

Mexico's Political Militarization Returns

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Abstract: This paper discusses the unprecedented militarization of the Mexican government under the current presidency of Felipe Calderón Hinojosa. This paper presents an overview of the military infringement upon civil control that has existed since 2006 in Mexico and continues to exist due to various factors that will be discussed in this essay, such as: The United States' strong military influence over the Mexican Armed Forces, the use of the military as a substitute for a failing presidential legitimacy, the use of 'fuero militar' to abuse civilians' human rights and lastly, the Mexican government's decision to use the military as the only possible solution to intervene and eliminate the drug cartels.

Historical Background

In Mexico, there was a period from 1917 to 1946 where, as historian Arturo Garmendia believed, "the army, since the revolution and even before, was one of the most active political forces" in Mexico.¹ When Miguel Alemán Valdés accepted the presidency and took power in 1946, the army was deprived of its electoral rights and the armed hand of the governing class or civil power was changed.² In addition, President Manuel Ávila Camacho who governed from 1940 to 1946 made a step forward by separating the Partido de la Revolución Mexicana (PRM) from the army and then submitted the army to civil government power.³ Furthermore, Luis Medina argued that when Miguel Alemán Valdés was the secretary of government, "the politico-military went

into a second-in-command position and left the politico-civil power, with increased support in place."⁴ During Miguel Alemán Valdés's presidency, the 'caudillo military' figures were no longer appealing, and there was also international pressure coming from the United States, which demanded a more stable democratic civil government that would replace the military.⁵ This decrease in military power concluded formally with Miguel Alemán Valdés, president of Mexico from 1946 to 1952, but it started in 1917 and decreased periodically until the 1930s. As ex-director of research at the U.S. National Defense University, Franklin D. Margiotta confirms, "since the 1930s Mexico's civil-military relationship has been increasingly characterized by subordination of the military and of its interests to those of society as defined

¹ Arturo Garmendia, "Los obreros sin cabeza". *Mexico un pueblo en la historia: nueva burguesía 1938-1957*. Ed. Enrique Semo. Vol. 5. Mexico, D.F. (Alianza Editorial Mexicana, 1989), 136.

This and all the other translations found in this paper are done by the author.

² Ibid.

³ Ibid., 135-136

⁴ Luis Medina, *Historia de la Revolución Mexicana: civilismo y modernización del autoritarismo*. Ed. Luiz González. Vol. 20. Mexico, D.F. (Gustavo Casasola, 1979), 7.

⁵ Ibid., 10-11.

by the civilian leadership.”⁶ Finally, this relationship then evolved in such a way that “the military’s relationship with the government has been determined by its formal structural ties to the executive branch and through informal channels.”⁷ The relationship between the military and the government is examined considering two factors: the reduction in the proportion of the federal budget allocated to the military, and the size of the military per capita.⁸

Introduction

Having given the historical background of the civil-military relationship in Mexican history, this paper will now consider the historical period from Felipe Calderón Hinojosa’s presidency (2006-present) in Mexico. According to journalist Rafael Rodríguez Castañeda “in the first decade of the XXI century, the military has recovered its political position and has helped parallel the power without uniform [civil power].”⁹ This paper will argue that there has been an unprecedented militarization of the Mexican government under the current presidency of Felipe Calderón Hinojosa. Furthermore, military infringement upon civil control in Mexico

⁶ Roderic Ai Camp, *Politics in Mexico: The Democratic Transformation*. 4th ed. (New York: Oxford University Press, 2003), 133.

⁷ Roderic Ai Camp, *Politics in Mexico: The Decline of Authoritarianism*. 3rd ed. (New York: Oxford University Press, 1999), 131.

⁸ Ibid.

⁹ Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 11.

has existed since 2006 and continues to exist.

This essay will first explore the United States’ strong military influence over the Mexican Armed Forces during Felipe Calderón Hinojosa’s presidency. Secondly, it will discuss the use of the military as a substitute to a failing presidential legitimacy. Thirdly, it will examine how the military has committed multiple abuses of civilians’ human rights under the protection of the ‘fuero militar’. Finally, it will explore the Mexican government’s decision to use the military as the only possible solution to intervene and eliminate drug cartels.

The U.S. military influence over the Mexican Armed Forces

The U.S. military influence over the Mexican Armed Forces has been very controversial. On the one hand, as Daniel C. Levy and Kathleen Bruhn argue, Mexico has benefitted from a larger “acceptance of greater U.S. involvement in antidrug efforts.”¹⁰ On the other hand, “the Mexican government offends and outrages defenders of the old ‘sovereignty’ line.”¹¹ This means that Mexican citizens do not want the U.S. military to interfere in Mexican domestic affairs. These conflicting views create a complicated scenario, as Daniel O’Riordan points out in his thesis *Regional Security Complex Theory and U.S.-Mexico Security Policy Integration in Post-9/11 North America*, ex-president Fox’s efforts on the security

¹⁰ Daniel C. Levy and Kathleen Bruhn, *Mexico. The Struggle for Democratic Development* (Berkeley: The University of California Press, 2001), 221.

