farmers into the hands of DTOs by forcing them to cultivate marijuana and opium poppy in order to get some financial income. Goal of the fourth pillar has been to prevent exactly phenomena like this from happening.

The benchmark of this pillar has been the creation and expansion of the so called drug treatments courts in Mexico - according to the U.S. embassy webpage currently in five Mexican states.¹⁸⁷ Based on the established U.S. model these courts deal with those who committed non-violent crimes while being under the influence of drugs and then, under observation of judges and members of law enforcement, replace the criminal punishment with medical treatment with a goal of recovering from drug addiction as a cause of one's criminal activity.¹⁸⁸ This model is undoubtedly socially beneficial and does not overcrowd prisons with people who were maybe just desperate to get their hands on the dose of drug rather than being dangerous criminals. But drug addicts are the consumers, not the producers. They are not the accomplices of DTOs but victims of their operations. And since most of profits of Mexican DTOs come from U.S. market, reducing the amount of drug users in Mexico does not automatically equal reducing the DTO's profits.

As a preventive measure against people, mainly youth, joining DTOs' ranks U.S. Agency for International Development (USAID) in 2011 launched three-year Crime and Violence Prevention program in nine selected communities picked by Mexican government.¹⁸⁹ This program has aimed to encourage community development with special emphasize at civil organizations by giving away ten million dollars in grants to six civil society organizations with best projects aimed at preventing youth's involvement in crime.¹⁹⁰ Among achievements of this program USAID lists the after-school programs and job placement initiatives for 19 000 youths, establishment of six youth community centers with more than 1 400 beneficiaries in Monterrey or training of 130 local government officials from

¹⁸⁷ "The Merida Initiative - An Overview," From United States Diplomatic Mission to México.

¹⁸⁸ "Drug Courts: A Smart Approach to Criminal Justice," Office of National Drug Control Policy (May 2011). https://www.whitehouse.gov/sites/default/files/ondcp/Fact_Sheets/drug_courts_fact_sheet_5-31-11.pdf. (Last access: December 30, 2015).

¹⁸⁹ Clare Ribando Seelke, Kristin Finklea, "U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond," 24.

¹⁹⁰ Ibid.

90 municipalities on everything related to establishment of successful youth policies.¹⁹¹ This program became foundation stone for even broader initiative of USAID for Mexico called Country Development Cooperation Strategy which runs from 2014 to 2018.

Initiatives executed as a part of the fourth pillar simply assume that improving social conditions and offering the prospect of better life for Mexican youth will reduce the pool of potential soldiers to join DTOs ranks. From U.S. perspective it could be regarded that less collaborators with DTOs does not only mean less soldiers in war against Mexican government but also less potential mules or less cartels' medium to high ranking officers. Seelke and Finklea proclaim that under President Peña Nieto the fourth pillar became the prioritized one.

3.3. Mérida under Obama and Peña Nieto

When Peña Nieto assumed its office he shifted his attention from targeting the biggest exporters of drugs (the Juarez and Sinaloa cartels) to those who were responsible for most of the violence, which were primarily the Los Zetas and the Gulf Cartel.¹⁹² His strategy almost immediately paid some dividends in the summer 2013 when then bosses of both organizations were arrested - Miguel Ángel Treviño and Mario Ramirez Treviño respectively.¹⁹³ This new emphasis on the most violent DTOs came as a response to grievous situation caused by Calderón's open war against them and was sign of Peña Nieto's intention to deescalate the conflict.

As already mentioned, his cabinet also put big emphasis on following the steps outlined in the fourth pillar. According to the article from *The Economist*, during the first year of his administration Peña Nieto poured more than nine billion dollars into reconstruction of most violent parts of the country in the bid of stopping them from being "crime factories".¹⁹⁴ But his attention was not solely focused on development of communities, as in autumn that year he and U.S. Vice President Joseph Biden announced first U.S. - Mexico High-Level Economic Dialogue with a goal of a proper utilization of the busiest border in the world with

¹⁹¹ "Crime and Violence Prevention," U.S. Agency for International Development: Mexico (April 2014). <https://www.usaid.gov/sites/default/files/documents/1862/Briefer%20-%20Crime%20and%20Violence%20Prevention.pdf>. (Last access: December 30, 2015).

¹⁹² Steven Dudley, "Drug Deals," 3-4.

¹⁹³ There are no family ties between both men.

Ibid.

¹⁹⁴ "Out of Sight, not out of mind," *The Economist* (October 19, 2013).

<http://www.economist.com/news/americas/21588071-having-decided-play-down-fight-against-drug-kingpins-enrique-pe-nieto-has-yet-come>. (Last access: December 30, 2015).

a goal of streamlining the common trade to its maximal potential.¹⁹⁵ Also with U.S. financial aid to Mexico scheduled only until 2014, in March of that year Washington agreed on sending another 300 million dollars through the Mérida Initiative.¹⁹⁶

In the meantime Peña Nieto, who after PAN presidents Fox and Calderón represents the return of PRI to the Los Pinos¹⁹⁷, has not deviated from his predecessors and has already faced several allegations of corruption. As claims John M. Ackerman, it all started when Peña Nieto exceeded the financial limit for presidential campaign more than twelve times and was not willing to unveil all of the sources of its funding.¹⁹⁸ Accusations of financial frauds continued into his tenure when Peña Nieto's wife Angélica Rivera admitted that she had paid only 14.3 million pesos for her 54 million pesos new mansion constructed by Grupo Higa, a company which had been the mediator and constructor when Mexican government commissioned China Railway Construction with 4.3 billion dollars contract for high-speed railway.¹⁹⁹

Unconditional support of USA towards Mexican regime commonly facing these sorts of allegations and continuous pouring of money into its military and law enforcement also backfired on U.S. reputation. Alexander Main says that in 2013 President Obama received a letter signed by more than 145 civil society organizations that said that U.S. policies against organized crime home and abroad continue to be in militaristic nature which inevitably leads to its counterproductiveness and cyclic surge in violence.²⁰⁰ So despite the proclamations and even actions in the context of fourth pillar the feeling that USA continue to participate in fomenting of violence has prevailed. And these feelings are backed by ongoing horrors in Mexico.

¹⁹⁵ Clare Ribando Seelke, Kristin Finklea, "U.S. - Mexican Security Cooperation: The Mérida Initiative and Beyond," 11.

¹⁹⁶ Jesse Franzblau, "Why Is the US Still Spending Billions to Fund Mexico's Corrupt Drug War?," *The Nation* (February 27, 2015).

<http://www.thenation.com/article/us-connection-mexicos-drug-war-corruption/>
(Last access: December 30, 2015).

¹⁹⁷ Official residence of presidents of Mexico.

¹⁹⁸ John M. Ackerman, "It's Time To Reset U.S. - Mexico Relations," *Politico Magazine* (January 6, 2015).

<http://www.politico.com/magazine/story/2015/01/us-mexico-relations-reset-113998>.
(Last access: December 30, 2015).

¹⁹⁹ Eric Martin, Brendan Case, "Mexico's Season of Scandal and Violence," *Bloomberg Business* (December 11, 2014).

<http://www.bloomberg.com/bw/articles/2014-12-11/mexican-president-enrique-pe-a-nieto-faces-mounting-scandals>. (Last access: December 30, 2015).

²⁰⁰ Alexander Main, "The U.S. - Re-militarization of Central America and Mexico," *NACLA Report on the Americas*, Vol. 47, Issue 2 (Summer 2014), 65. (Last access: December 30, 2015).

While there has been a slight decline in the number of civilian casualties, it is not exactly something to be celebrated. Karla Zabłudovsky conveys statistics which say that in 2013 there were almost 23 000 recorded homicides - almost three times more than during Calderón's first year in the office.²⁰¹ Another evidence about persistent serious state of things in the country is symbolized by the surge in kidnappings and disappearances of people. According to Amnesty International, disappearances have become common Mexican theme during last of couple of years when around 30 000 cases of missing persons were recorded.²⁰² Therefore the talks about significant progress are still premature.

3.4. Evaluation of the Mérida Initiative

U.S. cooperation with Mexico and the substantial financial and material support sent south serve primarily as a front line in the fight against smuggling of drugs from and through Mexico to USA. Obviously the well-being of the Mexicans and security situation in the country are also taken into consideration, nevertheless the priority is to weaken DTOs and therefore decrease amount of drugs crossing the border or even prevent the spillover of violence across the border. However, we can argue whether anything from that was at least partly achieved. For instance Ackerman even claims that "it is time to face the facts and recognize that the Mérida Initiative has failed" which he bases on his statement that " today, seven years, two presidents and almost 3 billion dollars later, Mexico is more unsafe, chaotic and authoritarian than before."²⁰³

It is arguable that after its ratification USA used the Mérida primarily as a tool designed to help shipping equipment and providing training to Mexican military and security forces without closer description of how all of is going to be used - that was left solely to the intentions of Mexican side. The process of emergence of dozens or even hundreds smaller gangs involved in drug trafficking and also emergence of new grand-scale DTOs such as the Jalisco New Generation Cartel or Knights Templar Cartel has not been paid almost any attention. Although Peña Nieto's shift of policy focus towards the most brutal cartel, Los

²⁰¹ Karla Zabłudovsky, "Murders in Mexico Down from Height of the Drug War, but Violence Persists," *Newsweek* (July 23, 2014).
<http://europe.newsweek.com/murders-mexico-down-height-drug-war-violence-persists-260990?rm=eu>.
(Last access: December 30, 2015).

