

# Transnational Criminal Organizations



## Mexico's Commercial Insurgency

Major Christopher Martinez, U.S. Army

**I**N THE PAST several years, U.S. government officials and journalists have compared the violence of transnational criminal organizations (TCOs) within Mexico to the terrorist tactics used by the Revolutionary Armed Forces of Colombia (FARC) and suggested that the TCOs are conducting an “insurgency.”

For example, in September 2010, Secretary of State Hillary Clinton stated, “We face an increasing threat from a well-organized network, a drug-trafficking threat that is, in some cases, morphing into or making common cause with what we would consider an insurgency, in Mexico and in Central America.”<sup>1</sup> She later added, “It’s looking more and more like Colombia did 20 years ago.”<sup>2</sup>

Yet, during the same month, *Los Angeles Times* writer Ken Ellingwood evaluated Mexican TCOs and the FARC against a subjective set of criteria and deduced that the TCOs were not conducting insurgencies, because they did not mirror the FARC within a defined set of criteria.<sup>3</sup>

Undoubtedly, both the politician and the journalist are quite knowledgeable in their area of expertise, yet they reached two different conclusions. That said, this article argues that when one evaluates Mexican TCOs using criteria that are commonly accepted in discerning an insurgency, the organizations emerge as commercial insurgent groups.

Although properly evaluating and defining a threat may not always be diplomatically popular, it is a crucial requirement. It enables countries and coalitions to align limited resources and elements of national power in an efficient manner to achieve predefined measures of effectiveness and ultimately defeat their adversaries. As the great military theorist Carl Von Clausewitz wrote,

Major Christopher Martinez is the senior military intelligence planner for the U.S. Southwest Regional Support team at Joint Task Force North, Fort Bliss, TX. In his current position, Major Martinez serves as an advisor and partner to federal, state, and local law enforcement agencies in Arizona and California. He holds a B.A. from the University of Delaware and an M.B.A. from Syracuse University. Previous assignments include deployments to Bosnia, Iraq, and Afghanistan.

PHOTO: Alliance ‘Urabeños’ and FARC, 28 January 2012. (GDA via AP Images)

## Report Documentation Page

*Form Approved*  
*OMB No. 0704-0188*

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE <b>OCT 2012</b>	2. REPORT TYPE	3. DATES COVERED <b>00-00-2012 to 00-00-2012</b>			
4. TITLE AND SUBTITLE <b>Transnational Criminal Organizations: Mexico's Commercial Insurgency</b>		5a. CONTRACT NUMBER			
		5b. GRANT NUMBER			
		5c. PROGRAM ELEMENT NUMBER			
6. AUTHOR(S)		5d. PROJECT NUMBER			
		5e. TASK NUMBER			
		5f. WORK UNIT NUMBER			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) <b>U.S. Army Combined Arms Center, Military Review, Truesdell Hall, 290 Stimson Ave., Unit 2, Fort Leavenworth, KS, 66027</b>		8. PERFORMING ORGANIZATION REPORT NUMBER			
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)			
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)			
12. DISTRIBUTION/AVAILABILITY STATEMENT <b>Approved for public release; distribution unlimited</b>					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT <b>unclassified</b>	b. ABSTRACT <b>unclassified</b>	c. THIS PAGE <b>unclassified</b>	<b>Same as Report (SAR)</b>	<b>5</b>	

The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish the kind of war on which they are embarking; neither mistaking it for, nor trying to turn it into, something that is alien to its nature. This is the first of all strategic questions and the most comprehensive.<sup>4</sup>

This maxim's utility endures. It is as critical today for a country or coalition to properly evaluate and define its adversary prior to developing a strategy to defeat it as it was in the 18th and 19th centuries. Failure to do so can lead to a flawed strategy and inefficient allocation of diplomatic, military, and economic power.