¹¹ Ibid.

perimeter issue lacked the support of public opinion and Congress.¹² Therefore Fox made the decision to withdraw his support publicly from this United States initiative.¹³ At the time, this decision had serious repercussions due to the fact that the “U.S. administration chose to work within Mexico’s military establishment rather than directly with the president.”¹⁴ Daniel O’Riordan goes even further, to argue that “[w]hen the U.S. encountered Mexican public opinion obstacles to their security agenda, it turned to the Mexican Armed Forces.”¹⁵ As a result, ties between the United States Government and the Mexican Armed Forces were strengthened, thereby excluding and undermining the civilian Mexican Government. This closer connection took place during Fox’s presidency, yet as will be seen, the increase in U.S. military influence over the Mexican Armed Forces dates back to President Ernesto Zedillo’s presidential period (1994-2000).

In a classified memo sent by *Chargé d’Affaires* John Feeley from the American embassy in Mexico City to the Secretary of State in Washington D.C., Feeley stated that “[s]ince 1996, the U.S. Embassy Mexico City has maintained an electronic database of all Mexican military [personnel] trained with

U.S. funds.”¹⁶ This indicates an increased interest by the United States Government in training of the Mexican military with U.S. funds since Ernesto Zedillo’s presidency. In addition, information provided in the same memo indicates that in the year 1996, 440 Mexican military personnel were trained by the U.S. military.¹⁷ This suggests that there has been a strong U.S. military training for the Mexican Armed Forces since Ernesto Zedillo’s presidency from 1994 to 2000. The strong military focus continued through Vicente Fox’s presidency from 2000 to 2006 and carries on even more strongly than before during Felipe Calderón’s presidency from 2006 to the present. In the year 2009, 517 Mexican military personnel were trained in the United States compared to 184 in 2006.¹⁸ In fact, Feeley adds that nearly 5, 000 Mexican military personnel, including members of Mexico’s Special Forces (GAFE’s in Spanish) have been trained by the United States Government (USG).¹⁹ Furthermore, only from “1996-1998, the U.S. provided unit-specific training to 422 [Mexico’s Special Forces] GAFE’s.”²⁰ These numbers are extremely significant because they illustrate the extent of the U.S. military training presence in the Mexican Armed Forces. This U.S. military training of the

¹² Daniel O’Riordan, *Regional Security Complex Theory and U.S.-Mexico Security Policy Integration in Post-9/11 North America*. MA thesis. University of Alberta, 2011 (Edmonton: University of Alberta Libraries, 2011), 39.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid., 40.

¹⁶ John Feeley, *Setting the record straight on Zetas and U.S. military training*. Secret Classified Cable for the Secretary of State, August 21, 2009. <http://www.wikileaks.ch/cable/2009/08/09MEXICO2473.html> (accessed March 16, 2011).

¹⁷ Ibid., 2.

¹⁸ Ibid.

¹⁹ Ibid., 1.

²⁰ Ibid., 2.

Mexican Armed Forces has multiple training objectives such as equipment use, operation tactics and shooting training as well.

The Mexican Armed Forces have not only been trained in the United States, but also within Mexico by the U.S. military. In a classified memo sent by John Feeley from the American embassy in Mexico City to the Secretary of State in Washington D.C., he asserts that “the training in Mexico by U.S. personnel involves subject matter exchanges, seminars, conferences, and mobile training teams.”²¹ Meanwhile, “the training conducted in the U.S. normally is individual-level training, although some tactical-level training includes special forces training.”²² The diverse training exercises taking place in the United States and within Mexico portray the close relationship that exists between the U.S. military personnel and the Mexican Armed Forces that train along side them. Furthermore, professor and journalist Andrew Kennis states that most of the military training of Mexican soldiers and commanders has taken place at the well-known School of the Americas located in Fort Benning, Georgia.²³ The issue with undertaking training at this school is that the name *School of Americas* became associated

with the discovery of manuals used to instruct students on torture methods amongst other ‘counterinsurgency tactics.’²⁴ In addition, lawyer and criminologist S. Brian Wilson argues that the SOA “trained 600 Mexican military officers from 1946-1994. That number, however, was virtually matched the following year alone, when 500 military and policemen from Mexico took ‘drug training’ studies at the SOA.”²⁵ Not only did the methods of training used increase, but also the number of Mexican Armed Forces personnel that participated in training increased exponentially compared to the period from 1946 to 1994. In fact, another important source of U.S. training is the JFK Special Warfare Center, located in Fort Bragg, North Carolina. “In 1998, 157 of the 172 students that were trained there were from Mexico.”²⁶ This example is extremely relevant as it proves the close connection between the Mexican Armed Forces and the U.S.

²¹ Ibid.

²² Ibid.

²³ Andrew Kennis, *Ten Years Later, It’s Time to Recognize the U.S. Government’s Responsibility for Acatel: for Survivors, Bitter Memories Worsened by Lingering Impunity and Continued Oversight of U.S. Role in Massacre*. The Narco News Bulletin, December 30, 2007.

<http://www.narconews.com/Issue48/article2948.html> (accessed March 26, 2011).

²⁴ Ibid.

²⁵ S. Brian Wilson, qtd. in Andrew Kennis, *Ten Years Later, It’s Time to Recognize the U.S. Government’s Responsibility for Acatel: for Survivors, Bitter Memories Worsened by Lingering Impunity and Continued Oversight of U.S. Role in Massacre*. The Narco News Bulletin, December 30, 2007.