²⁰² Erika Guevara-Rosas, "Ayotzinapa disappearances: Peña Nieto's Story ultimate test," *Amnesty International* (September 26, 2015).
<https://www.amnesty.org/en/latest/news/2015/09/ayotzinapa-disappearances-pena-nieto-s-ultimate-test/>.
(Last access: December 30, 2015).

²⁰³ John M. Ackerman, "It's Time To Reset U.S. - Mexico Relations."

Zetas, was a case of alternated strategy and it at least very partially succeeded in reduction of violence.

In relation to transnational criminal nature and income diversification of DTOs, the Mérida Initiative has broadened its limits and understood that it is necessary to tackle the thing which DTOs value the most - money. Therefore emphasis of the first pillar on the anti-money laundering policies has been the proactive measure which to the future should be paid even more attention. Importantly, U.S. efforts to fight money laundering did not follow the example of Operation Casablanca from 1990's but were rather done in accordance with procedures set in Mérida. However, what has to be changed into the future is either legislative prosecution or much higher financial fines than have been imposed so far.

On the other hand, despite repeated emphasis on the second pillar and establishment of the rule of law, the actions have not fully met the words. The various human rights violations continue to occur and, as was documented in this chapter, there is prevalent fear and reluctance among general Mexican population to report the crimes they were victims of. When people don't believe that their government and law enforcement agencies will protect them, they often resort to those who offer this protection under certain conditions - cartels.

Last but not least the fourth pillar of building resilient communities was added by Obama administration and repeatedly hailed as crucial by presidents of both countries. Yet, again the words have not been fully projected into actions. Michael Hoopes claims that while U.S. assistance for Mexican security forces indeed declined during Obama administration, it has not been met with any significant increase in funds allocated to non-security initiative.²⁰⁴ The possibility of people joining DTOs because of lack of communal sense or for being on their payroll is very similar to the need for protection mentioned just above.

On the other hands some projects were started and Peña Nieto's emphasis on the fourth pillar was met by USAID Crime and Violence Prevention program which has evolved into Country Development Cooperation Strategy going up to 2018. All in all, the essential thing to consider is that Mérida Initiative is increasingly looking as not improving the conditions in fight against smuggling of drugs into USA and also it seems that some of its main goals such as establishing the rule of law in Mexico have not been met. The emphasized fight against money laundering however is important in future efforts.

²⁰⁴ Michael Hoopes, "The Mérida Initiative at 7 Years: Little Institutional Improvement Amidst Increased Militarization", *Small Wars Journal* (September 16, 2015). (Last access: December 30, 2015).

4) U.S. Actions against Transnational Organized Crime

As previously mentioned, the structure of this chapter is entirely based on *2011 Strategy*. From perceived threats presented in this document the four particular ones were chosen to be analyzed in this chapter. These four are: penetration of state institutions, crime-terror-insurgency nexus, trafficking in persons and weapons trafficking. Since all these phenomena were officially deemed by U.S. government as threat to national security represented by transnational criminals, in this chapter these categories are linked to Mexican DTOs. The particular actions proposed and taken by U.S. government in order to prevent these possible scenarios are examined. This applies especially to latter two categories which are projections of DTOs diversification of activities. While the possibility of blending of crime with terror and insurgency symbolizes potential for political ambitions of DTOs, the penetration of state institutions can be seen as effort to clear a way towards undisturbed money-making.

4.1. Penetration of State Institutions

At very first sight this subchapter is the mere repetition of already stated facts from the previous chapters about presence of corruption or favoritism in the highest levels of Mexican policy. However, this part deals with much more serious allegations - those connecting the ruling garniture straight to cartels - as was already discussed in relation to Vicente Fox. This sort of accusations are completely different matter, because should there be evidence of existing cooperation of Mexican government with some of the DTOs, that would mean its direct participation in both subversion of own country as well as in smuggling of drugs into United States.

The serious accusations of Fox administration protecting the Sinaloa cartel raised by Anabel Hernández were already provided. However, she came with very similar ones also against Felipe Calderón. As her essential piece of information she provides the personal conversation with respected scholar and former UN advisor on transnational crime and corruption Edgardo Buscaglia, which took place in 2010. Through his own research Buscaglia calculated that from the beginning of Calderón's tenure in late 2006 until 2010 there were exactly 53 174 arrests directly linked to drug-related violence and organized crime²⁰⁵ What is important though is that from all of these arrests the mere total of 941 cases was linked to the Sinaloa cartel - at the time by far the largest and most powerful DTO in the country.²⁰⁶

²⁰⁵ Anabel Hernández, *Narcoland: The Mexican Drug Lords and Their Godfathers*, 242.

²⁰⁶ *Ibid.*

Despite the speculative nature of these numbers it is obvious that while Sinaloa opponents (first Tijuana, then Gulf and later Juarez DTOs) were suffering blows in the form of arrests and killings of its high-ranking officers, Sinaloa has continued to maintain its position of influence and power.

In the epilogue of her book Hernández submits an open letter from 2012 which she received, and immediately published in Mexican journal *Reforma*, from Edgar "La Barbie" Valdez, the lieutenant of the Beltrán Leyva DTO. In this confession La Barbie claims several occasions when he personally handed over millions of dollars in bribes into the hands of Secretary of Public Security and since 2009 director of Federal Police Genaro García Luna.²⁰⁷ La Barbie also says to have personally come across President Calderón on meeting with other drug bosses where terms of certain cohabitation of ruling regime and cartels were discussed.²⁰⁸ These are extreme allegations and since they came from the lips of criminal, their credibility is rightly questioned. However, there are also allegations against the regime blaming it not only from cooperation with criminals but also from severe violations of human rights.

Former Secretary of Foreign Affairs of Mexico and in this work already quoted author Jorge Castañeda said in 2009 that there is abundance of cases in which apparent executions among cartels have in fact been performed by members of army and then only blamed on criminals.²⁰⁹ His suspicion was supported by Human Rights Watch which presented its research concluding that in the span from 2006 to 2011 Mexican security forces took part in 170 cases of torture and 24 extrajudicial killings.²¹⁰ The other outcome was that since 2007 Mexico Federal Prosecutor Office investigated exactly 1 615 cases of alleged military crimes against civilians with not a single one ending in prosecution.²¹¹ While Castañeda's assumptions relate to unlawful treating of criminals and therefore could have been purposefully overlooked by U.S. authorities, these accusations involve civilians and do not shed very pleasant light.

Concerning the era of President Peña Nieto, his administration suffered huge blow in September 2014 with the disappearance of 43 students from Ayotzinapa in the state of

²⁰⁷ Ibid, 310-312.

²⁰⁸ Ibid. 311.

²⁰⁹ Gian Carlo Delgado-Ramos, Silvina María Romano, translated by Mariana Ortega Breña, "Political-Economic Factors in U.S. Foreign Policy: The Colombia Plan, the Mérida Initiative, and the Obama Administration," *Latin American Perspectives*, Vol. 39, No. 4 (July 2011), 104. (Last access: December 30, 2015).

²¹⁰ Alexander Main, "The U.S. - Re-militarization of Central America and Mexico," 69.

²¹¹ Ibid.

Guerrero. The government's investigation concluded that these students were probably murdered by local cartel Los Rojos and that their bodies were then incinerated.²¹² However, in September 2015 the government's interpretation was deemed as "not backed up by scientific evidence" by independent committee assembled by the Inter-American Commission on Human Rights.²¹³ Also according to investigation conducted by representatives of University of California Berkeley both federal police and military could have been involved in this disappearance.²¹⁴ This whole tragedy and government's very reluctant stance towards investigation has left a great stain on Peña Nieto's credibility and has only confirmed the continuing humanitarian crisis in the country.