Latency on the part of government officials and military strategists further complicates matters. When evaluating a potential adversary, governments often respond too late to be effective in crises. For example, in 1994, 800,000 Rwandan

Tutsis were murdered by fellow Rwandans of the Hutu ethnic group. Eleven years later, Senator John McCain wrote, "The U.S. government, our allies, and the United Nations went to extraordinary and ridiculous lengths to avoid using the term genocide, aware that once genocide was acknowledged, they would have to act. The U.S. and its allies finally, after most of the killing was done, decided to intervene."<sup>5</sup>

Although insurgencies are the most widespread form of warfare today, the term "insurgency" is often avoided, or the true nature of the insurgency is not adequately evaluated or defined.<sup>6</sup> Furthermore, in using just the term "insurgency," without any further qualifications, politicians, military strategists, and members of the media often fail to describe the conflict in its full context. 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.<sup>7</sup> However,



MSGT Jerry Morrison, U.S. Air Force)

Secretary of State Hillary Clinton speaks with Secretary of Defense Robert M. Gates, left, and Chairman of the Joint Chiefs of Staff Navy ADM Mike Mullen during a Merida Initiative plenary meeting in Mexico City, 23 March 2010. The Merida Initiative is a security cooperation between the United States, Mexico, and countries of Central America that is aimed at combating drug-trafficking cartels and other security and criminal threats.

identifying the type of insurgency is as important as acknowledging that it exists.

Anarchist, egalitarian, traditionalist, and pluralist insurgencies are four different types of insurgencies that seek to supplant existing political systems, but their desired end states have subtly different nuances. Anarchists seek total disorder and deem any political authority illegitimate. Egalitarians desire a centrally controlled political system to ensure equitable distribution of resources and a drastically transformed social structure. For their part, traditionalists wish for a return to a golden age or a religious-based value system that crosses international boundaries. Finally, pluralists embrace Western values and aim to establish liberal democracies.<sup>8</sup>

On the other hand, secessionist, reformist, preservationist, and commercialist insurgencies do not seek total political power within their countries.<sup>9</sup> Secessionists seek to withdraw from their nation state to pursue an independent destiny or join a different state. Reformists aim to use violence to make changes within their current government to create a more equitable distribution of political and economic power. Preservationists use violence against anyone trying to make changes or institute reforms. Commercialists conduct acts of violence against their government for economic gain, unlike TCOs who prefer to circumvent the state to achieve a competitive advantage.<sup>10</sup>

A transnational criminal organization is defined as three or more persons, existing for a period of time and acting in concert, with the aim of committing one or more serious crimes or offenses in order to obtain, directly or indirectly, a financial or other material benefit.<sup>11</sup> Unlike insurgencies, modern TCOs prefer to bypass and avoid national and international law enforcement barriers in their respective industries. They favor gaining a competitive advantage without either negotiating with or conducting acts of violence against the state.<sup>12</sup> Acts of violence are normally internal, turf-based, and directed against rival TCOs to gain market share, prestige, or profits.<sup>13</sup>

Secretary Clinton and journalist Ellingwood used two different methods to evaluate the nature of the TCO threat. Neither technique was comprehensive. Clinton used the term “insurgency” but did not identify the type. Ellingwood failed to

understand that no two insurgencies are identical.<sup>14</sup> Furthermore, he also did not see that a movement can still be an insurgency even if all the elements of an insurgency are not present.<sup>15</sup> Today’s most commonly accepted criteria that define an insurgency, as listed in Army Field Manual 3-24, *Counterinsurgency*, are the approach used to advance the insurgency, the means and cause used to mobilize followers, and a set of elements or attributes common in insurgencies.<sup>16</sup>

**Approaches.** Insurgencies can use several types of approaches—conspiratorial, military-focused, urban, protracted popular war, and identified-focus. Initially, the FARC favored a military-focused approach by applying military force against the government. However, Mexican TCOs have favored an urban approach by using terrorist tactics such as intimidating and killing government, judicial, and law enforcement officials in urban areas to dissuade government security forces from interfering with their illicit trafficking in narcotics, weapons, bulk cash, or humans.<sup>17</sup> Traditionally, conventional TCOs are more passive in nature and try to evade law enforcement and judicial bodies. However, the provocative approach used by Mexican TCOs is analogous with that of an insurgency.