<http://www.narconews.com/Issue48/article2948.html> (accessed March 26, 2011)

²⁶ Andrew Kennis, *Ten Years Later, It’s Time to Recognize the U.S. Government’s Responsibility for Acatel: for Survivors, Bitter Memories Worsened by Lingering Impunity and Continued Oversight of U.S. Role in Massacre*. The Narco News Bulletin, December 30, 2007.

<http://www.narconews.com/Issue48/article2948.html> (accessed March 26, 2011).

military. On the whole, the horrendous brutality that will be analyzed further on under the violation of human rights section of this essay, has a possible strong connection to the training methods undertaken by the Mexican Armed Forces in these schools.

There is another serious downside to the U.S. military training of the Mexican Armed Forces. When the Armed Forces come back highly trained to Mexico, there are a high number of defectors and these defectors later join drug cartels. Journalist Anabel Hernández observes that at the beginning of *Los Zetas*, this drug cartel was made up principally of highly trained ex-members of the Mexican Army. Some of them belonged to the Elite Special Forces (GAFE's in Spanish).²⁷ Researcher Luis Astorga of the UNAM Institute of Social Research says, "in practice, the Mexican state is training hired assassins."²⁸ This example reveals that the U.S. military influence over the Mexican Armed Forces sometimes can be more detrimental than helpful in the fight against drug cartels.

In brief, the previous analysis depicts that the U.S. military's influence over the Mexican Armed Forces started even before Felipe Calderón was running for president. The large increase in U.S. military influence over the Mexican Armed Forces started during the presidency of Ernesto Zedillo (1994-

2000) but increased significantly during Felipe Calderón Hinojosa's presidency. Additionally, due to a failure by the United States Government and the Mexican Government policies in training military personnel, highly trained Special Forces members can be part of extremely dangerous drug-cartels such as *Los Zetas*. Finally, although there are two conflicting points of view in the participation of the U.S. military training of the Mexican Armed Forces, as Levy and Bruhn stated, there has been an increased participation of the U.S. military in the Mexican Armed Forces beginning under ex-president Zedillo and increasing substantially under the current presidency of Felipe Calderón Hinojosa.

The use of the military as a substitute to a failing presidential legitimacy

Felipe Calderón Hinojosa won the presidential race to become Mexico's 56th president in one of the closest national democratic elections ever held in Mexico.²⁹ Professor Lawson points out that, "Calderón edged out leftist candidate Andrés Manuel López Obrador by less than 0.6 percent of the 42 million ballots cast."³⁰ These figures illustrate how close the national election was and also how difficult the political environment was towards the final decision of who was going to become the next president. From the beginning of the presidential campaign Calderón

²⁷ Anabel Hernández, *Los Señores del Narco* (México, D.F.: Grijalbo, 2010), 399.

²⁸ Luis Astorga, qtd. in Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 49.

²⁹ Jorge I. Domínguez, Chappell Lawson, and Alejandro Moreno, eds, *Consolidating Mexico's Democracy. The 2006 Presidential Campaign in Comparative Perspective* (Baltimore: The Johns Hopkins University Press, 2009), 1.

³⁰ *Ibid.*

was not the favorite to win his party's nomination, and he lagged behind López Obrador by 5-10 percentage points for most of the race.³¹ With such a narrow difference behind the race, it was highly probable that he was not going to win, and yet he won - this demonstrates the complexity of the election. There was no argument to be made. On July 2, 2006, "a narrow plurality of Mexican voters chose Felipe Calderón as their next president."³² Due to the close presidential race that occurred during these elections, López Obrador "demanded that the Electoral Tribunal of the Federal Judicial Branch (TEPJF) order a ballot-by-ballot recount."³³ López Obrador was generally dissatisfied with Calderón's victory and tried to point out the various irregularities that occurred before and during election day. Later on, as part of his plan to put pressure on the TEPJF, he announced a "national campaign of civic resistance that included the blockade of one of Mexico City's main boulevards and an occupation of the Zócalo, the public plaza facing Mexico's National Palace."³⁴ At the end of this turmoil, Calderón was president - elect with "36.7 percent of the valid vote, compared with López Obrador's 36.1 percent."³⁵ After this extremely complicated election and constant claims from López Obrador on the illegitimacy of Calderón's election as the 56th president of Mexico, Calderón came

to power at a very tense and complex political era.

It is extremely important to notice Calderón's close relationship with the United States government even before the final results announcing his presidency were released. In a confidential memo sent by ex-ambassador of the United States to Mexico, Antonio Garza, from the American embassy in Mexico City to the Secretary of State in Washington D.C it was said that, "Calderón will have virtually no 'honeymoon', and will need strong support from the United States Government to reinforce his agenda and leadership."³⁶ Garza was advocating for stronger and closer participation with the United States Government with the not yet elected and uncertain victory of Calderón. Interestingly and highly important is the fact that ex-ambassador Antonio Garza stated in the same memo that "I [Antonio Garza] have already met with him twice during the past several weeks to convey our support, should his election be confirmed, as now appears inevitable."³⁷ First of all, this exemplifies the close connection that Calderón had from the beginning with the United States Government and secondly, during that period of time when the memo was sent, the election did not appear inevitable as a result of the narrow victory with which Calderón won the presidency. Furthermore, this

³¹ Ibid.