Reaction of USA to all these allegations have not been of any significance and apart from solitary occasion there has not been signs of real reluctance to provide financial and other support to Mexican government. As far as author of this essay know, this solitary instance occurred in 2010 when Department of State decided to withhold 26 million dollars from Mérida Initiative after Mexican military killed an innocent family at a road checkpoint in Monterrey.²¹⁵ Strictly speaking if USA posses evidence of human rights violations in Mexico there is a legislative leverage which should prohibit them from providing any sort of support. The Leahy Law, amended in 2008 into the Foreign Assistance Act, prohibits military assistance to "any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights."²¹⁶ Even author himself, Senator Patrick Leahy of Vermont, repeatedly stepped out with his conviction, last time being after the Ayotzinapa kidnappings, that USA should behave according to the Leahy Law and don't provide any assistance to Mexico.²¹⁷

Previous paragraphs do not present any downright evidence that Mexican cartels truly penetrated state institutions, but everything what has been mentioned in this subchapter hints out at this possibility. Along with persistent allegations from gross human rights violations Mexican government and military officials project sustained image of those who despite

²¹² Cedar Attanasio, "Ayotzinapa Evidence Contradicts Enrique Peña Nieto Story In Case of 43 Disappeared Students," *Latin Times* (September 14, 2015).

<http://www.latintimes.com/ayotzinapa-evidence-contradicts-enrique-pena-nieto-story-case-43-disappeared-students-339803>. (Last access: December 30, 2015).

²¹³ Ibid.

²¹⁴ Cameron McKibben, "Obama Pledges Continued Support to Peña Nieto Despite Human Rights Concerns," *Council on Hemispheric Affairs* (January 7, 2015).

http://www.coha.org/obama-pledges-continued-support-to-pena-nieto-despite-human-rights-concerns/#_ftn1. (Last access: December 30, 2015).

²¹⁵ Jesse Franzblau, "Why Is the US Still Spending Billions to Fund Mexico's Corrupt Drug War?."

²¹⁶ Cameron McKibben, "Obama Pledges Continued Support to Peña Nieto Despite Human Rights Concerns."

²¹⁷ Jesse Franzblau, "Why Is the US Still Spending Billions to Fund Mexico's Corrupt Drug War?."

severe and ongoing clampdown on cartels are also willing to struck a deal with them if they find it beneficial. Also it seems that they have not been reluctant to adopt cartels' brutal methods against those deemed inconvenient. In this light many of U.S. efforts to combat drug trafficking in Mexico may seem counterproductive. By abiding the principles of the Leahy Law and not sending any financial and material assistance U.S. side could possibly exert some pressure on Mexican government and at least push for stricter observance of human rights. However, to truly expose DTOs' connections to the highest places U.S. efforts would require much more than cutting off the Mérida and other funds.

4.2. Crime-Terror-Insurgency Nexus

As was already mentioned, Tony Payan asserts that 9/11 was followed by certain securitization of drug trafficking business for its potential to integrate with terrorism. We could definitely say that since the conflict in Mexico escalated back in 2006, cartels often resorted to methods of terror as a means to intimidate public. However, there is a notable difference between committing acts of terror and being designed as a terrorist group. And so far none of U.S. representatives openly labeled Mexican DTOs as terrorist group neither they are included in U.S. Department of State Foreign Terrorist Organizations list.²¹⁸

Another term used in *2011 Strategy* is an insurgency. Christopher Martinez, senior military intelligence planner of U.S. army, draws from the *Field Manual* of U.S. army which defines insurgency as follows: "The term 'insurgency' is defined as an organized movement aimed at the overthrow of a constituted government through the use of subversion and armed conflict."²¹⁹ In regard to Mexico this term was brought up to the light in 2010 when U.S. Secretary of State Hillary Clinton compared Mexican situation to the Colombian one during 1990's and 2000's and stated that Mexican cartels "are showing more and more indices of insurgencies"²²⁰.

With her claim Clinton sparked a minor journalists/military officers debate. Later that month Ken Ellingwood, LA Times correspondent from Mexico City, published article in which he compared different aspects of Mexican cartels and Revolutionary Armed Forces of Colombia (FARC), Colombia's main leftist rebel group partly which has been waging

²¹⁸ "Foreign Terrorist Organizations," *U.S. Department of State*.

<http://www.state.gov/j/ct/rls/other/des/123085.htm>. (Last access: December 30, 2015).

²¹⁹ Field Manual (FM) 3-24, *Counterinsurgency* (Washington, DC: U.S. Government Printing Office (GPO), 15 December 2006), 1-1. Quoted from Christopher Martinez, "Transnational Criminal Organizations: Mexico's Commercial Insurgency," *Military Review*, Vol. 92, Issue 5 (September/October 2012), 59.

²²⁰ "Clinton says Mexico drug crime like an insurgency," *BBC* (September 9, 2010).

<http://www.bbc.com/news/world-us-canada-11234058>. (Last access: December 30, 2015).

guerrilla war against state and since 1997 is included in aforementioned list of terrorist organizations. Ellingwood argues that there are two major differences between both types of actors. Firstly, while FARC has been responsible for numerous pre-planned assassinations of judges, politicians, businessmen and police, Mexican cartels, apart from several instances, have not systematically targeted official persons and most of casualties from police ranks occurred when taking part in open war in between the cartels or when cartel members defended themselves against police or military attacks.²²¹ Secondly, Ellingwood joins others in claiming that for Mexican cartels drug trafficking has always represented a means to their sole concern of making money, while for FARC money obtained from drugs were used to finance their efforts to topple the government and seize political power.²²²

Ellingwood's points are echoed by John Ackerman who says that while "political guerrillas want to take over state power from the outside" Mexican DTOs "are 'rational' market actors in search of profits who operate by infiltrating and undermining government institutions from the inside".²²³ Another ones to share this opinion are Sylvia and John Longmire who believe that DTOs lack any ambition to possess true political power and that they are simply looking for best way how to exploit the corruptness of ruling elites and maximize their profits within the present system.²²⁴ On the other hand aforementioned Christopher Martinez argues that Mexican TCOs²²⁵ have in fact become form of insurgency, more precisely commercial insurgency.²²⁶ Martinez's main argument is that contemporary TCOs do their utmost best in order to effectively bypass governments and international law and to quietly continue in their illicit businesses.²²⁷ In contrast, commercial insurgents deliberately resort to public violence in order to obtain money, and concretely Mexican cartels use this tactic to stop government from intervening with their drug trafficking.²²⁸

Martinez's point about using deterrence of government as means to achieve the possibility of undisturbed profit-making certainly is an appealing one. However, in the end both TCOs and commercial insurgencies, as he sees them, are thriving for the same goal of

²²¹ Ken Ellingwood, "Why Mexico is not the new Colombia when it comes to drug cartels," *Los Angeles Times* (September 25, 2010). <http://articles.latimes.com/2010/sep/25/world/la-fg-mexico-colombia-20100926>. (Last access: December 30, 2015).

²²² Ibid.

²²³ John M. Ackerman, "It's Time To Reset U.S. - Mexico Relations."

²²⁴ Sylvia M. Longmire, Lt. John P. Longmire, "Redefining Terrorism: Why Mexican Drug Trafficking is More Than Just Organized Crime", *Journal of Strategic Security*, vol. 1, n. 1 (November 2008), 47.

<http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1044&context=jss>. (Last access: January 30, 2015).

²²⁵ Throughout his work Martinez strictly uses the term TCOs.

²²⁶ Christopher Martinez, "Transnational Criminal Organizations: Mexico's Commercial Insurgency," 58-62.

²²⁷ Ibid, 60.

²²⁸ Ibid.

effective profits, only insurgents are willing to use violence in sort of preventive way to minimize state's interference. Also as was discussed in first chapter, use of violence is generally seen as one of attributes of organized crime. Therefore the more common argumentation which differentiates TCOs and insurgencies on the basis of their primary goals, financial and political respectively, seems much more valid in this case. Also in the context of one's goals it should be mentioned that despite inflicting horrendous damage on Mexican society, DTOs have really not came to control large portions of land, because it is not their target, while during its heyday FARC managed to seize around 40% of Colombia's territory.²²⁹

Then there an opinion of Nathan Jones who claims that "in the globalizing world, this strict bifurcation between crime and insurgency is untenable and unrealistic".²³⁰ Jones called for incorporating strategies successful in battling insurgencies into the fight against TCOs, with great emphasis on more involvement of military.²³¹ This advice was followed by USA in 2011 when Deputy Ambassador to Afghanistan with a task of coordinating allied forces Earl Anthony Wayne was relocated to serve as new Ambassador to Mexico.²³² Incentives behind this appointment are relatively obvious: Wayne was counted on to utilize his experience from fighting terrorist organizations and insurgencies and pass it to Mexican military officers. Nevertheless, U.S. army does not have any military operation in Mexico, it operates there only in advisory and training role, Wayne's experiences and methods were to be applied by Mexican forces.

Still, it does not change a fact that USA deemed important to stage a diplomat with counterinsurgency experience. Clinton obviously firmly believed in her words from 2010 and therefore reacted accordingly. However, as implied by Jones, one of the most important goal Mexican government should strive for is to win the hearts of general population, which becomes increasingly difficult when population does not believe in righteousness of those responsible for their protection. Therefore applying methods of counterinsurgency in Mexico,

²²⁹ Adam David Morton, "Failed-State Status and the War on Drugs in Mexico," 2.

