

**From the Barracks to the Precinct: Militaries as Police in Latin America**

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## **Chapter I**

### **Introduction**

For the past several decades, Latin America has been regarded as a relatively peaceful region in terms of interstate conflict. However, when looking at intrastate conflict and internal security, one sees a much different picture as Latin America suffers from incredibly high violent crime rates. The persistence of crime has led to a phenomenon in which militaries across the region have become more engaged in internal security matters and have assumed policing responsibilities. Interestingly, this trend is not indicative of military overreach or power consolidation. Rather, militaries are increasingly being called upon by civilian governments to engage in these public security tasks. Traditional police forces are viewed as incompetent, exhausted, or corrupt.

This broader use of militaries as police in Latin America is concerning for several reasons. Militaries are trained for war against other countries and enemies of the state, not for investigating crimes or patrolling neighborhoods. The use of militaries as police endangers human rights and could create more internal instability, worsening the issues they aim to rectify. This phenomenon is also concerning given the region's history of military dictatorships; as governments become more comfortable using militaries as police, they risk democratic backsliding that could stymie the region's political and economic development. Finally, given the region's proximity to the United States, there could be serious consequences for U.S. interests resulting from Latin American countries' use of militaries as police. Issues stemming from the use of militaries as police in Latin America could have dire impacts on the flow of goods, services, and people between the United States and Latin America and could have significant ramifications for U.S. security interests. Hence, it is crucial to understand how this trend is manifesting. This report looks at four important aspects of the use of militaries as police

in the region in an effort to shed light on this phenomenon and provide recommendations for policymakers. We find that this trend is widespread throughout the region. While the long-term implications of the militarization of police are not yet known, the trends indicate that things are getting worse rather than better.

With this in mind, our report begins with a discussion of the link between populism and the use of militaries as police in El Salvador, Brazil, and Mexico. The increase in the use of militaries as police has coincided with a global rise of populist leaders. As populism has emerged across the globe, it is important to understand how it is playing out in Latin America.. Many populists in Latin America identify rampant corruption and crime as reasons to usher in change. Are populists driving the use of militaries as police in Latin America? What efforts are they making to bring the military into policing roles? Second, we take a closer look at the new National Guard being implemented in Mexico. This has obvious importance for both Mexico and the United States. We look at how it is designed, the reasons for and goals of its existence, and the effects it may have on violence reduction and human rights. Next, we examine a new comprehensive security strategy being rolled out in Colombia. We explain how this strategy compares to previous policies in Colombia and how it will affect internal security and human rights. Finally, we assess the crisis unfolding in Venezuela and how the different elements of Venezuela's military and militias are involved, along with what their stakes and interests are in the situation. With each of these deep dives, we provide recommendations for both policymakers in the United States and in Latin America. we believe these recommendations can promote not just U.S. interests but those of the people of Latin America as well, so that democracy and civil liberties can be preserved and the region can become more peaceful.

## **Chapter II**

### **Populism and Civil-Military Relations**

By David Klabanoff

#### *El Salvador*

The latest Central American president to be elected was Nayib Bukele in El Salvador, which occurred on February 3<sup>rd</sup>.<sup>1</sup> Mr. Bukele is the first person to be elected to the presidency since 1990 that is not a current member of either Farabundo Marti National Front (FMLN) or Nationalist Republican Alliance (ARENA), the two major parties of the country.<sup>2</sup> While he is technically a member of a right-center Grand Alliance for National Unity Party (GANA), he only joined the GANA party just prior to the Presidential elections. He had previously been a member of FMLN during his elections to the position of mayor in both Nuevo Cuscatlán in 2012 and San Salvador in 2015. But Mr. Bukele was expelled from the FMLN in 2017 over accusation that he was promoting division within the FMLN, a charge that he did not counter at an internal party hearing. He instead accused the party apparatus of bias against him and believed that we would not receive a fair hearing, so he left the party.<sup>3</sup> Once he was no longer a member of one of the two major parties in El Salvador, he attempted to create a new party, Nuevas Ideas, as a support system for his election to the Presidency. The party was ruled invalid by the country's election commission in time for the election, which prompted his alliance with GANA.<sup>4</sup> Mr. Bukele won the election on the first round with 53% of the vote, which avoided a runoff round that would have allowed more time for the two traditional parties to consolidate behind a compromise against him.

Mr. Bukele's campaign was also notable for its use of social media. He made extensive use of Twitter and Facebook, including holding virtual campaign rallies and townhalls on the

platforms. Additionally, he refused to participate in any live debates with traditional party candidates, as he claimed those debates would be rigged against him and not a fair platform to actually debate ideas.<sup>5</sup> During the campaign, Mr. Bukele pushed several policies similar to those for which he had advocated while he was mayor of San Salvador. He stressed more economic development and revitalization, such as when he had the San Salvador city center redeveloped as a more traditional open-air meeting space with improved lighting for night time activities. He relocated the various street vendors to a new purpose-built market that had better infrastructure and made sure all stalls and vendors were licensed and regulated by the city government rather than have them subject to various gangs providing “licensing” and protection.<sup>6</sup>

Mr. Bukele also proposed to combat the gangs through more indirect methods, such as increased youth programs, including sports clubs and skate parks, to provide alternative activities for the country’s youth that does not involve gangs. He hopes to starve them of new recruits and provide people with alternative income streams that are outside of the gangs’ control. He believes this can be done, as the average gang member only makes about \$300 a month over the long term, and he wants to focus on improving the tourism and cultural sector to provide jobs that can pay over that threshold.<sup>7</sup> It is quite possible that he could return El Salvador to the time before 2012, where various “truces” had been agreed to between the gangs and the government.<sup>8</sup> While this would not be a long-term solution, he is still on record wanting to end the gangs and improve security to promote international investment in El Salvador. It could help as a bridge while his other cultural and social programs work to starve the gangs of money and membership.

Mr. Bukele also wants to focus on technological solutions to help track and convict upper level criminals. He desires to improve forensic capabilities to ensure the right person is being prosecuted and, when prosecuted, that they are convicted.<sup>9</sup> Mr. Bukele also wants to make

prisons actual institutions of reform where inmates can learn alternatives to crime and not just holding pens where criminals get better at being criminals.<sup>10</sup>

This effort would be in stark contrast to the current policy of the El Salvadorian government of “Mano Dura” or Iron Hand. This policy began in 2008, it focused on the higher levels of gang leadership in the country those individuals that were on the streets and incarcerated. As part of the policy, a special combined task force was formed made up over 1,000 police and army members, including helicopter and light armored vehicle support.<sup>11</sup> This force was designed to hunt down gang members and detain or eliminate them. At the same time, changes were made in El Salvador’s prison system to remove high level gang members from general population and place them in maximum security facilities. Their access to communication, both electronic and in person, was severely restricted to limit outside contact to anyone, including close family, as it was believed these individuals were still controlling gang movements from behind bars.<sup>12</sup> Mano Dura was halted in 2012 when a truce was brokered between the major gangs and the government.<sup>13</sup> In 2016 when the truce failed the FMLN government introduced “Plan Salvador Seguro”. This plan was closer to what Bukele is proposing with a focus more on prevention, rehabilitation of criminals and protection victims but lacks the technological and economic components he favors. The plan worked by focusing large amounts of resources in high crime areas. While it was initially considered a success, with murder rates falling critics point out that several areas were targeted for extra attention without high crime rates being present. In addition, concerns were raised both that the Military and National Police forces were using extreme measures to scare off criminal and that some individuals were detained and prosecuted without cause due to over zealotness.<sup>14</sup> As of this writing specifics of how the force structure left over from previous administrations have not been

publicly addressed. Those plans when made public will give a key insight as to how far and fast the new police might differ from the old one.

Mr. Bukele's other major policy push would be to focus on combating corruption in the government itself. This would work to reduce possible criminal influence in the government, improve investor confidence in the country and help improve faith in institutions, such as the police and military. The plan called International Commission Against Impunity in El Salvador (CICIES) and headed by the vice-president, would be to invite in an international organization like the Organization of American States or the United Nations to run committees similar to ones currently being run like CICIG in Guatemala.<sup>15</sup> The hope is that this would bolster faith in the government and help reduce the gangs' claims to be an alternative form of control or a provider of safety in the country.

While Mr. Bukele will not assume the Presidency until June 1<sup>st</sup> of this year, several issues will stand out making it difficult for him to implement all of his plans for the country. First and foremost, he will have few allies in the El Salvadoran Legislative Assembly. His party, GANA, controls only 10 of 84 seats in the parliament. FMLN and ARENA control 53 seats between them, and while the two groups are traditionally opponents, they seem unlikely to grant backing to Mr. Bukele's proposals. This is particularly true of anything that would change the *Mona Dura* policies of the past, as both parties have backed these policies. Also, Mr. Bukele is new to GANA and only joined when other efforts to create his own party were blocked by the system.<sup>16</sup> This could make support for him even within his "own party" questionable. However, the next parliamentary election will be in 2021, so he may have some time in his term to work with a possibly more favorable Parliament. This might be particularly the case if an international anti-corruption panel is created and can show progress before the next election. Also, any efforts that

can be made to improve international investment or projects that can showcase progress quickly, like redevelopment projects in major cities, will help to build support.

Another obstacle Mr. Bukele will have to content with is the US's current efforts to reduce aid to the country, reducing access to the very funding his projects require to get off the ground. While restoring this funding would be a priority all sides would share, the current US administration would be more likely to favor more Mano Dura-like tactics, not less.<sup>17</sup> Finally, almost all of Mr. Bukele support and history comes from large cities like the capital, San Salvador, and most of his programs are focused on improvements to those areas.<sup>18</sup> It is an open question as to how he will build and maintain support in the rural areas that will help him get more support in Parliament and for another term in office.