³² Ibid.

³³ Stephen Haber, Herbert S. Klein, Noel Maurer, and Kevin J. Middlebrook, *Mexico since 1980* (New York: Cambridge University Press, 2008), 159.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Antonio Garza, *Strengthening Calderon's weak hand*. Confidential Classified Cable for the Secretary of State, September 1, 2006. <http://www.wikileaks.ch/cable/2006/09/06MEXICO4937.html> (accessed March 17, 2011).

³⁷ Ibid.

evidence shows that the United States Government was supporting Calderón's presidency even when his final election was not yet clear. On the same note, Garza went even further arguing "Calderon will come into office December 1 in the weakest possible situation politically."³⁸ Therefore he announced through the same memo that "we [the United States] risk stagnation on our highest-profile issues unless we can send a strong signal of support to prompt the Calderón team into a vigorous transition, and reinforce Calderón's agenda and leadership."³⁹ This last statement confirmed all of the above: that Calderón received strong support from the United States Government, even before his final election was announced; he was already working closely with Antonio Garza and the United States Government to improve his political clout in Mexico.

Felipe Calderón Hinojosa, after being president-elect in the turmoil aforementioned, desperately needed a way of strengthening his political image and legitimacy as Mexican president. As Rafael Rodríguez Castañeda argues, "after the election of 2006, and with the intention of strengthening his image at any cost after his questioned triumph, Felipe Calderón Hinojosa made organized crime the flagship of his six-year presidency."⁴⁰ In the unusually challenging political climate, Calderón desperately needed a platform, which

would strengthen his image and at the same time gain legitimacy once he assumed power. In order to gain this legitimacy, he decided to support the fight against organized crime and strengthen public security. Furthermore, Antonio Garza argued that not only did he have to fight against all the aforementioned problems, but also that "his razor-thin mandate had been eroded by AMLO's harassment, by perceived insults from his party's leadership, and by the cold shoulder offered by President Fox."⁴¹ In another confidential memo sent from the American Embassy in Mexico City by ex-ambassador Antonio Garza to the Secretary of State in the United States, he argued, "Calderón said his number one item on his agenda was to enforce the rule of law and make Mexico a safer country."⁴² This is later confirmed by Calderón's physical appearance dressed up with the uniform of the supreme commander of the Mexican Armed Forces in the military camp in Apatzingán, Michoacán.⁴³ From the

³⁸ Ibid., 2.

³⁹ Ibid.

⁴⁰ Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 11.

⁴¹ Antonio Garza, *Strengthening Calderon's weak hand*. Confidential Classified Cable for the Secretary of State, September 1, 2006. <http://www.wikileaks.ch/cable/2006/09/06MEXICO4937.html> (accessed March 17, 2011).

⁴² Antonio Garza, "I'm going to win" PAN candidate Felipe Calderon tells ambassador. Confidential Classified Cable for the Secretary of State, January 18, 2006. <http://www.wikileaks.ch/cable/2006/01/06MEXICO255.html> (accessed March 17, 2011).

⁴³ Daniel Lizárraga, and Francisco Castellanos, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez

beginning of Calderón's presidency, President Calderón showed that he was coming to power to make a change and at the same time to be an active president in Mexico. From his physical appearance to his many communications with the U.S. ambassador to Mexico, in addition to the narrow victory that Calderón had, he decided to rule with a strong mandate and a strong hand as well.

On the other hand, Calderón's use of the military as a substitute to a failing presidential legitimacy was planned all along his election campaign and after he was president-elect, it became official. In a confidential memo sent from the American Embassy in Mexico City by ex-ambassador Antonio Garza to the Secretary of State in the United States, Garza asserted that "Calderón and his team were interested in and apparently previously unaware of both USAID programs and law enforcement initiatives between the U.S. and Mexico."⁴⁴ Garza also included in the same memo that "Calderón demonstrated once again that he shared our point of view on everything ranging from migration to competitiveness to border security."⁴⁵ This information reveals that even before Calderón became president-elect, he was willing not only to work very close to the United States, but also willing to resort to the

military in order to make Mexico a safer country. Additionally, as analyst Bahney and political scientist Schaefer from RAND Corporation establish, there is no doubt that President Felipe Calderón "has made the war against the drug cartels the centerpiece policy of his six-year term, putting federal police and the military at the forefront of the battle until state and local police forces are reformed."⁴⁶ This decision, as previously stated, was made because he assumed power in a very weak electoral climate; therefore he needed to show a strong hand by allying with the military and at the same time creating legitimacy through the public security agenda to keep support from the people that voted for him, and gain support from the ones that did not.

In summary, the evidence shows that the United States supported Felipe Calderón's government even before he was finally elected president. Calderón at the same time worked closely with the United States Government and agreed on their programs ranging from migration to border security. This illustrates the close relationship existent between the United States Government and Calderón's presidency since the beginning. Additionally, Calderón won the presidency with a very narrow margin; therefore he needed to gain legitimacy and strengthen his own image. Furthermore, Calderón had to face other problems such as blockades created by Andrés Manuel López

Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 17.