²³⁰ Nathan Jones, "Using Counterinsurgency Strategy to Reassert the Westphalian State Against Criminal Networks: The Case of the Gulf Cartel in Mexico," *Conference Papers -- International Studies Association* (Annual Meeting 2009), 9. (Last access: December 30, 2015).

²³¹ Ibid, 8.

²³² Rebecca Gordon, "The US's 'War on Drugs' Has Spiraled Dangerously Out of Control," *The Nation* (March 23, 2015).

<http://www.thenation.com/article/can-you-say-blowback-spanish-failed-war-drugs-mexico-and-united-states/>. (Last access: December 30, 2015).

where DTOs do not possess any significant political support among normal Mexicans, does not automatically have to be a right solution.

4.3. Human Smuggling and Trafficking in Persons

According to *Protocol against the Smuggling of Migrants by Land, Sea and Air* from UN *Organized Crime Convention* human smuggling refers to making benefits from facilitation of illegal entry to countries to people who are not local residents, often by providing them with fraudulent documents or transporting them clandestinely.²³³ On the other hand *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* from UN *Organized Crime Convention* defines trafficking in persons as deprivation of their freedoms and further exploitation such as sexual services, forced labor or slavery.²³⁴ Andrea di Nicola also points out that while human smuggling linked to illegal immigration "has always been national and international priority, trafficking in human beings has only recently come to the attention of national governments and international organizations".²³⁵

Thanks to its geographical location as the northernmost Latin American country, Mexico basically serves as a gate to sort of promised land of USA. The U.S - Mexican border functions as a magnet for people from around the world who desire to start a life in USA and see still relatively porous border as their best chance. In 2010 UNODC published document called *The Globalization of Crime* which assesses that in 2008 U.S. officials apprehended around 792 000 illegal migrants and 97% of those entered through the border.²³⁶ Importantly, this report also claims that whole 90% of all illegal immigrants are assisted by professional smugglers - big portion of them operating under Mexican DTOs.²³⁷

Apart from smuggling of people across the border DTOs also focus on their trafficking, meaning usurping their basic rights and exploiting them in a slavery work. This trafficking have become maybe the most important source of income for DTOs apart of drugs. The scale of human trafficking in Mexico is highlighted by Raúl Flores, according to whom there are 47 organizations to be involved in the business (including Los Zetas, La Familia

²³³ "United Nations Convention against Transnational Organized Crime and the Protocols Thereto," 54-55.

²³⁴ Ibid, 42-43.

²³⁵ Andrea di Nicola, "Trafficking in Human Beings and Smuggling of Migrants," In *Handbook of Transnational Crime & Justice*, ed. Philip Reichel, 183.

²³⁶ "The Globalization of Crime: A Transnational Organized Crime Assessment," *United Nations Office on Drugs and Crime* (Vienna, 2010) 62. From United Nations Office on Drugs and Crime.
https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf.

(Last access: December 30, 2015).

²³⁷ *The Globalization of Crime: A Transnational Organized Crime Assessment*, "United Nations Office on Drugs and Crime, 65.

Michoacana or the Gulf Cartel), which has more than 70 000 new victims each year and for DTOs generates in average 42 million dollars per group in the process.²³⁸ These are however the lowest estimates. Opposite extreme of scale is the estimation from 2012 by then Mexican congresswoman Rosi Orozco who said that there could be up to 800 000 yearly victims of sex trafficking only.²³⁹ While this number is very probably strongly exaggerated, only the fact that nation's congresswoman stated it is somehow telling. This special branch of human trafficking - sexual slavery - according to director of the Coalition Against Trafficking in Women and Girls in Latin America and the Caribbean Teresa Ulloa earned Mexican DTOs approximately 10 billion dollars only during 2012.²⁴⁰

Siskin and Wyler introduce the pivotal element in U.S. policy against human trafficking: the Trafficking Victims Protections Act of 2000 (TVPA) under which the annual Trafficking in Persons Report was established with a goal of assessing "the yearly progress foreign countries have taken in achieving specified minimum requirements for combating severe forms of trafficking in persons".²⁴¹ In this report each country in the world is allocated to one of three Tiers according to their efforts. Being in Tier 1 means country has no problems with human trafficking, while those finding themselves in Tier 3 become ineligible to receive any U.S. aid, unless it is strictly of humanitarian nature.²⁴² This whole process seemingly recalls the certification one, however it lacks that obvious element of hypocrisy.

Clare Ribando Seelke emphasizes that TVPA underwent several reauthorizations during the years with couple of them standing out: the 2003 one introduced so called "Tier 2 Watch List", where were put the worst countries from Tier 2 with expectations to face stricter measures, and then the William Wilberforce Trafficking Victims Reauthorization Act of 2008 introduced the rule that countries to appear consecutively in Tier 2 Watch List were to be dropped into Tier 3.²⁴³ Apart from 2004-2007 period, when it was in Tier 2 Watch List,

²³⁸ Raúl Flores, "Se dedican a la trata 47 grupos criminales," *Excelsior* (July 30, 2014).

<http://www.excelsior.com.mx/nacional/2014/07/30/973599>. (Last access: December 30, 2015).

²³⁹ Edward Fox, "Mexico Sees 800,000 Sex Trafficking Cases a Year," *InSight Crime* (March 22, 2012). <http://www.insightcrime.org/news-briefs/mexico-sees-800000-sex-trafficking-cases-a-year>. (Last access: December 30, 2015).

²⁴⁰ Isabella Cota, "Central America's drug cartels turn their attention to trafficking people," *Guardian* (July 4, 2013). <http://www.theguardian.com/global-development/2013/jul/04/central-america-drug-cartels-trafficking-people>. (Last access: December 30, 2015).

²⁴¹ Alison Siskin, Liana Sun Wyler, "Trafficking in Persons: U.S. Policy and Issues for Congress," *Congressional Research Service* (February 19, 2013), 10-11. From *Federation of American Scientists*. <http://fas.org/sgp/crs/row/RL34317.pdf>. (Last access: December 30, 2015).

²⁴² *Ibid*, 12.

²⁴³ Clare Ribando Seelke, "Trafficking in Persons in Latin America and the Caribbean," *Congressional Research Service* (July 29, 2015), 8. From *Federation of American Scientists*.

Mexico was always placed in Tier 2.²⁴⁴ This signals that despite enormous scale of this business in the country, U.S. side respects the efforts of Mexican government to improve the situation and does not deem necessary to proceed with sanctions. For instance, in its Mexico-focused part the 2014 Trafficking in Persons Report USA acknowledged adoption of 2012 federal anti-trafficking law, which increased potential penalties for human trafficking for 30 years of jail with possible fifty percent increase in duration if offender was a public officer.²⁴⁵

Nevertheless even though U.S. government does not think so, to the naked eye the Mexican efforts seem inadequate. Mexican National Citizen Observatory commissioned a study from January 2010 until July 2013 which across sixteen Mexican states recorded total of 846 known victims (rest of states failed to provide information).²⁴⁶ No matter if we consider moderate or extreme estimates concerning human trafficking victims, the number of those revealed is outrageously low. What really matters though is the number of arrested and more importantly number of convicted. Cawley presents these results claiming that during examined period those sixteen states registered 275 arrests and mere 17 convictions of criminals.²⁴⁷ The Attorney General Office and the Federal District's Superior Court of Justice opened just 119 judicial processes combined.²⁴⁸ In country with such developed human trafficking business as is in Mexico these numbers should be much higher.

USA obviously finds Mexican efforts as at least sufficient. And there certainly is some progress as is evidenced by the new anti-human trafficking law. However, since DTOs draw a gargantuan amounts of money from this business, it is necessary to include much more serious fight against human trafficking as a part of efforts to curb trafficking of drugs.

4.4. Weapons Trafficking

In 2010 President Calderón declared in front of U.S. Congress that from 2007 to the end of 2009 Mexican forces seized 75 000 weapons from which total of 60 000 or 80% came from

<https://www.fas.org/sgp/crs/row/RL33200.pdf>. (Last access: December 30, 2015).

²⁴⁴ "Trafficking in Persons Report," *U.S. Department of State*.

<http://www.state.gov/j/tip/rls/tiprpt/index.htm#>. (Last access: December 30, 2015).

²⁴⁵ "2014 Trafficking in Persons Report: Mexico," *U.S. Department of State*.

<http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226777.htm>. (Last access: December 30, 2015).

²⁴⁶ Marguerite Cawley, "Extent of Mexico Human Trafficking Obscured by Lack of Info," *InSight Crime* (February 12, 2014).

<http://www.insightcrime.org/news-analysis/extent-of-mexico-human-trafficking-obscured-by-lack-of-info>. (Last access: December 30, 2015).