**Means and causes.** The FARC’s initial cause was egalitarianism. The organization sought to impose a centrally controlled political system to ensure a fair distribution of resources and a transformed social structure.<sup>18</sup> The FARC leveraged the public’s reaction to government abuses or mistakes as a means to mobilize the rural masses. However, as the FARC matured, its cause became acquiring money to sustain its narcotics trade.<sup>19</sup> Contrary to the FARC, since their inception, the primary cause of Mexican TCOs was monetary. However, Mexican TCOs do not aim to mobilize the general population because they are not seeking political control.

***...the provocative approach used by Mexican TCOs is analogous with that of an insurgency.***



(AP Photo/Alejandro Cossio)

A vendor sells the weekly *Zeta* magazine in the streets of Tijuana, Mexico. *Zeta* magazine has set a standard for aggressive coverage of Mexican drug traffickers and complicit government officials, 1 April 2011.

Instead, they seek to influence the four primary elements of national power—the economy, politics, the military, and the information media—to form an environment that enables an illicit trafficking industry to thrive and operate with impunity. They either bribe politicians to allow them to operate free of impediments, or use intimidation, assassination, and abduction against federal, state, and municipal security forces and obstructionist political figures.<sup>20</sup> Mexican TCOs intimidate or even murder members of the news industry as well as outspoken users of social media in an effort to shape and dictate headlines and stories. Such assertive measures directed toward a nation state are indicative of an insurgency, not of a conventional TCO.

**Elements of insurgency.** Insurgencies have the common elements of movement leaders, combatants, auxiliaries, a mass base, and a political cadre, although not all these elements need to be present.<sup>21</sup> All were at one time or another present within the FARC, but enumerating all the elements within Mexican TCOs is more challenging.

The movement leaders are the cartel heads that

provide the strategic direction. The combatants are affiliated gangs and enforcement arms that conduct targeted attacks against rival Mexican TCOs, government security forces, and political and judicial figures. Insurgent auxiliaries are active sympathizers who provide critical services or safe havens. In the case of Mexican TCOs, auxiliaries are the security force members and political and judicial figures that the TCOs pay to facilitate their illicit businesses. Within an insurgency, the mass base consists of the followers of the movement, the supporting populations recruited by the political cadre. However, Mexican TCOs are not organized to mobilize a population, they seek only to satisfy the demand of a mass base in the sense that they produce and supply a product the populace desires. Hence, the mass bases for Mexican TCOs are the drug users, i.e., the national and predominantly international consumers of the product. The recruiting tool to mobilize the base is intrinsic to the product, the illegal drug's addictive attributes. Hence, the need for a political cadre to recruit a mass base is marginal. Usually, political cadres provide guidance

and procedures for movement leaders to mobilize the population. They heed the grievances of the masses and provide solutions. However, with narcotics serving as the recruiting and mobilizing tool at the national and international level, Mexican TCOs do not need to have a large political cadre to recruit a mass base. Here we see, as previously noted, that the absence of an element, in this case political cadre, does not rule out identifying a Mexican TCO as conducting an insurgency.

Mexican TCOs are in fact commercial insurgencies designed to influence the elements of national power to seek economic gain from illicit drug trafficking, as opposed to circumventing the elements of national power or gaining political control of the nation.<sup>22</sup> By contrast, the FARC actually began as an egalitarian insurgency but later transitioned into a commercial insurgency when its end state shifted from a political to a monetary one.<sup>23</sup>

Describing potential insurgencies using the criteria presented in U.S. Army Field Manual 3-24 is a sound methodology, but some argue the criteria are subjective in nature and only define certain elements of the insurgency, not the insurgents' desired end state. Others insist that insurgency models based strictly on functional criteria are quite applicable when assessing and defining an insurgency. One such expert, Joel Midgal, argues that for a movement to be considered an insurgency, the insurgent organization must perform the following four functions—penetrate a society, regulate social relationships, extract resources, and apply those resources to identified group ends.<sup>24</sup>

When one applies Midgal's functional model, Mexican TCOs clearly form a commercial insurgency with the end state of influencing elements of national power to ensure that governments do not interfere with their illicit activities. Furthermore, even when evaluating Mexican TCOs against a structural model such as David Kilcullen's, the organizations are still global commercial insurgencies.<sup>25</sup> One weakness in defining Mexican TCOs as a commercial insurgency is that doing so casts too broad of a net. The Sinaloa, Gulf, Zeta, and Vicente Carrillo Fuentes cartels have different ways and means to influence Mexico's elements of national power, even though their overall goals and objectives align with one another.