⁴⁴ Antonio Garza, "I'm going to win" *PAN candidate Felipe Calderon tells ambassador*. Confidential Classified Cable for the Secretary of State, January 18, 2006. <http://www.wikileaks.ch/cable/2006/01/06MEXICO255.html> (accessed March 17, 2011)

⁴⁵ Ibid.

⁴⁶ Benjamin Bahney, and Agnes Gereben Schaefer, *Assessing Mexico's Narco – Violence*. RAND Corporation. RAND Corporation. September 17, 2010. <http://www.rand.org/commentary/2009/05/14/SDUT.html> (accessed March 16, 2011).

Obrador, as well as the cold shoulder of ex-president Fox and perceived insults from his party's leadership. The perfect reason to gain legitimacy, to strengthen his own image and counteract all of the aforementioned issues was to work closely together with the Mexican Armed Forces to strengthen public security and eliminate drug cartels.

The use of “fuero militar” to abuse civilians’ human rights

The use of “fuero militar” or “fuero de guerra” by the Mexican Armed Forces was used to deprive civilians’ of their human rights as the military was under the protection of this military code. This is another way of showing increased militarization of the Mexican Government. The Mexican Constitution (as of 2009) under Article 13 stipulates that:

The power of court martial for crimes and actions against military discipline exists, but in no case will military tribunals extend their jurisdiction to persons who do not belong to the armed forces. When a crime or action against military discipline has affected a civilian, the corresponding civil authority will be notified.⁴⁷

The “fuero militar” which is protected under Article 13 of the Constitution, basically means that the military has a separate jurisdiction of adjudication. In other words, the military will try the military itself, and the civil courts do not

⁴⁷ Don Mabry, Historical text archive, *Mexican Constitution as of 2009*. Trans. Ron Pamachena. January 1, 2009. <http://historicaltextarchive.com/sections.php?action=read&artid=93> (accessed April 4, 2011).

participate within their jurisdiction. What this means, is that under Article 13, the “fuero militar” is protected by the Constitution; therefore not only does the military have a separate jurisdiction of adjudication separated from the civil courts, but also the entire process of “fuero militar” is protected under the Mexican Constitution. This essay explains that there has been a persistent abuse of human rights by the Mexican Armed Forces of the civilian population by use of physical force. This argument is made using the Universal Declaration of Human Rights signed on December 10, 1948 as a parameter to demonstrate this abuse.⁴⁸

Based on Article 3 of the Universal Declaration of Human Rights which stipulates “everyone has the right to life, liberty and security of person”⁴⁹ there is extensive information to prove that this is no longer the case in Mexico. BBC News Latin America and the Caribbean said that “a total of 34, 612 people have died in drug-related violence in Mexico over the past four years”⁵⁰ on 13 January 2011. Out of these deaths, 30 913 have been execution-style killings.⁵¹ In addition to this number, there are other deaths such

⁴⁸ United Nations. Documents, *The Universal Declaration of Human Rights*, January 1, 2011. <http://www.un.org/en/documents/udhr/> (accessed March 15, 2011).

⁴⁹ Ibid.

⁵⁰ BBC News Latin America and Caribbean, *Mexico updated four years of drug war deaths to 34, 612*. BBC mobile, January 13, 2011. <http://www.bbc.co.uk/news/world-latin-america-12177875> (accessed February 13, 2011).

⁵¹ Ibid.

as rival gang clashes and clashes with security forces. This death toll clearly demonstrates that the right to life and liberty has been violated. Renowned poet Javier Sicilia, after having recently lost his son killed by drug-traffickers said, "Mexico does not want to live under this stupid war any more."⁵² Furthermore, the violation of the right to life, liberty and security of the person are well known nationally and internationally, but even though "Calderón accepts that civilians uninvolved in the drug war are also dying, he rejects growing [national] demands for a change of strategy."⁵³ This is extremely important as innocent civilians die, but the drug wars problems are not resolved and continue to exist.

In general, the 'drug wars' have produced a high death toll in Mexico, but more important is the abuse of the Mexican Armed Forces over the civilian population. The Human Rights National Commission of President Calderón's presidency has received "4,944 complaints for violations of human rights in the last four years; amongst these are murders, tortures and forced disappearances"⁵⁴ all associated with the Mexican Armed Forces. Although the abuse of human rights is not a direct strategy of the 'drug wars', the serious numbers of these complaints illustrate the abuses of the Mexican Armed

⁵² Jo Tuckman, *Mexico drug war: corpses found in Tamaulipas mass grave identified*. *Guardian UK*. Guardian UK, April 8, 2011. <http://www.guardian.co.uk/world/2011/apr/08/mexico-drug-war-tamaulipas-mass-grave-bodies> (accessed April 10, 2011).

⁵³ Ibid.

⁵⁴ Jorge Carrasco Araizaga, *La simulación castrense*. *Proceso*. February 13, 2011, 21.