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

USA.²⁴⁹ ATF examined six-year period from 2008 to 2013 and reached a conclusion that from 121 073 firearms recovered in Mexico and sent to ATF for tracing 83 378 or 70% were manufactured or at least came from USA.²⁵⁰ However, these estimates, which are based on findings of already mentioned e-Trace System, provide only very moderate numbers. For instance, research conducted in cooperation of University of San Diego's Trans-Border Institute and Brazilian Igarapé Institute operates with the whole spectrum of possibilities and concludes that in short period from 2010 to 2012 somewhat between 106 000 and 426 700 firearms were trafficked from USA to Mexico.²⁵¹ To curb this ever-growing business USA cooperated with Mexican side, but also conducted unilateral operations without Mexican knowledge.

In 2006 ATF expanded originally Texas-targeted pilot program called Project Gunrunner into national initiative with a goal of reducing cross-border flow of firearms mainly by using tracing system but also by monitoring so called straw purchases on U.S. soil.²⁵² As defined by Goodman and Marizco: "Straw purchasers are individuals who say they are purchasing a firearm for themselves but the real purchaser is someone else."²⁵³ These U.S. citizens with a clean criminal record are the first instance of drug smuggling before U.S. based brokers, who from some reason are ineligible for weapon purchase, perform the role of middlemen in coordinating the transfer of guns into Mexico.²⁵⁴ In 2009 as a part of Project Gunrunner the Operation Fast and Furious was launched.

According to Young, the Operation Fast and Furious was an attempt to track down high-level traffickers, which meant skipping traditional modus operandi of arresting the straws, allowing them to do their work while ATF agents did their best to follow guns (with

²⁴⁹ Mary Beth Sheridan, "Mexico's Calderón tells Congress he needs U.S. help in fighting drug wars," *The Washington Post* (May 21, 2010).

<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/20/AR2010052002911.html>.

(Last access: January 30, 2015).

²⁵⁰ "Mexico: ATF Firearms Trace," *Bureau of Alcohol, Tobacco, Firearms and Explosives: Office of Strategic Intelligence and Information* (March 10, 2014).

<https://www.atf.gov/file/3321/download>. (Last access: January 1, 2016).

²⁵¹ Topher McDougal, David A. Shirk, Robert Muggah, John H. Patterson, "The Way of the Gun: Estimating Firearms Traffic Across the U.S. - Mexico Border", *University of San Diego and Igarapé Institute* (March 2013), 15. http://catcher.sandiego.edu/items/peacestudies/way_of_the_gun.pdf. (Last access: January 1, 2016).

²⁵² Stewart M. Young, "Going Nowhere 'Fast (or Furious)': The Nonexistent U.S. Firearms Trafficking Statute and the Rise of Mexican Drug Cartel Violence," *University of Michigan Journal of Law Reform*, Vol. 46, Issue 1 (Fall 2012), 31-32. (Last access: January 1, 2016).

²⁵³ Colby Goodman, Michel Marizco, "U.S. Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges," In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, ed. Eric L. Olson, David A. Shirk, Andrew Selee, 170.

²⁵⁴ *Ibid*, 189.

attached GPS devices) on their path to final destination of Mexican criminal organizations.²⁵⁵ Rissel Durand also claims that prior to this operation ATF detained a leader of one gun-smuggling gang and released him hoping he would serve as a lead to Sinaloa cartel.²⁵⁶ The whole operation was obviously conducted without official Mexican consent and in the end ended as a complete fiasco and embarrassment for ATF. Not only that none of these weapons led to any particular criminals, what basically meant that ATF willingly participated in illegal smuggling of approximately 2 000 weapons to Mexico, but while most of the guns disappeared three of them were recovered in December 2010 at the scene of U.S. Border Patrol Agent Brian Terry's murder.²⁵⁷

Possible approach to avoid such failures in future is to target straw purchasers right after they had purchased the guns. According to Colby Goodman, in 2011 a much stricter measures and penalties for straw buyers, who before that faced up to one year in jail, occurred, meaning that any convicted purchaser was automatically treated as successful distributor of guns to criminal organizations and therefore tried far more strictly.²⁵⁸ Also since 2011 owners of gun stores in California, Texas, Arizona and New Mexico have a duty to report purchases of semiautomatic weapons, weapons with ammunition greater than .22 caliber and also when they sell multiple sales within five days to person without a license.²⁵⁹ When compared to grand volume of guns trafficked to Mexico, these policies give an impression of mere baby steps - which in fact is what they are. But more expansive reforms are facing the opposition from powerful gun lobby.

Cindy Carcamo provides an example from 2013 when Congress immediately shut down several proposals after significant opposition from National Rifle Association (NRA) lobbyists.²⁶⁰ Specifically Andrew Arulanandam, NRA Institute for Legislative Action spokesman, put the whole blame on corruption of Mexican government and claimed that

²⁵⁵ Stewart M. Young, "Going Nowhere 'Fast (or Furious)': The Nonexistent U.S. Firearms Trafficking Statute and the Rise of Mexican Drug Cartel Violence," 32-33.

²⁵⁶ Rissel Durand, "Containing the Spillover Effect: The Use of Rule of Law to Combat Drug-related Violence in Mexico," *Houston Journal of International Law*, Vol. 36, Issue 1 (Winter, 2014), 242. (Last access: December 30, 2015).

²⁵⁷ Stewart M. Young, "Going Nowhere 'Fast (or Furious)': The Nonexistent U.S. Firearms Trafficking Statute and the Rise of Mexican Drug Cartel Violence," 35.

²⁵⁸ Colby Goodman, "U.S. Firearms Trafficking to Guatemala and Mexico," *Woodrow Wilson International Center for Scholars* (April 2013), 12-13.

https://www.wilsoncenter.org/sites/default/files/US%20Firearms%20to%20Guatemala%20and%20Mexico_0.pdf. (Last access: January 1, 2016).

²⁵⁹ Colby Goodman, "U.S. Firearms Trafficking to Guatemala and Mexico," 12.

²⁶⁰ Cindy Carcamo, "Gun smuggling to Mexico dented, but hardly slowed, by border searches," *Los Angeles Times* (July 12, 2013). <http://articles.latimes.com/2013/jul/12/nation/la-na-ff-gun-trafficking-20130713>. (Last access: January 2, 2016).

notion of Mexican DTOs, businesses with multimillion turnovers, buying guns at U.S. gun shows is "ludicrous".²⁶¹ However, Carcamo mediates the opinion of Eric Olson, whose research asserts that this is exactly what is happening.²⁶² This story is just a little reminder of the power gun lobby in USA wields in the name of the Second Amendment.

But the easiest thing to do in order to fight smuggling of drugs to Mexico, where these guns kill thousands of people each year, would certainly be to implement stricter laws concerning gun purchases. Because substantial decrease in firearms purchases would automatically decrease amount of guns smuggled across the border, which would also resulted in higher success rate of Border Patrol in their effort to stop the trans-border flow.

²⁶¹ Ibid.

²⁶² Ibid.

5) General Features of U.S. Policies

This brief final chapter points out general characteristics of recent U.S. attitude towards smuggling of drugs from Mexico and policies inevitably linked with it. It also brings to the light several patterns of U.S. policies which has prevailed for years.

The main prevailing feature of U.S. general stance is the continuous and in many cases it would seem almost unconditional support and cooperation with non-transparent Mexican establishment. While there were cases when USA applied its position of power by bypassing the Mexican government, mainly the Operation Fast and Furious, generally it has maintained relatively positive relationship with Mexico. So far in the 21st century the mutual relationship of both countries have not experienced setbacks like in previous decades - Nixon's Operation Intercept, the process of certification introduced by Reagan or Clinton's Operation Casablanca against money laundering. Solitary instance of U.S. refusal to proceed with agreed procedures occurred in 2010 when Department of State refused to transfer 26 million dollars from Mérida Initiative as a response to accidental killing of innocent family by Mexican forces.

Yet, the whole examined period is characteristic by Mexican regime's tainted reputation. Both Felipe Calderón and Enrique Peña Nieto have faced accusations of being personally involved in cases of corruption as well as being in charge of governments alleged from violations of human rights. Also the situation with trafficking in persons continue to deteriorate and thousands of new cases of kidnapping appear constantly. Despite all aforementioned development USA has refused to act either by dropping Mexico into Tier 2 Watch List of its Trafficking in Persons Report or by activating the Leahy Law and curb the flow of financial assistance. From this perspective it could be said that USA are not in sync with its *2011 Strategy*, since there are several symptoms pointing out to possible penetration of Mexican state institutions by criminal organizations - Mexican drug cartels.