### *Brazil*

Since the election of Jair Bolsonaro as Brazil's next President in October of 2018, speculation has been rampant that his populist, promilitary rhetoric would cause a major shift in Brazil and possibly the entire region. We will look at several key issues that were major issues in the campaign and into the first 100 days of his presidency, comparing campaign rhetoric to what policy has actually been enacted or might be enacted. The focus will be on issues related to security, such as gun control, the makeup of his cabinet, military and police rules of engagement, his relationship with the militias, the military's role both internal and external relations and the pension system. Lastly, we will discuss what the rest of his term might hold and any causes for concern going forward.

During the campaign, Bolsonaro made a promise to work to alter the current gun control laws in Brazil that require an applicant for a firearm to prove that need to own a weapon and

have their reasoning approved by the police. President Bolsonaro argued that such a step was too subjective and difficult and made it arbitrary who actually gets to own a firearm. This requirement was changed by the President through an executive decree 2 weeks into his term. The decree can last for 120 days or until Brazil's Congress ratifies it.<sup>19</sup> While the President's supporters also wanted to change who is allowed to sell arms in the Brazilian market, which is currently restricted to domestic manufacturing, to allow people to carry outside of their home or business, and to reduce the taxes on firearm purchases. That change was put in a later decree signed on May 7th.<sup>20</sup> The decree has worried and angered those in the country that feel more access to guns will worsen the homicide rate. As of this time, the Congress has made no progress in moving the decree into actual law. This is partially due to the make-up of the Congress, which has been an issue for Bolsonaro overall. His Social Liberal Party (PSL) only controls 52 deputy seats out of 513 in the chamber. While they are the single largest party, they need the help of 13 other parties to form a governing coalition in that chamber. On the Federal Senate side, the PSL is only 4 of 81 seats and requires 9 other parties to form a governing coalition. Six of those parties hold more seats than the PSL.<sup>21</sup> This limits Bolsonaro's ability to translate his campaign promises and decrees into actual legislation.

Prior to taking office Bolsonaro made two major promises related to the cabinet. First, he stated that he would make it smaller than ever before, cutting down the size of the government and reducing the chance for corruption. Second, he stated that the military would be more involved than at any time since the end of the military rule in the 1980's. In regards to the first issue, while he did not get the government down to 15 ministries as promised, he did get it down to 22 cabinet ministries from 29 in the previous administration, which is the smallest in recent memory.<sup>22</sup> This, however, seems not to have cut down on corruption, as 2 ministers have already

been forced to resign on corruption and other scandal charges in just the first 100 days. Additionally, when Judge Sergio Moro took over as Minister of Justice and Public Safety, some members of the public were concerned that the star prosecutor of the “Car Wash” investigation, the largest anti-corruption investigation in Brazilian history, would lose his influence and standing with the people for consorting with Bolsonaro. This so far has not happened. He is still viewed with esteem in the country and is perhaps causing more pressure on the rest of the cabinet to keep a clean persona.<sup>23</sup>

In regards to military involvement in the cabinet, Bolsonaro has delivered on that promise. The cabinet holds seven military officers: four flag officers and three of lower rank. Plus, the Vice-president is a retired military general officer.<sup>24</sup> However, at this time the inclusion of these individuals has not caused a dramatic shift in how business is done. Additionally, as we will see on other issues, some of these officers have made it clear that the military has no desire to give up its privileged place in Brazilian society by overstepping its current position. If anything, the inclusion of the military in government posts might make some goals, such as pension fund reform, more reachable.<sup>25</sup>

Another campaign promise that Bolsonaro made to win the election was to loosen the rules of engagement for the military police and military to kill more criminals. The Brazilian military has been used with increasing frequency to patrol the favelas around the major cities of the country such as Rio de Janeiro and Sao Paulo. This sort of promise of extra-judicial killings has become more common in right-wing populist movements around the world. Also, Bolsonaro’s Vice-presidential candidate and former general Hamilton Mourao made statements about increasing the use of snipers with looser rules of engagement.<sup>26</sup> As these policies could be implemented with only orders from the Executive branch, some changes in the rules of

engagement have already taken effect. But a recent incident where a group of soldiers killed a family on its way to a baby shower due to mistaken identity has put the future of these loosened rules of engagement in serious jeopardy.<sup>27</sup> While this is not a guarantee that the policy will end, it should curtail its use for several months.

In Brazil, the favelas are also “protected” by militias, groups of current and former police and military police that have banded together. At this point, these groups all but run their areas of town, trading protection for access to everything from water to power to internet. Prior to the election, Bolsonaro had praised and defended these groups for doing what he felt the state would not do. His son Flavio, a member of Congress has also tried to defend, and even legitimize, them.<sup>28</sup> The worry has been whether the militias could gain more power and influence under the new government given its tough law and order stance. However, the recent scandal resulting from the March 2018 assassination of Marielle Franco by two individuals connected with militias that operate in Rio De Janeiro, as well as Jair and Flavio Bolsonaro’s campaigns and political parties has called to attention the dangers of these organizations and the embarrassing possible relationships between them and the Bolsonaro.<sup>29</sup> The scandal was brought to light by the Civil Police Organized Crime unit (GAECO), and shortly after the scandal broke, the GAECO was moved to the Justice ministry and placed under new leadership.<sup>30</sup> This move could highlight more corruption and scandal in an administration that both does not need it and had promised to reduce it. Lastly, the moving of GAECO to Justice puts it under the control of Moro, who previously was seen as Bolsonaro’s anti-corruption champion. If his ministry is seen as covering for the President, it could cost him his champion status and bring more scrutiny to the administration and its dealings.

Bolsonaro's rhetoric about the military and especially his promotion of the days of the dictatorship has been perhaps the greatest concern pre-election. A great example of this was his demand that the anniversary of the 1964 coup be celebrated. Also that the purported virtues of that form of government be added to school curriculums.<sup>31</sup> Once he took office, people began to worry about the possible growing power of the military, as seven officers were given the leadership of ministries and the Vice President is a retired military officer. However, the military is actually acting to maintain the existing structure of the country, not contributing to Bolsonaro populist push. Vice president Hamilton Mourao is a good starting point. While he has shared Bolsonaro's fondness for speeches that praise the dictatorship and how it "saved the country from communism," in office, he has done his best to act as the adult in the room.<sup>32</sup> This is particularly true when it comes to the scandals and infighting in the rest of the cabinet. He has also come out recently against the efforts of the president to more closely align Brazil with the US. While the military is interested in major non-NATO ally status for the accompanying access to equipment and technology, it seems reluctant to abandon Brazil's historically independent role in foreign policy. The military also does not want to pick a fight with the country's largest trade partner, China. At the same time, the military is also concerned about the pressure being applied to Venezuela.<sup>33</sup> Mourao has spoken out against the hosting of Venezuela's opposition president Guaido being received in Brasilia and has worked to keep open relationships with the Venezuelan military.<sup>34</sup> This has been less as a declaration of support, but more as a way to maintain order in the region and be prepared for an increase in possible refugee flows. The military is extremely vested in an orderly transition of power in Venezuela, which can put them at odds with President Bolsonaro and his new allies in Washington.<sup>35</sup>

The rift between Mourao and the Bolsonaro family has grown to the point that on April 19<sup>th</sup>, impeachment articles were introduced in the Parliament against the Vice-president. The charges themselves help to show the disorganization within the administration, and its desire to make it a more personality focused administration versus an institutional based one. The unofficial charge against the VP is “disloyalty and betrayal of the President” made by the President’s sons and allies.<sup>36</sup> Whether or not these articles proceed will be another test of the weak hold the President and his allies have in the legislature, especially in light of his many years in Congress.

The final point to be made about the military and its seeming desire to maintain rather than expand its position in Brazilian society, privileged that it is, would be the efforts to reform Brazil’s pension system. Brazil, like many nations, is facing an expanding unfunded pension obligation in the coming years. Not fixing this problem could have dire consequences to the economy for years to come. Given life in post-dictatorship Brazil, it is not surprising that the pension system favors the military, both its current and former members. However, the Vice-President has been able to use his influence to get the military and its pensioners to agree to the needed reductions in payments and other changes that should help the system function for years to come.<sup>37</sup> This shows that the military has a pragmatism that can be called upon to assist with the creation of policies, as opposed to an unabashed desire for expanded power.

In conclusion, Jair Bolsonaro’s election in October almost immediately set off a wave of speculation as to how his populist rhetoric would affect Brazil. This speculation was mostly focused on if and how he would increase the influence of the military, or in a worst-case scenario, bring back the dictatorship. The first 100 days of his administration has yielded a look at an administration that is, instead, having difficulty getting legislation passed. Despite the years

that the President spent in Congress, he seems to have both few legislative allies and little understanding of how to work the system. The military seems more interested in keeping its place in Brazilian society, which is as its most trusted institution. Given its place of pride in the country and keeping with the institutional nature of militaries, especially one working to live down its dictatorship past, this is really not surprising. One word of caution comes when one asks: what happens if or when Bolsonaro fails? He has staked his administration on law and order and ending corruption. So far, corruption in the form of his militia scandals and his cabinet infighting are two of the largest drags on his time in office. What happens if he is, like his predecessors, charged or impeached? Would Brazilians still trust elected governments, or would the call for military rule grow? It would most likely depend on who brings the charges and how the impeachment is handled. If the focus is on the never-ending string of charges against elected officials, a fourth charged President might be one too many. However, if the charge and prosecution of elected officials is presented as a sign that the system works and needs to keep going, this may help the Brazilians keep faith with democratic institutions.