Forces that have been part and parcel in these 'drug wars'. Researcher Luis Astorga from UNAM's Institute of Social Research maintains "that another of the risks in Calderón's strategy has not only to do with the violation of human rights, but with Mexican Armed Forces defectors that join criminal organizations."⁵⁵ Additionally, Parametria pollster found in the year 2006 that "between 61 per cent to 65 per cent of the people consulted related the military with rape, torture and forced disappearances; more than half - between 54 per cent and 56 per cent - assumes that committing these crimes is 'more frequent than before.'⁵⁶ Not only have there been abuse on the military's part, but this pollster also indicates that they are more frequent than before. This explanation denotes that Article 5 of the Universal Declaration of Human Rights that stipulates, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"⁵⁷ has been violated. This essay will provide specific examples to show this violation.

Writer Carlos Montemayor asserts that, "torture and forced disappearances have become the common features of the search for information that the

⁵⁵ Luis Astorga, qtd. in Rafael Rodríguez Castañeda. *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 48.

⁵⁶ Erubiel Tirado, *El objetivo: control de daños*. *Proceso*. February 13, 2011, 27.

⁵⁷ United Nations. Documents, *The Universal Declaration of Human Rights*, January 1, 2011. <http://www.un.org/en/documents/udhr/> (accessed March 15, 2011).

intelligence services [related to the Mexican military] have not been able to gather through other means.”⁵⁸ This statement by Montemayor can be seen in the case put forward on human rights abuses by Human Rights Watch organization. On 1 May 2007, soldiers arbitrarily detained 36 civilians, four of whom were minors, on the military base of the 21st Military Zone for a period of 84 hours.⁵⁹ These people were beaten, tied, gagged their faces covered with plastic bags and two women who were minors were raped; all of these crimes of abuse were carried out to obtain information on their supposed links with armed groups and drug cartels.⁶⁰ Two years after this case, there was still a military investigation to find the soldiers responsible for this abuse.⁶¹ Furthermore, on 7 May 2007, a group of soldiers from the 51st Infantry Battalion belonging to the mixed operations base ‘Tierra Caliente’ detained 6 men, 1 woman and 1 minor. None of these detainees had participated in any armed confrontation.⁶² The soldiers then took

these detainees to the 43rd Military Zone where they tortured four of them, including the minor; the torture included hitting, kicking and the use of plastic bags to cover their heads, while they were interrogated.⁶³ No connection was found between these detainees and the armed groups or drug cartels. The military investigation by the National Defense Secretariat (SEDENA) was closed and SEDENA kept the administrative investigation in its archives arguing that, “the available evidence does not show if the military authorities investigated the detention [of 6 men, 1 woman and 1 minor], the allegation of torture or both.”⁶⁴ In general, these examples have served to illustrate the apathy and power that the military holds under the protection of “fuero militar”, under which they try their own members of the military, and where transparency and information available to the public is minimal. Furthermore, Human Rights Watch argues in this previous report that overall “the report documents 17 cases of brutal crimes committed by the military against 70 victims, including several cases of 2007 and 2008.”⁶⁵ This data presents the extent of the impunity under which the military has been acting since the ‘drug wars’ started in 2006. Added on to this, Human Rights Watch argues that:

None of the military investigations on these cases have concluded with a penitentiary sentence, for the commission of violations of human rights, not even of one soldier. The only case that was concluded was the penitentiary sentence of four soldiers that were

⁵⁸ Carlos Montemayor, qtd. in Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 65.

⁵⁹ Human Rights Watch, *Impunidad Uniformada: Uso indebido de la justicia militar en México para investigar abusos cometidos durante operativos contra el narcotráfico y de seguridad pública*. Mexico, April 29, 2009. <http://www.hrw.org/en/reports/2009/04/28/impunidad-uniformada> (accessed March 1, 2011).

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid., 50.

⁶³ Ibid.

⁶⁴ Ibid., 51.

⁶⁵ Ibid., 86.

*investigated and judged by civil authorities.*⁶⁶

This statement shows the extent of freedom that the military has in Mexico during the “drug wars” fight, proving that the military supported by Calderón’s government from the beginning has been able to protect their soldiers and the human rights abuses through the use of “fuero militar.”⁶⁷ Human Rights Watch, the American Convention of Human Rights (CADH in Spanish), the Inter-American Court, and the International Pact of Civil and Political Rights (PIDCP in Spanish) have claimed there is abuse of human rights committed by the Mexican military.⁶⁸ This shows that the benefit of the doubt is being used in this situation, where it becomes accepted to have these many deaths and where explanations are not asked for. This is in line with Calderón’s policy of following the original ‘drug wars’ plan, “no matter how many human lives it costs.”⁶⁹

⁶⁶ Ibid.

⁶⁷ Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 59.

⁶⁸ Human Rights Watch, *Impunidad Uniformada: Uso indebido de la justicia militar en México para investigar abusos cometidos durante operativos contra el narcotráfico y de seguridad pública*. Mexico, April 29, 2009. <http://www.hrw.org/en/reports/2009/04/28/impunidad-uniformada> (accessed March 1, 2011), 83-84.

⁶⁹ Jorge Carrasco Araizaga, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 21.

In summary, the drug wars have left more than 35, 000 dead, but the military has been generally protected under the “fuero militar” and the previously mentioned cases of human rights abuse have generally not been followed, or if followed, not many of them have been concluded with a penitentiary sentence for the soldiers responsible. Overall, many NGO’s have raised awareness on the human rights abuses, but the Government of Mexico seems to be acting giving the benefit of the doubt to the army, where the number of deaths are accepted as part of the strategy and the ‘drug wars’ plan goes ahead.