This changed very recently when USA manifested their unilateral will and finally triggered a response on a basis of the Leahy Law. In October 2015 Department of State decided not to send 5 million dollars from the Mérida Initiative assigned for Mexican military and police.²⁶³ José Miguel Vivanco, executive director of the Americas division of Human Rights Watch, labeled this step as "unprecedented" and a first occasion when U.S. side

²⁶³ Elisabeth Malkin, Azam Ahmed, "U.S. Withholds \$5 Million in Antidrug Aid to Mexico as Human Rights Rebuke," *The New York Times* (October 19, 2015). <http://www.nytimes.com/2015/10/20/world/americas/us-withholds-5-million-in-antidrug-aid-to-mexico-over-human-rights.html>. (Last access: January 1, 2016).

prioritized human rights ahead of its relationship with Mexico.²⁶⁴ Although it is commendable that U.S. government finally decided to act, the amount of money cut from the Mérida Initiative is only a drop in the ocean. This brings up another blueprint in U.S. anti-drug trafficking policies, which is that when they finally take an action, it is not decisive and powerful enough. This was exactly the case when the Wachovia bank and HSBC were punished from laundering money to Mexican DTOs but financial penalties they received certainly did not hurt them in any significant manner. This sort of softness and reluctance to act strongly and punish perpetrators is certainly not the best way to scare off people and organizations from cooperating with DTOs.

Another reoccurring theme in U.S. anti-drug policy is an underestimation of domestic factors. For instance, we spoke about the massive amounts of guns smuggled across the border. Even with the conservative estimations we speak about tens of thousands guns each year. Yet, when we consider the general attitude towards firearms in USA and their availability to absolutely anybody, it is actually no wonder why such massive amounts of guns embark on southbound journey each year. Based on data stemming from his research, Edward Hill estimates that in 2011 there was somewhat between 262 million and 310 million firearms available to U.S. civilian population - either owned by them or available for purchase.²⁶⁵ No matter one's perspective, these numbers are truly gargantuan and it is therefore no surprise that so many of them find their way into the hands of Mexican organized crime. But this is not the only aspect of U.S. underestimation of domestic factors which project itself into failures of anti-drug policies.

Neglecting the domestic demand and over focusing on the side of supply is well-known constant as far as U.S. anti-drug policies go. Fight against foreign cultivators and traffickers have been in the spotlight for decades while struggles on domestic front have for long time gone under the radar. From eradication campaign in Mexico within the framework of Operation Condor in 1975 through U.S. operations in Colombia, mainly as a part of Plan Colombia, to financial assistance to Mexican military and law enforcement agencies in the context of Mérida Initiative USA have in all probability spent tens of billions of dollars. Naím labels this U.S. insistence on foreign activities as "policy of resources control" - he claims that

²⁶⁴ Ibid.

²⁶⁵ Edward W. Hill, "How Many Guns are in the United States: Americans Own between 262 Million and 310 Million Firearms," *Urban Publications: Maxine Goodman Levin College of Urban Affairs* (March 28, 2013), 2. From *Engaged Scholarship*. http://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1679&context=urban_facpub. (Last access: January 1, 2016).

historically USA pursued the policy of controlling or at least influencing the ways how countries handled their resources - in this regard illicit.²⁶⁶

In this regard, very interesting insight is provided by U.S. financed think tank - RAND Corporation. Even though the study was conducted in 1994 its general message could be applied even today. The study concluded that "34 million dollars invested in treatment reduces cocaine use as much as does 366 million dollars invested in border interdiction or 783 million dollars invested in source-country programs".²⁶⁷ Obviously these numbers are just polemics but they aptly point out the importance of focusing also on the domestic side of the problem.

This prioritization in targeting the supply rather than demand is well documented by USA itself. The Budget Summary for National Drug Control Strategy 2009 provides an overview of fiscal year from 2002 to 2009 - while from 2002 to 2005 the percentage of funds dealing with the problem of demand rather than supply fluctuated slightly above 40%, since 2006 it has never surpassed 38%.²⁶⁸ The same document from 2015 offers the overview for years 2008 to 2015 with the mean expenditures on demand side being 38.5%.²⁶⁹ On the other hand since 2012 there has been an upward trend and current spending to demand reduction accounts for 42.9%.²⁷⁰ Important question here is whether this increase will continue into the future? The reality of domestic situation is further highlighted by difference between expenditures on treatment and prevention respectively.

For the fiscal year 2014 the drug treatment cost almost 9 billion dollars while the sum for prevention accounted for 1.3 billion dollars.²⁷¹ Also in fiscal year 2014 from total of 25 billion dollars the whole 18 billion was spent either on treatment of drug addicts or domestic law enforcement. These data more than anything show that U.S. drug policies in general, domestic or international, do not work as effectively as they should. When treatment of drug addicts costs almost seven times as much as general drug prevention, it is a signal that

²⁶⁶ Moisés Naím, *Černá kniha globalizace*, 79.

²⁶⁷ Council on Foreign Relations, *Task Force Report: Rethinking International Drug Control* (Washington, D.C., 1997), 55. Quoted from Peter Andreas, *Border Games: Policing the U.S. - Mexico Divide*, 146.

²⁶⁸ "National Drug Control Strategy: FY 2009 Budget Summary," *The White House* (February 2008), 13. https://www.whitehouse.gov/sites/default/files/ondcp/Fact_Sheets/FY2009-Budget-Summary-February-2008.pdf. (Last access: January 2, 2016).

²⁶⁹ "FY 2015 Budget and Performance Summary: Companion to the National Drug Control Strategy," *The White House* (July 2014), 24.

https://www.whitehouse.gov/sites/default/files/ondcp/about-content/fy2015_summary.pdf. (Last access: January 1, 2016).

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

situation is grave. However, these statistics do not change a thing about crucial role which Mexico plays in U.S. efforts to combat drug trafficking and usage.

That is true despite the presence of balloon effect, relocation of cultivating places and emergence of new transit routes, which have already taken place also in the case of Mexico. For instance, the already mentioned Golden Triangle of Guatemala, El Salvador and Honduras have in recent years emerged as important transit point on the route from Colombia to USA. This happened largely as a side-effect of escalation of conflict in Mexico and renewed U.S. focus on local situation. But no matter how strongly balloon effect will manifest itself and new transit areas will emerge, Mexico will always play irreplaceable role to U.S. drug market. As claims Andrew Livingston, no matter how hard will USA be squeezing the imaginary balloon in Mexico, DTOs will never surrender - bordering with the world's largest consumer of drugs is simply that much lucrative that there will always be someone wanting to make the absolute most of it.²⁷²

Therefore, while in the long term USA should deeply evaluate and consider the effectiveness of their general attitude and drug policies, in much more immediate time scale they simply cannot afford to ignore the Mexico's importance as a gateway of these drugs into the country. But importance of Mexico should not automatically transform into unconditional support for its government. What should USA adhere to are the core principles of human rights when lives of Mexican citizens have the same value as lives of Americans dying from drug overdose. Given the seriousness of current security situation in Mexico it is unavoidable to support military and law enforcement efforts against DTOs, but sticking to principles from Mérida Initiative and *2011 Strategy* is essential, because strengthening the rule of law in Mexico and preventing the penetration of state institutions by organized crime is in the long run the best way to improve the situation and stop it from further rotting.

²⁷² Andrew Livingston, "A Reputation for Violence: Fractionalization's Impact on Criminal Reputation and the Mexican State," 41.

Conclusion

The intended essence of this work was to take a look on U.S. policies against drug trafficking from Mexico through a lens of transnational organized crime. Prior to that there was a necessity to clarify what in fact transnational organized crime is. In first chapter the several attributes of this ever-evolving and disputed phenomenon were presented, among them diversification of interests, accumulation of capital and its reinvestment as the principal interest, access to political protection and willingness to resort to violence, and last but not least operating on transnational level.

These criteria were applied on particular case of Mexican DTOs which can undoubtedly be labeled as transnational criminal organizations. The first chapter also provided a clarification of term fragmentation by June Beittel or fractionalization as named by Luis Astorga and David A. Shirk. This term explains recent boom in emergence of new drug trafficking actors be it by disintegration of existing cartels into smaller units or by simple formation of dozens of smaller drug trafficking gangs.

The purpose of second chapter was clear - to provide historical basis for further analysis. It highlighted the omnipresent repressive nature of U.S. anti-drug policies and their continuous efforts to influence decision-making in other countries, such as Mexico or Colombia. Naím labeled these U.S. attempts to manipulate drug policies in countries where drug are cultivated or manufactured before shipped into USA a so called policy of resources control. In particular relationship with Mexico there were plenty of signs which supported Kozák's argument of asymmetric relationship of both countries. USA did not hesitate to resort to certain manifestations of their superiority, for instance when Nixon shut down the border as part of Operation Intercept, when Reagan introduced the process of Certification or when Clinton triggered the Operation Casablanca. But all these actions have not damaged the relationship for extended period.

On the other hand USA were relatively reluctant to act against the regime which has bore the signs of corruption, which continues even to present times. Be it the seven-decades long regime of PRI, which was supportive of drug business as long as it was beneficial for Mexico, or presidency of Vicente Fox, who faced many allegations of allying himself to the Sinaloa cartel. During Cold War this reluctance could be explained by Mexico's potential importance in case of expansion of communism.