### *Mexico*

Elected in July 2018, Andres Manuel Lopez Obrador (AMLO) took office on December 1, 2018. He has been more successful in implementing some of his campaign promises, as he had a long transition period that gave him time to begin adjusting and modifying his left-wing populist campaign rhetoric to the realities of functioning within the government. While most of his campaign focused on economic issues such as social inequality, pension reform, and social program implementation and reform, several aspects of his campaign did involve the military and security. AMLO's primary areas of focus in regard to security have been the reduction in use of the military for internal security, the war on the drug cartels and corruption, and judicial

reform.<sup>38</sup> AMLO has been a candidate for Mexico's highest office before, having lost two previous bids for the office. However, one thing that was different this time was a new party: The National Regeneration Movement (MORENA), of which he served as leader before stepping down to run for President.<sup>39</sup> The party managed to win a majority position in both houses of the Mexican parliament by forming a coalition with the Labor party (PT) and the Social Encounter Party (PES). This coalition, known as Juntos Haremos Historia, holds 306 of 500 seats in the Chamber of Deputies and 69 of 128 seats in the Senate.<sup>40</sup> This majority gives AMLO the ability to push through his agenda using the existing structure and framework of Mexican institutions. How much he chooses to work within the system, as opposed to outside of it, will be a factor to watch during his six-year term. So far, the results have been a mixed bag, as ALMO used various referendums on some of his keys issues and proposals to implement them even before he and his party allies in the legislature had taken office. These referendums have been less an office act and more a political statement. They have not been conducted by the national election commission and have mostly been held in areas that ALMO controls strong political influence.<sup>41</sup> This works to ensure the results are the support he requires, but the non-binding nature make it function as more of reminder for the legislature of what AMLO's promises and priorities are as well as the focal support they have.

One issue that was put to the people in a referendum was the need for public figures to disclose all sources of income and other financial deals. This is an attractive option to combat corruption, which is high in Mexico due to the various criminal and drug cartels that exist throughout the country. Another was a plan to have construction stopped on a new international airport outside of Mexico City. This plan resulted in the stoppage of the work and the need to pay several billion dollars in cancellation fees to builders.<sup>42</sup> Several months later, AMLO

announced that another airport project would replace it, this time on a military base outside of the city and with the military as the primary contractor.<sup>43</sup> This raises questions about AMLO giving the military access to a revenue stream outside of the legislature, despite the fact that the legislature is controlled by his allies. As his coalition received majority status in the legislature, this process of holding referendums raises questions about AMLO's desire to work within the system, even with its flaws.

Since AMLO has taken office, his use of referendums has ceased. So, it is possible that he was using them to maintain his political momentum given the long transition period between the election and the time he took office. Since he has taken office, AMLO and his legislative allies have taken up three main security-related issues. These include a shift in focus from combating crime lords to focusing on police improvement and lower level offenders, the creation of a national guard to provide both a means to support local agencies and to break up the corruption of the police, and a change in the role of the Attorney general to move from a system full of cartel influence and corruption to a new system purged of these influences.<sup>44</sup>

Prior to taking office, AMLO was focused on removing the military from its local law enforcement duties within the country implemented by his predecessors in 2012. Since taking office, his administration has encountered two major issues in that goal. The first is due to the disparity in resources between the cartels and criminal groups and the central government. Funding for local police and other law enforcement agencies is low, so corruption in these agencies is very widespread.<sup>45</sup> Currently, the military is the only group that has the resources and tactical capabilities to combat the criminal organizations. So, while the eventual removal of the military would be the goal, the short-term practical application of the goal is limited. A perfect example for the military being the only tool would be that just after taking office AMLO wanted

to crack down on individuals and groups stealing from the national oil pipelines. This first request was for various civilian agencies to create and implement a plan. The request was met with delays and bureaucratic territorial infighting. Frustrated AMLO then asked the military, who produced a plan in short order which was accepted.<sup>46</sup> Additionally, control of allocating resources and decisions like the hiring, firing and training of local law enforcement is done at the state or local level. This obviously falls outside of the central government's purview. While AMLO's party and its allies succeeded in gaining control on the national level, they only control 4 state governments, further limiting the ability to execute their plans on the local level.<sup>47</sup>

Interestingly, AMLO did bring forward a proposal for a National Guard in Mexico, similar to previous efforts brought forth by AMLO's predecessor, despite the fact that AMLO campaigned against the idea. A more in-depth analysis of this National Guard and its makeup, mandate, organization and leadership will occur later in this paper. The proposal was passed through the legislature, but so did the previous Gendarmerie of his predecessor. That proposal ultimately was whittled away by political infighting.<sup>48</sup> It will be interesting to see both if the organization holds up and if it marks an example of AMLO taking a more pragmatic approach to problem solving, since as discussed in the last paragraph, the military is currently the only force able to combat criminal organizations in Mexico.

The other national level reform that has passed the legislature has been a creation of a position of Attorney General. However, the law passed deviates greatly from what was proposed. The initial idea was for the office to be independent of the office of the President in terms of mandate, budget and how the office would be filled. The person would be elected and then have to work with the President, but be independent, allowing for more checks and balances and transparency. The law that was actually passed makes the position appointed by the President

and gives the President the ability to hire and fire the Attorney General as he sees fit. This curbs the independence and oversight function of the position. This ability to act as a balance was the true goal of the position, which this pairing down the question becomes what purpose did this change serve.<sup>49</sup> From a security perspective will this new AG function to curb corruption and improper influence in Mexican enforcement and judiciary. This reform is badly needed but can a non-independent office carry them out if pressured not to especially in light of how long such a reform would take. And Mexican presidents' term-limited to 1, 6-year term. Even if AMLO does not abuse this power what would stop the next person?

As we have only just reached the one-hundred-day mark of AMLO's administration of a six-year term, it is too early to tell how his populist tendencies will play out in regard to civil-military relations. The main development to watch will be if the President continues to use his support in the Mexican Legislature to move through changes, or if he returns to using referendums to create pressure on allies if they don't provide the backing that he requires. As Mexican presidents are limited to only one six-year term, this is an extremely important issue, since AMLO might feel the need to use these referendums with almost predetermined outcomes to get what he wants. Also, it remains to be seen if he will use referendums to do things like enforce his National Guard policy, even if the courts rule it unconstitutional. He could also potentially use the referendums to push police reform and funding to create a fully capable police force that has the skills and funding to allow the removal of the Military as the only force capable of enforcing order in an increasingly hostile police environment. Allowing the police to take over that role would be a strong step towards AMLO's goal of changing the Police, Military roles of responsibly and allow the Military to return to its traditional external security role.

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### Chapter III

#### **Mexico's National Guard: A Turning Point or the Same Old Story?**

By Jake Loewner

##### *Introduction*

On November 20, 2018, 11 days before officially taking office, president-elect Andres Manuel Lopez Obrador announced plans to create a new National Guard in Mexico. He insisted that the Guard, a force that would combine military, naval, and federal police, would be the solution to Mexico's record levels of violence and persistent organized crime. In so doing, Lopez Obrador diverted from his campaign rhetoric which promised to remove the military from violence-stricken regions and to focus instead on education, social programs, and job creation.<sup>1</sup> To ensure the legality of the force, Lopez Obrador proposed changes to the constitution that would enshrine the National Guard as a permanent internal security force.<sup>2</sup> While Lopez Obrador's announcement was lauded by some as an appropriate step in the fight against organized crime and violence, many human rights advocates criticized the plan, fearing that it would further militarize public security. This paper will analyze the potential effects that the new National Guard is likely to have on violence and on human rights in Mexico. It will also propose recommendations both for the Mexican government to improve the potential effectiveness of the Guard, and for US policymakers who wish to support Mexico in its fight to reduce violence.

Before describing and analyzing the National Guard, it must be noted that there is nothing inherently wrong with the establishment of an effective, civilian-led national police force. Several countries, including France, Spain and Italy, rely on national guards or gendarmeries to complement and support state and local police efforts.<sup>3</sup> Such a force would fill a serious need in Mexico. The country is facing some of the worst levels of violence in its recent

history. Mexico saw 8,493 homicides in the first quarter of 2019, up 9.7 percent from the same period last year.<sup>4</sup> In many areas, state and municipal police are underpaid, outnumbered, and ill-equipped to confront the drug trafficking organizations and other criminal groups that are the leading cause of the violence. Moreover, these police forces exist largely outside the realm of federal control, further confounding efforts to carry out a nation-wide internal security strategy. Lopez Obrador understands that the status quo is unacceptable, and the National Guard is his attempt to solve the problem. However, there are significant flaws in his strategy, notably the reliance on military personnel and leadership, as well as the regular interaction the Guard is likely to have with the civilian population. In order to reduce violence and restore security, Mexico requires transformational leadership, not the same militaristic strategies simply reorganized into a new force.

#### *Leadup to the National Guard: The Internal Security Law*

To understand Lopez Obrador's strategy in creating the National Guard, it is important to consider what came before it. For decades, the Mexican military has played a supportive role in internal law-enforcement. The military's role was greatly expanded in the mid-2000s under president Felipe Calderón who launched a crackdown on drug trafficking organizations. Calderón increased the military's role in internal security operations without providing a legal framework to guide it. Lopez Obrador's predecessor, Enrique Peña Nieto, attempted to fill this legislative void by championing the Internal Security Law. The law, enacted on December 22, 2017, provided a legal basis for the military to perform public security tasks; however, the Supreme Court ruled it unconstitutional the following year. Human rights advocates fiercely opposed the law. They argued that the military, trained to kill external adversaries, was not equipped to act as a police force whose goal is to protect and serve the citizenry. Opponents were

also concerned with the lack of civilian oversight of the military. The Mexican military has been accused of numerous human rights violations, but ineffective judicial oversight has led to impunity for many of the soldiers accused of committing these crimes.<sup>5</sup> Arguments against the law also cited a lack of regulation over how and when the military could use lethal force, as well as the law's overall lack of transparency.<sup>6</sup>

On November 16, 2018, the Supreme Court struck down the law in a 9-1 decision, arguing that “Congress did not have the authority to give the military a role in domestic security.”<sup>7</sup> Four days later Lopez Obrador's party submitted the National Guard proposal to Congress. The National Guard faces many of the same criticisms and concerns from human rights groups as the Internal Security Law. Nevertheless, the fact that the Guard now holds a place in the constitution largely circumvents any judicial review, even for concerns over human rights.