The government’s decision to call the military as the only possible solution to intervene and eliminate the drug cartels

Since Felipe Calderón Hinojosa assumed power as president in 2006, he made it very clear from the beginning by “wearing the military uniform of supreme commander of the Mexican Armed Forces”⁷⁰ that he was going to strengthen the military presence in Mexico to eliminate the drug cartels. The militarization of the Mexican government was symbolic as well as constitutional. In a classified memo sent on October 28th, 2009 from the American Embassy in Mexico by *Chargé d’Affaires* John Feeley to the Secretary of State in Washington D.C, he said that “Defense Secretary Galván recently raised the

⁷⁰ Daniel Lizárraga, and Francisco Castellanos, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 17.

possibility of invoking Article 29 of the Constitution to declare a state of exception in certain areas of the country.”⁷¹ What this statement means is that the military will have more solid legal grounds to fight the domestic ‘drug wars’. Another source, *El Milenio* newspaper published on March 24th, 2010, said “the Senate approved under the subject of constitutional reform of human rights, amongst others, the modification of article 29 under the subject of suspending individual guarantees.”⁷² It is interesting that a year after John Feeley sent a confidential memo to the United States of the possible change in this article of the Constitution the change was approved. The change in this article clearly stipulated “in cases of invasion, serious perturbation of the public peace or any other case that will put society under great danger or conflict, the President could ‘restrict’ or suspend the exercise of rights in the entire country or a determined place.”⁷³ This allows for greater liberty on the side of the executive to call the armed forces at any time they see fit, and once the guarantees have been removed then the military has the right to do whatever it takes to get the situation under control. Based on the previous discussion on the

⁷¹ John Feeley, *Mexico: Article 29 ‘State of Exception’*. Secret Classified Cable for the Secretary of State, October 28, 2009. <http://www.wikileaks.ch/cable/2009/10/09MEXICO3101.html> (accessed March 16, 2011)

⁷² Angélica Mercado, *En el Senado respaldan la suspensión de garantías*. *Milenio*. March 24, 2010.

<http://www.milenio.com/node/408164> (accessed March 14, 2011).

⁷³ *Ibid.*

protection of the military under the “fuero militar,” the modification of article 29 gives the military even further liberty to act as it sees fit, by being protected under the Constitution.

There is another very important case of action against the Constitution in Calderón’s government. Xavier Olea Muñoz, ex-provisional governor of Guerrero says, “the movement of federal forces to any state, requires an official form signed by the governor, sanctioned by the state Congress, but in none of the operatives has this been done.”⁷⁴ Not following this proper constitutional process is a clear violation of state sovereignty. This latter example, together with the “fuero militar” and the modification of article 29 shows the power that the Mexican Armed Forces have gained to act within the Mexican territory as they see fit under the banner of combating the drug cartels.

Since 2006, the repressive state organization has been increasing; this can be seen through the increase in budget for the Army, Navy and Federal Police. The salaries of each soldier went up “from 2.0 minimum salaries to almost 3.5 minimum salaries.”⁷⁵ This more specifically means that soldiers’ salaries increased from 3865 pesos to 4600 pesos per month.⁷⁶ In the special case of the Navy, their salary of 3897 pesos was also increased proportionately to

⁷⁴ Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 28.

⁷⁵ *Ibid.*, 24.

⁷⁶ *Ibid.*

the aforementioned salaries.⁷⁷ Overall, the Army budget increased by 16.9 per cent, while the Navy budget increased by 13.9 per cent.⁷⁸ The militarization of the Mexican government occurred within the last decade, as the World Bank figures indicate. There has been a “50.5 per cent increase in military personnel in the last decade.”⁷⁹ This indicates that the militarization of the Mexican government did not start exactly in Calderón’s presidency, but it has been constantly increasing since 1995. On the other hand, what makes Calderón’s term special in this respect is that during his presidency, there has been a major strengthening of the militarization of the Mexican government. The newspaper *Vanguardia* indicates that in 1995, there were 189 000 military personnel, where as in 2008, there were 283 000 military personnel.⁸⁰ There is no doubt that even though the number of military personnel and military spending increased over a period of a decade, the largest increase in military spending has been during Felipe Calderón Hinojosa’s presidency. The World Bank indicated that in 2007 Mexico “imported military equipment with a value of 68 million dollars, [which means] an increase of 61 per cent

⁷⁷ Ibid.

⁷⁸ Jorge Carrasco Araizaga, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 23.

⁷⁹ *Vanguardia* newspaper, “Tiene México 280 mil soldados: Banco Mundial”. *Vanguardia*, April 13, 2008. <http://www.vanguardia.com.mx/XStatic/vanguardia/template/content.aspx?se=nota&id=150939> (accessed February 11, 2011).