As history has shown, counterinsurgencies become long wars when nations fail to recognize the onset of an insurgency or apply conventional tactics in fighting it.<sup>26</sup> They can avoid this trap if they develop a strategic plan that acknowledges TCOs for what they are, commercial insurgencies.

If the United States and Mexico do not acknowledge their adversaries as commercial insurgencies, strategic plans like "Plan Colombia" or the "Merida Initiative" risk failing due to inaptly designed campaign plans and poorly predefined measures of effectiveness to evaluate their execution. U.S. Secretary of State Hillary Clinton was the first political leader to describe the TCO threat in Mexico as an insurgency. Her evaluation was the closest to the truth among politicians and members of the media and should serve as a foundation for designing a bilateral and strategic plan to counter the adversary. **MR**

## NOTES

1. Tom A. Peter, "Mexico Denies Hillary Clinton's 'Insurgency' Comparison," *The Christian Science Monitor* (Terrorism and Security), 9 September 2010, online at <<http://csmonitor.com/world/terrorism-security/2010/0909/mexico-denies-hillary-clinton-s-insurgency-comparison>> (16 January 2012).

2. Ibid.

3. Ken Ellingwood, "Why Mexico is not the new Colombia When it Comes to Drug Cartels," *Los Angeles Times* (LAT, Collections, News), 25 September 2010, online at <<http://www.articles.latimes.com/2010/sep/25/world/la-fg-mexico-colombia-20100926>> (16 January 2010).

4. Carl Von Clausewitz, *On War*, trans. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1989), 88.

5. John McCain and Mark Salter, *Character is Destiny* (New York: The Random House Publishing Group, 2005), 50, 52.

6. David Kilcullen, *Counterinsurgency* (New York: Oxford University Press, Inc., 2010), xi.

7. Field Manual (FM) 3-24, *Counterinsurgency* (Washington, DC: U.S. Government Printing Office [GPO], 15 December 2006), 1-1.

8. FM 3-24 (Final Draft), *Counterinsurgency* (Washington, DC: GPO, 16 June 2006), 1-5.

9. Ibid.

10. Ibid.

11. The Library of Congress, Congressional Research Service, *Transnational Organized Crime: Principal Threats and U.S. Responses* (John R. Wagley, 20 March

2006), online at <<http://www.fas.org/sgp/crs/natsec/RL33335.pdf>> (29 January 2012).

12. Michael Rolston, *Globalization, Globalizing a Traditional Cottage Industry: International Criminal Organizations in a Global Economy* (2007), online at <<http://www.globalization.icaap.org/content/v6.1/rolston.html>> (29 January 2012).

13. Ibid.

14. FM 3-24, ix.

15. Ibid., 1-11 through 1-13.

16. Ibid., 1-5 through 1-13.

17. Ibid., 1-5, 1-6.

18. FM 3-24 (Final Draft), 1-5.

19. FMI 2-01.301, *Specific Tactics, Techniques and Procedures and Applications for Intelligence Preparation of the Battlefield* (Washington, DC: GPO, 31 March 2009), B-21.

20. FM 3-24, 1-8, 1-9.

21. Ibid., 1-11 through 1-13.

22. FM 3-24 (Final Draft), 1-5.

23. Levet Kiran, "A Different Fight: Narco-Commercialist Insurgencies in Mexico," *The Project on International Peace and Security*, Department of Government, The College of William and Mary, 2010, 1.

24. David Kilcullen, *Counterinsurgency* (New York: Oxford University Press, Inc., 2010), 150.

25. Ibid., 196-198.

26. FM 3-24, ix.