### *The Makeup of the National Guard*

Prior to the passage of the constitutional reforms that allowed for the creation of the Guard, the Senate, where opposition was strongest, was able to secure some concessions from the administration. For instance, the Guard will be a civilian-led force housed under the Secretariat of Security and Citizen Protection (SSPC), rather than the military. The SSPC is a newly-established cabinet department that, in addition to housing the National Guard, will be responsible for “formulating and executing policies, programs and actions aimed at guaranteeing the public safety of the country and its inhabitants, as well as proposing criminal policy.”<sup>8</sup> Moreover, while the National Guard can draw on current members of the military to bolster its ranks initially, after five years the military must return to the barracks or remain in the Guard but as civilians.<sup>9</sup> In addition, the administration has stressed that the Guard will receive human rights

training. These concessions were welcomed by members of human rights organizations and those concerned about increased militarization of public security. Nevertheless, it is not yet clear how strictly the government will adhere to these stipulations. It is not outside the realm of possibility that at the end of five years, the administration might seek an extension to the deadline to keep military elements in the National Guard.<sup>10</sup> This is particularly likely if levels of violence remain high after the five-year period or if the administration fails to meet recruitment targets. Moreover, what matters is not necessarily the administrative distinction between whether a member of the guard is officially part of the military or not. What matters is his or her training, attitude, and skills. A person trained for military combat will still use those skills and insights even as a civilian member of the National Guard. Therefore, the transition of the Guard from military to civilian after five years does not eliminate the potential for human rights abuses.

Additionally, while the Guard must be under civilian control, Lopez Obrador was not prevented from appointing Luis Rodríguez Bucio, an outgoing military general, to head the force. Rodríguez Bucio will retire as a general in August 2019 and then immediately take up leadership of the National Guard. On the surface, the general's appointment seems like a logical and reasonable choice. He has received awards for his merit in the campaign against drug trafficking, is familiar with militarized police forces in Europe such as France's Gendarmerie, and has not been accused of any human rights violations.<sup>11</sup> Despite this, human rights advocates are concerned that his appointment violates the principle that the Guard be a civilian-led force. They are concerned that military leadership will beget militaristic Guard members, which again does little to calm fears of an increased threat to human rights.

Force estimates for the Guard have varied in the months since the constitutional reform was adopted, but all indicate that the Guard will draw substantially from existing military police

as well as new recruits. Alfonso Durazo, Secretary of the SSPC, said that the Guard will initially be made up of 35,000 military police, and 8,000 naval police, and 18,000 Federal Police.<sup>12</sup> By December, Durazo hopes to expand the ranks to 150,000 through an intensive recruitment and training campaign.<sup>13</sup> President Lopez Obrador recently expanded these force estimates, calling for 220,000 elements of the Army, 40,000 from the Navy, and 10,000 from the Federal Police by the end of the Guard's first year.<sup>14</sup> Lopez Obrador has announced that as early as mid-June an initial force of 25,000 elements will be deployed to 150 regions where crime is most severe. This initial 25,000 will be followed by an additional 50,000 new recruits. So far, these numbers remain projections. They do indicate, however, that the administration intends to devote significant manpower and ambitious recruitment efforts to the Guard over the next year. The Guard's proposed budget further illuminates Lopez Obrador's commitment to the new force. The administration expects to invest 15 billion pesos (\$767 million) to finance the Guard. That money will go toward salaries and benefits of the recruits, the construction of 87 facilities to house elements of the Guard, and the purchase and maintenance of vehicles and other equipment.<sup>15</sup> The Guard will also standardize pay, benefits and rank among its members so that recruits coming from the armed forces are not treated differently from new recruits or those coming from the Federal Police.<sup>16</sup>

In terms of equipment, the guard is slated to have long weapons. According to a document leaked to journalists that was neither officially confirmed nor denied by the administration, Guard members will each be equipped with an FX-05 5.56mm assault rifle and a 9mm pistol. In addition, each battalion will have a squad of grenade launchers.<sup>17</sup> This heavy equipment is not entirely surprising given that organized crime groups are well-armed and tactically adept. Nevertheless, it signals that the National Guard will be militarized and will be

equipped to carry out offensive operations as opposed to simple street patrols and checkpoints. Moreover, Secretary Durazo expects the National Guard to be deployed permanently across all regions of Mexico.<sup>18</sup> While obviously deployment plans may change based on need and on actualized force numbers, the fact that the Secretary expects a permanent and widespread deployment is somewhat alarming to human rights advocates.

### *Likely Effects of the Guard on Violence*

In proposing and defending the National Guard, President Lopez Obrador cited the high levels of violence and insecurity in Mexico. In his view, a national internal security force is the best way to reduce this violence. While the Guard has yet to be fully implemented, it is possible to gauge its likely effectiveness by comparing it to similar strategies that Mexico has employed in the past. Many argue that the National Guard does not significantly deviate from past models of involving the military in public security. It is therefore not likely to have much of an effect in the short run. For example, Jaime López Aranda, a Mexican security analyst, stated that “operationally it doesn’t change anything... It’s the same people doing the exact same stuff.”<sup>19</sup> Other scholars, such as Eduardo Guerrero Gutiérrez and Alejandro Hope echo this sentiment. They argue that the Army, Navy, and Federal Police are already conducting security operations throughout the country and bringing them under a single National Guard will change little more than their uniform.<sup>20</sup>

In the medium term, the likely effectiveness of the guard appears mixed. Guerrero Gutiérrez notes that in some parts of the country, particularly rural areas where there are extremely high levels of violence, the National Guard has great potential to cut down on insecurity.<sup>21</sup> In these areas, the state and municipal police have either been co-opted by criminal groups or are unable carry out public security functions due to lack of equipment or personnel. In

these areas, some local government officials welcome federal security forces because local forces are incapable of taming violence.<sup>22</sup> With that said, the administration's announced strategy of deploying the Guard everywhere throughout the country indicates that they may not be focusing resources in areas with the highest need. In addition, even if the Guard meets its recruitment goal to reach a force of 150,000 – which many analysts consider extremely optimistic – the Guard would still likely be too small to effectively police the entire country.<sup>23</sup> Furthermore, the military and the police have been fighting organized crime in some fashion for over two decades, and violence remains at all-time highs. It is therefore difficult to imagine the National Guard having a substantial impact on violence reduction without other reforms or initiatives taking place concurrently.

To further deduce the likely effectiveness of the National Guard, it is worthwhile to examine the broader effects that militarization in Mexico has had on violence. A review of the literature indicates that deploying the military to carry out public security and combat criminal organizations has failed to reduce violence and may have actually contributed to its increase. A key component of Mexico's war on drugs is the so-called kingpin strategy where security forces conduct operations targeting high-level and mid-level cartel leaders in an effort to weaken and ultimately destroy the organization. Indeed, President Peña Nieto came into office with a list of 122 cartel leaders he intended to target. By the end of his term, 108 of the original targets had been eliminated.<sup>24</sup> In many cases this strategy led to the fracturing of the cartels. This ruptured a once stable balance of power between the cartels. Violence spiked as new leaders jockeyed for position and territory.<sup>25</sup> Scholars have determined that the targeted killing strategy has actually increased violence in areas it is used.<sup>26</sup> Moreover, researchers have found a strong correlation between military presence in an area and heightened levels of violence, even after the military

has been operating in the area for a period of time.<sup>27</sup> While some may argue that militarization of the drug war did not cause the government to adopt the kingpin policy, it certainly facilitated the use of the strategy as the police force alone would have lacked the equipment and training to carry out the campaign.

Looking more closely at the causal effect of military operations, José Merino uses propensity score matching to estimate what the homicide rate in a given state would have been had it not received a military intervention. In doing so, Merino determines a causal link between military presence and an increase in the homicide rate. His data suggest that Mexico would have witnessed between 5,000 and 7,000 fewer homicides had the military not been deployed to the areas that it was.<sup>28</sup> Skeptical of Merino's findings, Valeria Espinosa and Donald B. Rubin attempted to replicate his results in a later study.<sup>29</sup> Espinosa and Rubin use both propensity matching and the Rubin Causal Model to conduct their analysis. The authors create an arguably more complex model by which to examine the causal effect of military operations on homicide rates. Despite their skepticism, the authors conclude that in most cases, military operations did indeed lead to an increase in average homicide rates.<sup>30</sup> Importantly, both of these studies look simply at the presence of a military operation taking place in the state; they do not look specifically at areas where the military is going after high-value targets. This has implications for the National Guard as it indicates that the mere presence of security forces in a state can cause criminal-group fragmentation and lead to increased violence. Militarization, irrespective of the strategy it employs, has the potential to increase violence. The true effect that the new National Guard will have on violence remains uncertain. Nevertheless, leaving aside where or how the Guard is deployed and how many recruits the administration is able to muster, the majority of scholarly evidence suggests that increased militarization leads to more, rather than less violence.