⁸⁰ Ibid.

compared to the last decade”⁸¹. The military spending of Mexico is equal to “0.6 per cent of the GDP, and it has been kept constant over the last years with few fluctuations.”⁸² This clearly indicates that the military is spending - not only on military equipment, but also on the number of military personnel and their salaries. This has all happened since Calderón took power in 2006. Finally, he also militarized other agencies. In December 13th, 2006 he announced the transfer of “10 thousand soldiers and marines – 7500 to the Military Police and 2500 from the Navy to the Federal Police.”⁸³

Calderón has been the first president since the civilians took power to wear the military uniform. Reporters Daniel Lizárraga and Francisco Castellanos state, “since the civil power came to be, Felipe Calderón has been the first executive head to wear the military uniform and wear the five stars that come with his position.”⁸⁴ By

⁸¹ Roberto A. González, *El gobierno mexicano elevó 50.5% su personal militar en una década: BM. La Jornada*. April 13, 2008. <http://www.jornada.unam.mx/2008/04/13/index.php?section=politica&article=017n1pol> (accessed March 22, 2011).

⁸² Ibid.

⁸³ Jorge Carrasco Araizaga, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 20.

⁸⁴ Daniel Lizárraga, and Francisco Castellanos, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 18.

portraying this image, he made it very clear from the beginning that he intended to be an active and powerful president. This strong message sent through the use of the military uniform added onto his claim that “he will use military strength ‘no matter what the cost of human lives is,’”⁸⁵ illustrated what his presidency was going to be like.

Although Calderón wanted to show such a powerful image from the beginning, there are a couple of dangers in which Calderón could fall into, according to specialists. The first danger, according to Luis Astorga, is that the ‘drug wars’ could make Calderón fall “into a movement of power that was concentrated on the political class of the PRI authoritarian system with respect to the control of business towards the Mexican Armed Forces, that are institutions that are not transparent and without counterweights.”⁸⁶ This demonstrates what has been discussed throughout this essay; if there is no control of the Mexican Armed Forces and more space is created for them to operate under their own orders, this can create problems of control later on. On the other hand, Rafael Rodríguez Castañeda argues, “the Army has acquired more political weight.”⁸⁷ This larger and more powerful control of the

military has created a huge increase in doubts. On the whole, a larger militarization of the Mexican government can be seen through the increase in the number of personnel, their salaries, and the overall budget designated for the Army, besides opening spaces within the Constitution where the Mexican Armed Forces have more freedom to act under their own command.

Final Thoughts

The U.S. military’s influence over the Mexican Armed Forces has been controversial. As Levy and Bruhn show, there are two contending views. On the one side, higher and stronger U.S. military influence is encouraged; on the other side the defenders of the ‘old sovereignty line’ vouch for less influence on the part of the U.S. military. Part of the blame for the militarization of the Mexican government falls onto ex-president Vicente’s Fox decision of not participating closer with the United States, due to the fact that the United States decided to work more closely with the Mexican Armed Forces rather than with the civilian Mexican Government. Additionally, the U.S. military training of Mexican military personnel is helpful in some sectors, yet controversial in others. As Luis Astorga and further evidence show, many of the highly trained Elite Special Unit members that defect from the military joined highly dangerous drug cartels such as *Los Zetas*. Instead of creating a group of highly trained military personnel capable of combating the dangerous drug cartels, the training has been beneficial for creating *Los Zetas* members and affiliated hired assassins.

⁸⁵ Jorge Carrasco Araizaga, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 21.

⁸⁶ Rafael Rodríguez Castañeda, *Los Generales: La militarización del país en el sexenio de Felipe Calderón*. Ed. Rafael Rodríguez Castañeda. Mexico, D.F. (Editorial Planeta Mexicana, 2010), 50.

⁸⁷ Ibid.

The narrow plurality of Mexican voters that gave Calderón the presidency created a dire problem for his political image as well as his legitimacy because he won with a thin-line difference. Due to the turmoil during and even after elections, Calderón was enjoying 'no honeymoon' during his presidential period. He decided to fight organized crime and strengthen public security which was the focus of his agenda. This was going to give Calderón the presidential legitimacy desperately needed from the beginning. By allying with the Mexican Armed Forces, Calderón wanted to portray his presidency as very strong, indicating that he was going to be a very active president that was going to make Mexico a safer country. Additionally, Calderón's presidency had contact with the United States Government previous to the final announcement of his presidency, and his political agenda shared the views of the United States Government on issues ranging from migration to border security.

Throughout this essay, it has been demonstrated that there is evidence that the military has abused its power over the civilian human rights. This abuse was not accidental due to the fact that the legal protection of "fuero militar" exists, which protects the military from being judged in civil courts. The lack of transparency from the military towards other organizations has made

these human rights' abuses harder to prove. Although there have been investigations, Human Rights Watch argues that none of the military investigations on these cases have concluded with a penitentiary sentence, except for four soldiers but no officers that were investigated and judged by the civil authority. This demonstrates that the sanctions for the military are rather the exception than the norm. At the same time, human rights abuses are sometimes largely ignored, as there is a benefit of the doubt where the amount of deaths is rather accepted than questioned. Further, exacerbating the problem is the fact that the soldiers who physically commit these abuses are the ones tried, yet those in command remain immune to the sanctions they deserve, as they are the root cause of the problem.

Since the moment president-elect Felipe Calderón Hinojosa assumed power, he has been acting in alliance with the military. During his presidential period, he has been opening spaces for modifications of the Constitution such as article 29, alongside an increase in military personnel as well as an increase in military budget spending. The military recovery of a political position has not been an accident, but as demonstrated throughout this essay, it has been carried out with the support of the civil authority.

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