Third chapter dealt with the Mérida Initiative which has from its very beginning put emphasis on security and military cooperation. Several authors argued that Mérida has been a failure and only thing it achieved was deepening of conflict or obtaining contracts for personal U.S. companies. However, changes introduced under President Obama reshuffled focus on other aspects of fight against DTOs.

Money-laundering was emphasized and there were even some successful discoveries of fraud. But the fines which have followed were not even close to sufficient. This reluctance to apply fierce punishments became certain trademark of U.S. policy. Despite efforts Mexico remains a country where rule of law does not bear any significance and ordinary Mexicans are wary and afraid of law enforcement agencies corruption, so rates of unreported crimes remain astronomical. Therefore Mexico still remains sort of ideal hotbed for DTOs to flourish and continue to supply drugs to U.S. market. This can be basically said about efforts to strengthen the communities to be able to resist pressure and temptations of cartels to join their ranks.

Fourth chapter analyzed U.S. actions founded on *2011 Strategy to Combat Transnational Organized Crime*. This chapter highlighted U.S. reluctance to trigger the Leahy Law, about not providing financial assistance to countries alleged from human rights violations, despite continuously deteriorating reputation of Mexican government. Both presidents Calderón and Peña Nieto faced accusations of corruption but more importantly Mexican military has been targeted for severe violations of human rights. Yet USA has continued with financial flow as a part of the Mérida Initiative and only in October 2015 the first case of triggering the Leahy Law occurred. But again the entrained sum amounted to mere 5 million dollars.

Another point of U.S. reluctance to act was demonstrated in relation to human smuggling and trafficking in persons in Mexico. Mexico remains on Tier 2 of U.S. Trafficking in Persons Report despite facing the humanitarian crisis of giant proportions. These two illicit activities also continue to fill DTOs pockets with gargantuan amounts of money and the situation does not show any significant signs of improvement.

Finally USA continue to act as perfect supplier of weapons for Mexican DTOs. While trying to curb the flow of drugs from Mexico, U.S. very benevolent policies towards weapons serve as immense support for DTOs in fight for their power. In this regard USA upgraded the eTrace system for tracking the guns manufactured in country and provided their Mexican counterparts with possibility to find out the origin of firearms. But other actions were conducted without Mexican consent and ended up in failure as was 2009 Operation Fast and

Furious. This somehow symbolizes the U.S. efforts to fight drug trafficking so far. No matter what the exact intentions has been, the situations both on domestic field in relation to drug usage as well as in Mexico in relation to ongoing conflict continue to deteriorate. From strict point of view, U.S. government perfectly recognizes that Mexican DTOs are in fact transnational criminal organizations and probably aim to fight them like that, yet most of the efforts so far have not brought success.

Summary

U.S. anti-drug policies have not been particularly successful. Considering the domestic side of the problem, it is obvious that drug usage continues to be serious problem across the whole country. But the efforts to diminish the supply side of the problem have been failing as well. Mexico continues to be plagued by violence and lack of rule of law and Mexican cartels are powerful as ever.

As proved in this thesis USA have acknowledged that these DTOs are in fact part of broader transnational crime and that drugs are only the means for obtaining the profit. But they are by far not the only means, since Mexican DTOs have been heavily involved in trafficking of humans and smuggling of migrants, firearms trafficking or resources thefts. By their actions USA even managed to struck the most sensitive spot for these organizations - money. Couple of banks were indicted from laundering gigantic sums of money for cartels. Yet, punishments that followed were anything but severe - not a single of responsible persons faced time in jail and banks had to pay fines which were marginal in comparison with their budgets. This softness in action has become sort of omnipresent theme in U.S. policies.

This could be said also towards U.S. relationship with Mexico. There have been continuous flow of financial assistance heading to Mexico within framework of the Mérida Initiative. This security partnership aimed to support Mexico in its fight against organized crime in the country has been in place since 2007. During that time Mexican government, its law enforcement agencies and military have faced unpleasant accusations from violating human rights and taking sides with some of the cartels. There have been calls for USA to cease the financial support of Mexican government and abide to the Leahy Amendment which prohibits USA from sending financial aid to countries charged with human rights violations. This happened for the first time in October 2015.

USA also continue to constitute significant contributor to Mexican DTOs by having benevolent gun laws. Each year tremendous amounts of guns are smuggled from USA to Mexico and then become the part of endless vortex of violence. This the creates paradox when USA supply DTOs with firearms and they in turn supply American public with drugs.

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Projekt diplomové práce

Americko-Mexická spolupráce v boji proti drogovým kartelům a pašování drog do USA

Jméno: Bc. Jan Vajda

Datum: 9.6.2014

Předpokládané dokončení práce: zimní semestr 2015

Vedoucí diplomové práce: PhDr. Vít Střítecký, M.Phil., Ph.D.

1) Tematické vymezení a základní cíle práce:

Konflikt mezi mexickou vládou a drogovými kartely a také mezi kartely samotnými sužuje mexickou federaci již od 80. let 20. století, kdy drogovému podsvětí vládl Miguel Ángel Félix Gallardo nechvalně proslulý jako „Kmotr. Přestože Mexiko sehrávalo roli jakéhosi tranzitního státu pro převoz nelegálních látek po většinu 20. století, enormní objem drogového byznysu od 80. let dále byl i pro tuto zemi nevídaný. Tento konflikt nanovo eskaloval do nových výšin na konci roku 2006 za prezidentství Felipe Calderóna, který se rozhodl proti kartelům tvrdě zakročit, a je od tohoto roku většinou označován za vnitrostátní válečný konflikt, a to jak ve všeobecné mluvě, tak i v odborné literatuře. Tyto drogové války jsou závažnou hrozbou pro mexickou společnost a oběti s nimi přímo spojené se počítají na tisíce ročně. Působení drogových kartelů však není omezeno pouze na mexické území, nýbrž jejich existence představuje závažnou bezpečnostní hrozbu i pro severního souseda Mexika, Spojené Státy Americké (USA).

Motivací pro zvolení tohoto tématu bylo několik. Z laického hlediska je to téma velmi zajímavé, aktuální a zcela určitě také kontroverzní. Z hlediska akademického bylo zásadní, že je tato problematika předmětem zájmu mnoha autorů a není tedy nouze o odbornou literaturu. Krom monografií, článků v akademických periodických a primárních zdrojů vydaných americkou vládou se také mohou opřít o několik tzv. policy paperů přístupujících k problematice kritickým pohledem a poskytujících návrhy nových postupů v boji proti drogovému zločinu. V neposlední řadě jako motivace pro zvolení tématu boje proti mexickým kartelům a pašování drog do USA posloužily nedávné zásadní úspěchy kampaně v podobě zatčení bossů dvou hlavních kartelů – Los Zetas a Sinaloa. Hlava Los Zetas Miguel Morales byl zatčen v létě 2013, zatímco v únoru 2014 se podařilo dopadnout nejvyššího postaveného kartelu Sinaloa a jednoho z nejhledanějších zločinců amerického kontinentu Joaquína Guzmána Loera. Tudíž právě zásadní pokroky v boji proti drogovým kartelům mě motivovaly k napsání práce orientující se na zhodnocení nedávného průběhu boje proti tomuto fenoménu.

Zatímco teritoriální zaměření práce je zřejmé, časovou orientaci jsem zvolil mezi léty 2007 až 2014. Jako počáteční datum byl zvolen rok 2007 související s nástupem prezidenta Calderóna do funkce v prosinci 2006 a následnou eskalací boje proti drogovým kartelům. Koncový bod orientace mé práce byl zvolen ze 2 hledisek. Prvním je, že na konci roku 2014 to budou dva roky od nástupu prezidenta Peña Nieto do funkce, tudíž lze říci, že nastane vhodný čas k evaluaci pokroků dosažených za první polovinu volebního období a provést

dílčí komparaci s Nietovým předchůdcem, Calderónem. Druhým hlediskem je můj úmysl práci dokončit v zimním semestru 2015, tedy s ročním odstupem od konce zkoumaného období, což považuji za vhodný interval k provedení analýzy fenoménu.