*The National Guard and Human Rights*

Another key factor that must be considered is the Guard's impact on human rights. Since President Lopez Obrador first proposed the plan, civil society activists and human rights organizations have levied criticism against it. Indeed, Amnesty International issued a strong rebuke of the proposal, claiming that it violates international human rights law by formally allowing the armed forces to carry out regular police activities<sup>31</sup> The primary concern of human rights organizations is that the Guard will fully cement the militarization of public security by enshrining it in the constitution. They note that the military has been issued thousands of human rights complaints over the last 12 years.<sup>32</sup> Human rights advocates cite a fundamental difference in training and organizational culture between police and military that creates fertile ground for human rights violations. As one scholar aptly notes, "professional policemen are taught to separate adversaries, listen to their complaints, negotiate, bargain, and compromise before using force against trouble-makers. In contrast, soldiers learn to pursue, capture and kill."<sup>33</sup> Indeed, in cases where soldiers have gone to trial over alleged human rights violations, they have argued that they "lacked the training necessary to carry out public security functions."<sup>34</sup>

In an attempt to circumvent these challenges, Lopez Obrador has insisted that the National Guard will be trained in human rights. The UN has even agreed to conduct some of this training, which will focus on protecting vulnerable groups and regulating the use of force.<sup>35</sup> While this training is important and encouraging, a larger problem that remains to be addressed is creating stronger accountability mechanisms for soldiers who violate human rights<sup>36</sup> Recent reforms to the Mexican Military Code of Justice ostensibly gave civilian prosecutors the right to investigate and try soldiers accused of human rights violations. Nevertheless, a significant number of accusations against soldiers either go uninvestigated or are adjudicated in military

tribunals rather than civilian courts. Moreover, those cases that do reach civilian authorities rarely result in convictions. From 2012 to 2016, the Mexican Attorney General's Office investigated 505 alleged crimes and human rights violations committed by soldiers. These investigations resulted in only 16 convictions.<sup>37</sup> Furthermore, the National Guard proposal amended Article 21 of the constitution, which allows the Guard to participate in criminal investigations.<sup>38</sup> This obviously presents accountability concerns. If members of the National Guard commit human rights violations, they may be able to tamper with evidence or otherwise obstruct justice if they themselves are the ones conducting the investigations. This lack of civilian accountability and oversight is deeply troubling for human rights advocates. No amount of training will completely stop all military abuses of human rights. Therefore, until Mexico demonstrates its commitment to hold the armed forces – and the new National Guard – accountable, human rights violations will remain a top concern.

Another major apprehension advanced by human rights advocates is the lack of clarity surrounding the Guard's mandate. The government has provided few specifics on what the Guard will actually do, only that it will be a widespread internal security force.<sup>39</sup> Recently, Lopez Obrador hinted that the Guard would symbolize a change of government strategy. He stated that "It is no longer about ... operations against a particular cartel, we are interested in public safety."<sup>40</sup> This change in strategy is welcome given the destabilizing effects of the kingpin strategy, but it still does not provide specifics for what public security tasks the guard will be given. Human rights advocates worry that a National Guard without a clearly defined mandate could quickly be co-opted into performing security tasks that violate human rights. Amnesty International notes that according to international law, the military can only be used under extraordinary circumstances and its operations must be "temporary and limited to what is strictly

necessary in the circumstances.”<sup>41</sup> The National Guard’s widespread deployment of military personnel for five years contradicts these requirements. Moreover, if “public safety” refers to establishing check posts or conducting routine patrols, the Guard will likely interact with civilians on a regular basis. This increases the chances that human rights abuses will occur.

### *Policy Recommendations for Mexico*

Given concerns both about the Guard’s weak prospects for violence reduction and its potential to increase human rights violations, it is worthwhile to examine both Guard-specific strategies and alternative policies that can be pursued concurrently to increase the chances of the Guard’s success. While the likelihood of the Guard to reduce violence is questionable, certain strategies can be adopted to improve its chances.

First, the Mexican government must end the culture of impunity for military personnel who commit human rights violations. Human rights training is a welcome first step, but accountability for those who violate human rights remains paramount. Some progress has been made on this front. Lopez Obrador has indicated that it will treat all members of the National Guard equally, whether former military, former police, or new recruits. The administration seeks to standardize rank, pay, and benefits among members of the National Guard.<sup>42</sup> This standardization will hopefully carry over into equal and robust accountability for all Guard members. In addition, Mexican policymakers should implement and enforce strict guidelines for investigating alleged human rights violations carried out by the National Guard. Reports have noted human rights allegations investigated by military tribunals are often met with impunity.<sup>43</sup> Therefore, any investigations and prosecutions of Guard members accused of human rights violations should fall under the jurisdiction of the civilian criminal courts rather than the military justice system.

Additionally, the Guard needs to have strong, non-military administrative organization. The guard combines three existing security organs, each with its own organizational culture, and simultaneously adds new recruits who are unfamiliar with all three. This presents unique administrative challenges that require strong organizational leadership. Because military police will make up the majority of the initial force, it may seem efficient to appoint a military leader to run the Guard. However, it is important that the military's organizational culture does not become dominant in the Guard. Moreover, military leadership creates potential chain of command problems. Soldiers brought into the Guard might be more inclined to follow orders from a former military general than any civilian authority. This raises an important question – to whom will the Guard members ultimately answer? In selecting Luis Rodríguez Bucio to head the Guard, Lopez Obrador is opting for a force with military discipline at the expense of one that will answer to civilian oversight. For the Guard to become a new, innovative security force, it cannot simply adopt the tried, unsuccessful ways of the military. The whole must be different, and greater, than the sum of its parts. As such, President Lopez Obrador should reconsider his decision to appoint a recently-retired general to command the Guard.

Finally, maintaining high-quality recruits will be important. The administration's recruitment targets are highly ambitious. Alejandro Hope notes that in the 10 years between 1998 and 2018, "the net growth of the Armed Forces was 34 thousand elements."<sup>44</sup> The administration is attempting to recruit significantly more personnel in just three years. It may prove difficult to find that many candidates who are physically able, mentally prepared, and willing to take on dangerous work for relatively little pay. The need for personnel might tempt the administration to lower its standards for entry into the Guard. This would significantly reduce the Guard's potential effectiveness. The administration must not fall to this temptation. A highly-qualified

Guard with fewer personnel deployed strategically is more likely to be effective than a poorly-qualified Guard deployed everywhere.

Beyond Guard-specific recommendations, there are policies that Lopez Obrador's administration should adopt alongside the National Guard if it wishes to minimize violence and uphold human rights. Chief among these recommendations is for Mexico to redouble its efforts to improve state and municipal police. In 2008, with substantial financial support from the United States, Mexico began a major reform to its judicial system. The reform ousted Mexico's inquisitorial system and replaced it with an accusatorial system similar to the one in the United States. The new system presumes the innocence of the accused and places a much higher burden on police and prosecutors to investigate crimes.

Unfortunately, these reforms have been enacted without providing police with the resources necessary to fully implement them. In an interview, Maureen Meyer, an expert on Mexico security policy noted that many rural police agencies lack the capacity to carry out investigations that will stand up to the new requirement that judges presume a defendant's innocence. Indeed, some police agencies lack forensic investigators to attend to crime scenes. Moreover, police in Mexico remain highly underpaid, leaving them vulnerable to corruption.<sup>45</sup> Even if the National Guard is able to meet its recruitment goals, it would still be much too small to effectively police the entirety of Mexico. Therefore, if it is to succeed in reducing crime and violence, Lopez Obrador's administration must concurrently strengthen state and municipal institutions, particularly the police. The National Guard law did also contain provisions that mandated individual states and Mexico City to "conduct an assessment and formulate a program to strengthen their police forces."<sup>46</sup> This is a promising step, but as was evident with judicial reform initiative, leaving police reform up to the states is inadequate. States require federal

leadership and resources to undertake the reforms necessary to increase police effectiveness and reduce crime.

In addition, Lopez Obrador should rededicate himself to the social reforms that he campaigned on. Running on slogans such as “*becarios sí, sicarios no*” (“yes to scholarships, no to hitmen”), Lopez Obrador appeared ready to tackle Mexico’s insecurity through progressive social reforms.<sup>47</sup> Instead, he has retreated to the familiar militarization strategy of his predecessors, devoting 15 billion pesos to the National Guard while asking other government agencies to spend less.<sup>48</sup> Lopez Obrador even considered cutting the budget for state universities, though he reversed course after receiving strong backlash.<sup>49</sup> Underlying Mexico’s crisis of insecurity is a social crisis. Inequality and lack of opportunity are two significant push factors that lead individuals to engage in organized crime. Indeed in 2018 there were approximately 6.6 million Mexican citizens aged 15-29 unemployed and unenrolled in higher education.<sup>50</sup> While combating the organized crime that exists today is important, Mexican authorities must also focus on mitigating the antecedent social problems that allow criminal organizations to recruit and operate. Moreover, during the campaign Lopez Obrador indicated that he would consider “legalizing marijuana and licensing illegal poppy cultivation for the production of medical opiates.”<sup>51</sup> Scholars contend that while marijuana legalization is not a panacea, it could help reduce the power and financial resources of drug-trafficking organizations.<sup>52</sup> Crime and violence in Mexico – and the simultaneous problem of human rights violations committed by the military – are largely intractable problems that require multi-faceted solutions. As a result, focusing only on the creation of the National Guard will likely solve neither problem. Instead Lopez Obrador should adopt a multi-pronged approach that increases state and municipal capacity, reduces impunity for human rights violations, and increases opportunity through social programs.

*Policy Recommendations for the United States*

This section discusses policy recommendations that the United States should take with regard to the National Guard specifically as well as strategies to attempt to reduce violence in Mexico more broadly. Because the Mexican National Guard is a newly emerging force, specific US policies recommendations are relatively limited. Any assistance that the United States provides to the Guard obviously must come at the request of the Mexican government. As such, the United States should adopt a wait-and-see approach. If the Mexican government approaches the United States for assistance in training or equipping the Guard, it should weigh options carefully before proceeding with either. Human rights should be a primary consideration before the United States takes any action to increase the tactical and operational capacity of the Guard. Likewise, if after the Guard is operationalized, reports surface that the Guard is systematically violating human rights or if violations continue to be met with impunity, the United States should place diplomatic pressure on Mexico to change course.

If, on the other hand, human rights violations do not emerge from the Guard, US policymakers should still tread carefully. The United States should attempt to uphold the principle, deeply enshrined in its own constitution and laws, that the military should play a role in public security only in the most extreme of circumstances. The Guard presents unique challenges from this civil-military relations perspective. Lopez Obrador has designed the Guard to operate in a liminal space as an entity that is neither wholly military nor wholly civilian. The United States should avoid providing aid to a military force that is policing its own people. To the extent that it is possible, however, the United States could help develop the capacity of the civilian aspects of the National Guard and place diplomatic pressure on Mexico to transfer the leadership and makeup of the Guard from military to civilian as expeditiously as possible.

More broadly, the United States has strong economic and security interests in helping foster a more secure, less violent Mexico. Traditionally, the United States has attempted to help Mexico in this endeavor by providing military equipment and training, as well as sharing intelligence to help bring down high-value cartel leaders.<sup>53</sup> The Trump administration recognizes these economic and security interests. The administration has had both friendly and contentious relations with Mexico in general and with President Lopez Obrador in particular. Trump has made clear his desire to reduce the flow of migrants and drugs from Mexico, even going as far as to threaten closing the border. His administration therefore has a strong incentive to curb violence in Mexico, much of which is fueled by drug-trafficking organizations. Closing the border is a short-term solution with potentially disastrous economic consequences.<sup>54</sup> Instead, the United States should reform and revitalize economic aid to Mexico, reduce its own demand for drugs, and reduce arms trafficking into Mexico.

The United States has already taken positive steps in the direction of economic aid. In December 2018, the Trump administration announced that it would offer a \$10.6 billion assistance package to Mexico. The State Department noted that the program would “jointly address the shared challenges of migration, narcotics trafficking, and the activities of transnational criminal organizations.”<sup>55</sup> It is important to note that most of the \$10.6 billion is in loan guarantees rather than actual aid, but this is a step in the right direction and should be followed up with more tangible assistance. Likewise, the Merida initiative has funneled over \$1.6 billion to Mexico since 2008. The initiative has four pillars: disrupting the operational capacity of organized crime groups; institutionalizing capacity to sustain rule of law; creating a 21<sup>st</sup> century border; and building strong and resilient communities.<sup>56</sup> Importantly, Congress has conditioned some of the funds so that Mexico must make visible progress on human rights.<sup>57</sup>

Many analysts have criticized the Merida Initiative as violence levels remain at record highs and human rights concerns still abound in Mexico.<sup>58</sup> Nevertheless, the initiative has been successful at building capacity and increasing intelligence sharing between the United States and Mexico.<sup>59</sup> Part of the initiative's shortfalls stem from a lack of funding. The initiative has a wide-ranging set of priorities and requires significant resources to be effective. Despite this, of the over \$2.8 billion that Congress has appropriated to the initiative, only \$1.6 billion has been delivered.<sup>60</sup> If the United States expects far-reaching results from the Merida Initiative, it should expand its commitment and work with the Mexican government to deliver the appropriated funds. To further improve the outcomes of the Merida Initiative, the United States should focus more on providing training and resources to Mexico's state and municipal police. This could include training forensic investigators on how to handle crime-scene evidence or training police on how to interview suspects and witnesses. Doing so will help Mexico build security from the ground up, rather than relying solely on a top-down, militaristic approach. Moreover, when the State Department determines that Mexico is not making sufficient progress in its protection of human rights, Congress should repurpose funds allocated for military assistance toward more local capacity-building initiatives. This maintains the incentive for the Mexican federal government to uphold human rights, but also does not stop the flow of important funds that will help increase local capacity.

Of course, for the United States to deliver any aid it must be accepted by the Mexican government. Merida Initiative aid stalled in 2013 partly because president Peña Nieto mandated that all security cooperation go through the ministry of the interior and partly because Mexico lacked clarity on what it actually wanted from the United States.<sup>61</sup> Lopez Obrador's administration has yet to lay out its intentions with regard to the Merida Initiative. The United

States should work with Mexico to develop a new strategy for the Merida Initiative that supports Mexico's judicial and police reforms while simultaneously upholding human rights.

In addition to maintaining its commitment to the Merida initiative, the United States should adopt policies that reduce demand for drugs on its side of the border.<sup>62</sup> The majority of violence and insecurity in Mexico is caused either directly or indirectly by drug trafficking and other criminal organizations. Mexican drug-trafficking organizations receive the bulk of their resources by moving drugs from Mexico and Central America into the United States. Reducing US demand for illicit drugs would financially weaken drug-trafficking organizations and reduce their operational capacity. It would also reduce their ability to buy off politicians and police officers, thereby mitigating the corruption plaguing many facets of the Mexican judicial and political systems. There is no policy panacea that will eliminate US demand for drugs from Mexico overnight. Moreover, there is significant academic and policy debate about the best way to approach reducing US demand for drugs. It is beyond the scope of this analysis to propose specific policy solutions in this area, but policymakers should nevertheless be aware that attempting to resolve only the supply of illicit drugs is likely to be an inadequate strategy for dealing with violence resulting from the drug trade.

A related policy recommendation for the United States is to reduce arms trafficking to Mexico. Not only are Mexican criminal organizations financed by drug sales to the United States, they are also armed by weapons trafficking from the United States. Because the Mexican government is the only entity authorized to sell firearms in Mexico, criminal organizations must smuggle arms from elsewhere, most commonly the United States. Indeed, close to 90% of firearms "recovered and identified from Mexican crime scenes can be traced to gun dealers in the United States."<sup>63</sup> To combat this, the United States must allocate additional resources to anti-

smuggling operations and increase information sharing between relevant federal agencies including the Bureau of Alcohol, Tobacco and Firearms (ATF) and Immigration and Customs Enforcement (ICE).<sup>64</sup> The United States could also consider enacting laws that require serial numbers for the component parts of guns that are often shipped separately and then assembled in Mexico. This would allow for easier tracking of firearms.<sup>65</sup> Again, there is no easy solution to this problem, and the United States is limited in that any actions it takes across the border must be sanctioned by Mexico. Nevertheless, the United States has a strong incentive to adopt policies that will help decrease violence in Mexico and these strategies should be pursued.

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## Chapter IV

### What's New About the Colombian Government's New Security Policy?

By Jesse Rao

#### *Introduction*

The recent trend in Latin America of militaries acting more like police is highly visible in Colombia. This occurrence, although not new in Colombia, has particular importance for the United States, since its partnership with Colombia goes back decades and is multi-faceted. Colombia and the United States cooperate and share goals in security, economic, and environmental policy. Therefore, it is critical for the United States to have a thorough understanding of events in Colombia, as its security situation has undergone a significant transformation over the last 20 years. In February 2019, Colombia's President, Iván Duque Márquez, formally announced the rollout of a new security plan titled "The Politics and Defense of Security" or PDS. This initiative is intended to give guidance to Colombia's security apparatus throughout Duque's presidency. The plan rests on two main principles: the dismantling of armed groups and their networks and the expansion of state institutions. Looking at the specifics of the plan, one will find a partial revival of policies carried out by former President Alvaro Uribe along with notable departures from policies practiced by Duque's immediate predecessor, Juan Manuel Santos. These similarities and differences between Duque's PDS and the policies of former presidents are important because they can help observers anticipate the local effects of Duque's security plan, what implications it will have for the United States, and how the policymakers in the United States can respond to both the policy and its potential impacts.

Before examining Duque's PDS however, it is important to look at the policies of his predecessors to understand how Colombia got to where it is today and why Duque is

implementing the PDS. Yet, before a discussion could even be had about the individual policies of Presidents Uribe and Santos, there must be a brief reflection on Plan Colombia. Plan Colombia was a collaboration between the United States and Colombia that started in the final years of the Pastrana administration. The plan was meant to bring an end to internal conflict in Colombia, which was on the brink of becoming a failed state according to many Colombians during that time.<sup>1</sup> From 2000 to 2016, the United States gave Colombia \$10 billion in aid to strengthen its military and police in the fight against insurgent groups and organized crime.<sup>2</sup> Funds were also allocated for social, economic, and justice programs.<sup>3</sup> While it is tempting to analyze security policy in Colombia from the basis of Plan Colombia alone, such an analysis would not be comprehensive. Aid from the United States only accounted for 5% of Colombia's total spending on the different elements of the plan.<sup>4</sup> To look at Plan Colombia holistically also ignores the changes in policies that occurred between the Uribe and Santos administrations and it would not facilitate one's understanding of why the PDS exists. With that, a deeper discussion could be had about security policy in Colombia over the last 17 years, starting with the presidency of Alvaro Uribe.