Ve své diplomové práci nehodlám na tuto problematiku pohlížet z mexické perspektivy jako na vnitrostátní asymetrický konflikt a mým plánem je vyhnout se deskripci výhradně unilaterálních řešení mexické vlády. Naopak je mým úmyslem zkoumat fenomén distribuce drog a jejich pašování do USA právě z amerického pohledu, dle kterého tato problematika přirozeně představuje zásadní bezpečnostní hrozbu. Mým cílem je objasnit jak kroky, které proti pašování drog do země činí americká vláda samostatně, tak hlavně přiblížit bilaterální spolupráci obou zemí v boji proti kartelům a jejich přes-hraničním aktivitám. Právě vztah obou zemí je totiž klíčový, jelikož se navzájem doplňují a vytvářejí perfektní prostředí pro pašeráky drog. Mark Kleiman to ve svém článku ve *Foreign Affairs* potvrzuje. „Většina z nezákonných drog konzumovaných v USA přišla přes nebo právě z Mexika a doslova všechny příjmy mexických pašeráků drog pocházejí z prodeje do Spojených států.“¹

Vzhledem k tomu, že zásadním faktorem ovlivňujícím dovoz drog do USA je nesmírně vysoká poptávka mezi americkým obyvatelstvem, budu se v části práce také věnovat krokům, které americká vláda činí právě v rámci domácí politiky. Mezi ně patří kroky ke snížení počtu uživatelů tvrdých drog, boj s drogovou kriminalitou, či debata o možné dekriminlizaci či dokonce legalizaci drog a vytvoření určitého státního drogového režimu. Hlavní těžiště práce však bude ležet v amerických krocích učiněných mimo hranice země, neboli v rámci zahraniční politiky vůči Mexiku související s bojem proti drogám. Práce by tedy měla být rozdělena na dvě hlavní části, přičemž první se bude orientovat na čistě tuzemskou politiku americké vlády konanou s cílem snížit poptávku po drogách dovážených z Mexika, a druhá bude zaměřena na bilaterální spolupráci obou zemí s cílem konfrontovat mexickou nabídku neboli boj s drogovými kartely na území Mexika respektive na mexicko-amerických hranicích. Ve výsledku by práce měla poskytnout přehled progresu popřípadě úpadku boje proti kartelům a analyzovat roli, kterou v tomto boji sehrály USA a jejich snaha eliminovat pašování drog na své území.

¹ Mark Kleiman, „Surgical Strikes in the Drug War,“ *Foreign Affairs*, Vol. 90, Issue 5 (září - říjen 2011), 90.

2) Teoretický rámec:

Z konceptuálního hlediska se budou obě části práce opírat o různé názory. Zatímco vnitrostátní kroky USA budou nahlíženy dle teorie již zmíněného Marka Kleimana, amerického profesora a uznávaného odborníka na boj proti organizovanému zločinu a drogovou problematiku, a také dle zprávy Mezinárodního konsorcia protidrogové politiky vypracované Vandou Felbab-Brown², ve které navazuje na Kleimanův článek, bilaterální spolupráce obou zemí bude nahlížena optikou tvrdící, že USA se nechávají Mexikem vést, což ve své kapitole sborníku *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime* tvrdí odborník na americko-mexické vztahy John Bailey.³

Podstatou Kleimanova konceptu je jeho názor, že politika nulové tolerance vůči drogovým dealerům a uživatelům je kontraproduktivní, jelikož generální boj se všemi, kdo jsou s drogami více či méně spojeni, bude vždy produkovat pouze více násilí a problémů s drog spojenými. Jako zjevný příklad nabízí přímou úměru v eskalaci boje proti kartelům Calderónovou vládou a masivním nárůstem násilí a civilních obětí. Proto navrhuje ubírat se nekonvenční cestou. Kleiman však svůj koncept nijak nepojmenoval, což udělala až Felbab-Brown, která Kleimanovu navrhovanou cestu boje proti drogám označila za tzv. „soustředěné zastrasování“ a „selektivní zaměřování“.⁴

Klíčové pro oba tyto termíny není ani tak boj s drogami samotnými, jako spíše boj s kriminalitou, která je s dovozem, prodejem a užíváním drog spojena. Zároveň se oba tyto termíny projektují v zásadním návrhu pro vnitrostátní politiku USA. Kleiman tvrdí, že je nutno zaměřit veškerou pozornost na tzv. velké ryby, na jednotlivce a skupiny nejvíce angažované v trestné a násilné činnosti, jelikož dosavadní politika nulové tolerance plní věznice drogovými delikventy, jejichž zadržení nehraje žádnou roli v dlouhodobém měřítku. „Selektivním zaměřením“ na nejnásilnější subjekty by se americké vládě nejenom naskytla příležitost potenciálního zatčení nejvlivnějších postav, ale zároveň by tímto tvrdým postupem

² Vanda Felbab-Brown, „Focused Deterrence, selective targeting, drug trafficking and organized crime: Concepts and practicalities“ *International Drug Policy Consortium* (únor 2013).

³ John Bailey, „Combating Organized Crime and Drug Trafficking in Mexico: What are Mexican and U. S. Strategies? Are They Working.“ In *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, edited by Eric L. Olson, David A. Shirk a Andrew Selee (San Diego: Trans-Border Institute), 2010.

⁴ Ibid.

vyslala signál „soustředěného zastrašování“ vůči ostatním aktérům, které by tím odradila od násilné činnosti. Tímto „selektivním zaměřením“ se americká vláda také může zaměřovat na mexické kartely, respektive na jejich buňky či spolupracovníky na americkém území. Systematickými útoky na nejnásilnější kartely, či na ty nejnáchylnější ke spolupráci s teroristy mohou USA vyslat signál ostatním organizacím. Vzhledem ke zmíněné fundamentální důležitosti amerického odbytiště pro kartely by zničení buněk jedné organizace vyslalo signál ostatním, že pokud neomezí svůj podíl na násilí zmítajícím Mexiko, bude s nimi naloženo podobně a také přijdou o své odbytiště.

Co se týče bilaterální spolupráce obou zemí, Bailey tvrdí, že doposud se USA omezovaly pouze na pomoc finanční, hmotnou a institucionální. Pomoc policejní, či zpravodajská byla silně limitovaná z důvodu obav mexické strany o zasahování do vnitřních záležitostí země severním sousedem, s čímž Mexiko nemá pozitivní zkušenosti.⁵ Jakožto smluvní rámec této spolupráce byla roku 2007 uzavřena tzv. Iniciativa Mérida. Dle Baileye byla nicméně tato úroveň spolupráce nedostačující a bylo nutné ji rozšířit do dalších oblastí. To se částečně za prezidenta Obamy událo, přičemž hlavně sjednocení postupů při vynucování práva a spolupráce zpravodajských služeb jsou zcela zásadní. Proto by USA neměly aplikovat strategii, ve které se nechávají vést Mexikem, ale obě země by měly vystupovat rovnocenně.

3) Metody a operacionalizace:

Pro svou práci jsem zvolil metodu případové studie, která je pro zkoumání celistvého fenoménu, jako je boj proti pašování drog do USA ideální volbou. Výzkum bude probíhat pomocí induktivní analýzy, díky níž by mělo být z konkrétních jevů vyvozeno obecné stanovisko, zdali bylo v posledních letech dosaženo zásadního pokroku v boji proti kartelům, či ne. K tomu, abych byl schopen posoudit míru progresu respektive úpadku boje proti kartelům, jsem zvolil několik evaluačních kritérií, která budu aplikovat, odděleně na - vnitroamerický postup tak na bilaterální spolupráci USA a Mexika.

V první části práce budou evaluačními kritérii *poptávka po drogách a odhalení amerických buněk mexických kartelů*. Z těchto dvou kritérií pak logicky vyplývají hypotézy:

⁵ John Bailey, „Combating Organized Crime and Drug Trafficking in Mexico: What are Mexican and U. S. Strategies? Are They Working?“, 340-342.

- H1 : *Snížení poptávky po drogách na americkém trhu se rovná snížení pašování drog do země.*

- H2: *Odhalení buněk či společníků mexických kartelů na území USA přispívá k jejich boji na území Mexika.*

Na bilaterální spolupráci USA a Mexika budou také aplikovaná dvě hodnotící kritéria, která se následně budou vázat na hypotézy. Těmito kritérii budou *spolupráce zpravodajských služeb a spolupráce policejních respektive armádních jednotek.*

- H3 : *Větší a koordinovanější spolupráce zpravodajských služeb USA a Mexika přispívá k zabránění pašování drog do USA.*

- H4 : *Větší a koordinovanější spolupráce policejních respektive armádních jednotek zvyšuje šanci zabránění pašování drog do USA.*

Tyto hypotézy budou zkoumány v průběhu 7 let od roku 2007 do roku 2014 a komparací počátečního a konečného stavu budou buď potvrzeny, nebo naopak vyvráceny.

4) Struktura práce:

a. Úvod

- i. Nastínění tématu a motivace k jeho zvolení
- ii. Použitá metodologie
- iii. Zhodnocení literatury

b. Teoretická část

- i. „Focused Deterrence“ a „Selective Targeting“

c. Praktická část

- i. Mexické drogové kartely
- ii. Americká iniciativa na domácí půdě
- iii. Americko-Mexická spolupráce
 1. Iniciativa Merida
 2. Rozšíření spolupráce za Baracka Obamy

d. Závěr

e. Použitá literatura a jiné zdroje

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