#### *Alvaro Uribe and "The Democratic Security Policy"*

Uribe came to power in 2002 as an outsider, when armed groups were growing and faith in the government was weak. He made security the focus of his presidency, which was formalized through his Democratic Security Policy. He essentially declared war against rebel groups like the FARC and ELN and against drug cartels. Uribe's strategy for victory included increasing the size and resources of security forces and intensifying crop removal efforts. Police and military forces became more offensive in dismantling non-state actors in the country's more rural, remote areas; pilots, with help from the United States, used aerial fumigation to eradicate

illegal crops.<sup>5</sup> Counterinsurgency and counternarcotic forces relied substantially on the U.S. aircraft to move rapidly, in addition to receiving training and assistance in ISR.<sup>6</sup> The United States fully supported the DSP, especially after 9/11 when Colombia styled it in terms of the War on Terror.<sup>7, 8</sup> Uribe even began talks toward the end of his presidency about allowing U.S. personnel to use bases and airports in Colombia to fight drug traffickers.<sup>9</sup> Thus, American involvement was an important component. While the government took a more hardline approach against rebels, it also offered reduced sentences for those who willingly disarmed and turned themselves in.<sup>10</sup> At the same time, President Uribe improved defenses of oil and gas pipelines, which were frequent targets of theft and sabotage by armed groups. Bolstering defenses of energy infrastructure denied a gain in revenue for insurgents at the expense of the state.<sup>11</sup>

The DSP also contained controversial elements, one being a network of over a million paid, armed civilian informants, semi-trained local militias, and an expansion of policing powers for the military. These aspects created serious uncertainties about human rights conditions in Colombia since it created the opportunity for arbitrary action by parties that were unaccountable yet acting for the state. Moreover, there was a lack of a rural development policy to accompany the security aspect of the plan; this was important since much of the fighting against armed groups in Colombia was happening in economically depressed rural areas.<sup>12</sup> In fact, a U.S. GAO report in 2009 found that alternative development programs designed to help farmers shift from illegal to legal crops were not provided in most areas where illegal crops were being grown.<sup>13</sup> In brief, Uribe's DSP was a mostly hardline approach with risky elements.

Such an ambitious policy led to significant impacts, both good and bad. The number of FARC fighters dropped from around 20,000 in 2002 to 8,000 in 2010, and the number of ELN fighters fell from 3,500 to 1,500 in the same time period. Kidnappings had fallen from over eight

per day to less than one per day.<sup>14</sup> Murder rates fell, too. Much of this happened from a doubling in size of the armed forces; moreover, the economy grew considerably.<sup>15</sup> Human rights abuses committed by rebel fighters rose somewhat at first, but then fell significantly, which reflects the progress made against them.<sup>16</sup> Uribe oversaw the majority of a 70% decline in coca production and a \$3 billion reduction in the size of the drug market, from \$7.5 billion to \$4.5 billion.<sup>17</sup> The government severely beat back armed groups and had more control.

Despite these gains, there were still costs and blowbacks resulting from the DSP. For example, although the number of hectares used to grow illegal crops fell drastically, the productivity for such crops went up, as coca per hectare cultivated increased. Potential coca production only dropped 5.3%; in other words, the government had removed many coca crops, but had done little to make removal long-lasting. Coca production in some cases shifted elsewhere, to places like Bolivia and Ecuador. Furthermore, legal crops were sometimes damaged during spraying operations, and rural communities suffered health ailments from spraying.<sup>18</sup> The way security forces approached rural communities under rebel control made farmers less likely to cooperate.<sup>19</sup> More importantly, there was the “false positives” scandal, which involved troops murdering civilians and dressing them in rebel clothing to boost performance measures and receive promotions. Over 2,000 victims may have been killed and the full extent remained unknown when Uribe left office.<sup>20</sup> Some soldiers went to extreme lengths to boost their reputations, and the United Nations labelled the scandal as “systematic and widespread.”<sup>21</sup> The scandal remains an issue in Colombia today. Another major scandal involved the head of the secret police, the DAS. The first director appointed by Uribe lacked relevant experience and was later imprisoned for giving kill lists of rebel sympathizers to right-wing paramilitaries.<sup>22</sup> Uribe later formed a peace deal with these paramilitaries, the AUC, but the

group splintered into different factions and many of its fighters rearmed, along with fighters from other factions.<sup>23</sup> In addition, there were questions about the efficacy and legitimacy of Uribe's local militias and informants. Many of the informant networks became tools for paramilitary death squads and criminal organizations, and former members of armed groups even became part of the networks.<sup>24</sup>

There were still other scandals associated with Uribe's security policy. For instance, he took his fight against the FARC to such lengths that he bombed a camp in Ecuador, killing 27 people, including an Ecuadorian. Events like this caused a cut in diplomatic ties with Venezuela and Ecuador.<sup>25</sup> This placed a burden on bringing stability to Colombia's countryside, since Uribe needed cooperation with other countries in the region to make sure armed groups did not take advantage of porous borders. Then, there was the economic impact of Uribe's war against armed groups: unemployment was still high, 43% of Colombians were living in poverty, and Colombia was the only Latin American country that increased in inequality during this time, according to the UN.<sup>26</sup> With Colombia having historically high inequality, this did not bode well for the resolution of the issues that caused conflict in the first place. In fact, even former FARC hostages understood armed rebellion was still the best way for many young people to escape poverty.<sup>27</sup> Uribe also worsened the internal displacement crisis, as 15.8% of the population was internally displaced.<sup>28</sup> While the Colombian government, with the help of the United States, provided aid to internally displaced persons, its own policies were fueling this crisis.<sup>29</sup> Put simply, Uribe's policies had uneven successes and yield important lessons.

#### *A Break from his Party: The Santos Presidency*

Alvaro Uribe left office in 2010 and handed power to Juan Manuel Santos, who was Uribe's defense minister. Santos made some indications he would continue Uribe's work, but

also made the point of wanting to do so differently. When he first entered office, Santos continued to be tough against the FARC and other armed groups. He also wanted to improve the efficiency of the security services by integrating and promoting information sharing between intelligence agencies and increasing coordination between forces more generally.<sup>30</sup> Santos wanted to consolidate the gains made by Uribe and build other state institutions that would contribute to rural communities' economic development.<sup>31</sup> He really wanted to continue doing what Uribe did right, but fix mistakes. For instance, he dismissed high-ranking officers assumed to be soon charged in the false positives scandal.<sup>32</sup> Convinced that drug trafficking reduction goals were not met, Santos was open to new ideas and to fostering community-based services to solve the country's problems.<sup>33</sup> To more effectively reduce drug production, Santos shifted resources to fighting cocaine production and trafficking rather than coca farming. This weakened the drug market by decreasing demand for coca and thereby reducing the amount of coca cultivated. One estimate put the effect of a lab destruction at three hectares of coca reduced.<sup>34</sup>

The biggest policy change came in 2012 when he revealed that the government was negotiating a peace deal with the FARC. In doing so, Santos broke ranks from his predecessor and polarized Colombian politics. His reelection bid in 2014 was tense, but he remained committed to negotiating a deal because he believed its benefits would outweigh its costs. Santos continued to fight the FARC while negotiating, since no ceasefire would be implemented until the deal was reached; this gave the military flexibility and prevented negotiations from being prolonged by the FARC.<sup>35</sup> Following his belief that peace could be attained less violently, Santos signed the Victims' Law that restored land rights to displaced minority groups, the Statute of the Opposition that gave minority and opposition parties greater roles in national politics, and the Submission Law that reduced sentences for criminals who turned themselves in and

cooperated.<sup>36</sup> Santos signed the peace deal with the FARC in 2016 and implemented it in 2017, after a contentious referendum initially refused it.

In anticipation of the peace deal, another transformation occurred in 2016 with Peace Colombia, which was a change in the relationship between the United States and Colombia. Peace Colombia built on Plan Colombia's efforts to expand state presence and fight rebel groups, but also supported the peace process. Additionally, there was a component to make Colombia landmine-free by 2021; Colombia was one of the most landmine-ridden countries as a result of the conflicts between the government and rebel groups.<sup>37</sup> The amount of aid is slightly smaller than the average amount of aid given in Plan Colombia, and although it gives the majority of aid to non-military programs than in previous years, it is still too military-focused. It even gives less non-military aid than in years past and supports policies that have been ineffective, such as aerial fumigation and manual crop removal.<sup>38</sup> Hence, although the name of the program implies a focus on non-military programs, Peace Colombia has proven to be less promising.

Months after Peace Colombia was unveiled, the peace deal was finally enacted. The peace deal itself sought to disarm FARC fighters, get rid of illegal crops, integrate remote communities with the rest of Colombia, both politically and economically, and address grievances stemming from the FARC conflict. To deal with rebels' crimes, a special court was established that reduced sentences for those who confessed to crimes. The deal also relocated rebels who demobilized and allowed them to run for office in the FARC political party, which was given seats in the legislature. A critical piece to the deal's implementation was the removal of coca and other illicit crops in areas formerly held by the FARC, as it was estimated that the FARC produced 60% of the world's coca. To achieve this goal, the government had a plan to eradicate coca through forced removal by security forces and through voluntary substitution that

involved providing financial assistance to farmers.<sup>39</sup> Since going into effect, thousands of fighters have disarmed but violence against former fighters, minorities, and local leaders has become an issue, and former coca growers have struggled to make the switch from coca, due to poorly designed government policies and threats from drug traffickers. In general, violence was lessened to a degree the country had not seen in decades, but remains an issue.<sup>40</sup> In fact, illicit crop cultivation spiked after bottoming out in 2013.<sup>41</sup> Therefore, the success of the peace deal is mixed, and those effects skew toward the negative over time, with former fighters on both sides of the political spectrum rearming, rebel and criminal groups gaining strength, and local leaders losing their lives.<sup>42</sup>

With that, although Santos is seen as a peacemaker, reality shows a dimmer picture. While he did sign landmark legislation that made serious progress in developing rural areas, there were hurdles he failed to overcome in addition to those mentioned above. For example, he failed to negotiate with the ELN.<sup>43</sup> Also, the vacuum left by the FARC led to insurgents fighting criminal organizations and dissidents allying with transnational cartels.<sup>44</sup> This vacuum-induced spike in violence bears similarities to the spike in violence that followed the fall of cartel leaders in the 1990s.<sup>45</sup> Simultaneously, coca cultivation grew substantially, due to the suspension of eradication efforts, a fall in the price of gold that caused a shift from mining to farming, a stronger dollar that made coca more profitable, and the potential for monetary reimbursements for coca growers who complied with the impending peace deal.<sup>46</sup> No doubt, there were improvements in the economy, and Santos even improved relations with Venezuela and Ecuador; yet the peace deal left the job of securing peace and protecting human rights incomplete. This incompleteness, coupled with animosity toward the peace deal by many, contributed to Duque's

election as President in 2018, as his campaign attacked the deal and promised stability and prosperity.

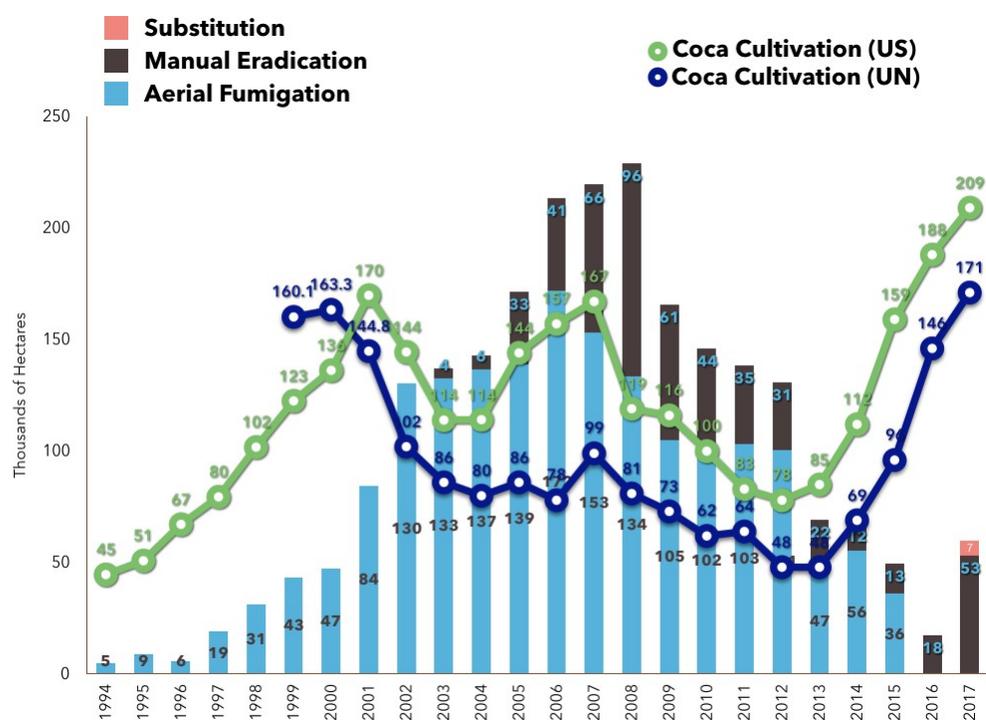
*Duque and his Politics of Defense and Security*

Duque ran as a hardliner on security, and since entering office last year, he has followed through on that promise. First, he initiated the Diamond Plan, which was a three month offensive against rebel groups and criminal organizations spearheaded by the military and police. This resulted in drug seizures, crop eradication, arrests, and violence associated with such actions. In fact, in the first seven months of his presidency, 60,000 hectares of coca crops were removed by force or voluntarily. Yet, there are 200,000 hectares devoted to growing coca, which is a marked increase in the past five years.<sup>47</sup> Duque has also implemented strict gun control measures, limiting the provision of gun licenses. On negotiations, Duque believed his predecessor was too lenient with the ELN, and therefore cut off negotiations. A January bombing by the ELN on the police barracks in Bogota that left over 20 dead rattled the country, but Duque has not changed his mind about stopping negotiations. At an event at the Wilson Center in February, he stated that the attack had been planned for some time according to intelligence sources, and that for negotiations with the ELN to continue, they must return all hostages and put an end to their violence. At the same time, Duque has put attention on nonviolent crime: he cracked down on those in possession of the minimum prosecutable amount of drugs to address drug use. He also prioritized cleaning up and monitoring schools and parks to deter drug deals.<sup>48</sup>

More recently, Duque has followed up on his campaign rhetoric about the peace deal with the FARC by returning to the legislature laws relating to six of the 159 articles in the Special Jurisdiction for Peace, the JEP. He wants these laws amended, and criticized them for being too lenient on rebel fighters. Specifically, he wants FARC to repay victims, tougher

sentencing rules, and no suspension of investigations by the normal justice system of those who have submitted to the JEP. Further, he wants sex crimes trials removed from the special tribunal so that repeat offenders who committed crimes after December 1, 2016 could be tried in the normal justice system.<sup>49</sup> Duque has even allegedly stopped participating in the monitoring commission for the peace deal after FARC members complained to the UN about the killing of social leaders and ex-fighters.<sup>50</sup> However, this has not come without a backlash, as the lower house in Colombia's legislature overwhelmingly rejected Duque's suggested changes to the JEP. This was a staggering defeat for Duque, since his administration put a great deal of effort into convincing the house to approve the changes; those who opposed his changes see his suggestions as a threat to the peace Colombia has secured.<sup>51</sup> Simultaneously, Duque's allies in his own party have criticized him for not sharing enough power with them in appointments and for giving too many concessions to their rivals, and there is now a coalition by three opposition parties that could paralyze Duque's presidency.<sup>52</sup> Thus, unless Duque is able to compromise with the factions in the legislature or receive an outpouring of support from the public, his policies could fall short of being implemented. Still, as President, Duque has become empowered by becoming an important player in the crisis in Venezuela, given that thousands of refugees have fled to Colombia; Duque has taken a tough stance toward Venezuela, and is influenced by the fact that the Maduro regime gives a home to armed groups utilizing the Venezuela-Colombia border. Colombian-Venezuelan relations are intensified by the fact that if Colombia becomes more involved in Venezuela, Maduro may provide more support to the ELN and other groups that could destabilize Colombia internally. In brief, Duque has not just departed from his predecessor in several important ways, but also faces a much different environment.

However, the most significant departure has been through his new security initiative, titled “The Politics of Defense and Security”, herein referred to as PDS, which was released earlier this year. Before outlining policies, the proposal describes the current situation in Colombia as worsening. Drug production is going up, as shown below, and the illicit economy is growing in size.<sup>53</sup> Duque has laid the groundwork and justifications for his plan by highlighting the poor conditions that emerged at the end of the Santos presidency. He describes the security and economic conditions that surfaced as he took office, and then explains how he has responded to those conditions since then. He then identifies a need for a broader strategy, the PDS, which he goes on to describe.



Sources: U.S. Department of State <<http://1.usa.gov/1eAAuTY>>, White House <<http://bit.ly/2tBhGH2>>, UNODC <<http://bit.ly/2n3zKc5>>.

The plan has five different themes for strategic transformation in Colombia that are oriented toward the achievement of five strategic objectives. The themes consist of biodiversity and the environment, cooperative security, the disruption of the illicit economy, shifting from military control to civilian control, and innovation and technology. Biodiversity and the

environment are a focus of the PDS because Colombia has a diverse ecosystem, is rich in water, and relies on hydroelectric energy for 70% of its energy consumption. In turn, the Duque administration views environmental protection as a national security priority. Cooperative security is a focus because of the transnational threats that Colombia faces alongside other countries in the hemisphere. Meanwhile, the dismantling of the illicit economy is a focus because it is relied upon by criminal networks and armed groups. Dismantling the illicit economy would starve such organizations of financial resources. The most ambitious theme in the initiative however is the shift from military to civilian institutional control. The method by which the government plans to stabilize violent regions is through a multi-phased system that evaluates regions on the level of peace and stability. For the most violent areas, the first phase would be strategic intervention zones inhabited by military forces focused on eliminating the primary threats to security. Security forces would work to create the conditions necessary for the successful operation of civilian government. The second phase would be zones for the construction of legality, which would consist of areas where violence is less rampant. The military would still be active in such areas so as to maintain the peace they established, with the goal of transferring authority completely to civilians. Major objectives in this would phase would be establishing local justice systems and providing services in education, health, and the formalization of the local economy. Then, the third phase would be zones of legality, business, and equity. These are zones where security issues are handled by police. Threats are also less pressing, as crime would be disorganized in areas in this phase. The goal of this phase is to maintain and improve civil conditions to promote economic development, equity, and the rule of law. The final theme of the PDS, innovation and technology, recognizes science and technology

as a useful tool for transformation and sees it as a vehicle for improvements in the military, the police, and the government that would benefit the objectives of the PDS.<sup>54</sup>

These themes are driven by several principles: deterrence and diplomacy for security, institutional control of territory, the dismantlement of criminal organizations, and improving the capabilities of the security forces. Thus, there are several objectives: guaranteeing territorial integrity and state sovereignty, protecting the public, expanding institutional control over the territory, preserving Colombia's natural resources and biodiversity, consolidating security for legal and socioeconomic purposes, strengthening the national security apparatus, and guaranteeing the protection and professional development of members of the security forces and their families.

These are all ambitious objectives, and to actually achieve them, President Duque has bold policies in mind. First, he will use deterrence and diplomacy to build alliances that will secure Colombia from external threats. In fact, Duque intends to lead regional efforts for cooperative security, deepen relations with other countries, take an active role in international peacekeeping and law enforcement efforts, and internationalize the area.<sup>55</sup> This is crucial not just for Duque's efforts against transnational criminal organizations, but also for environmental protection, as it shares the Amazon and Andes with other nations.

To promote citizen security inside Colombia, Duque plans to crack down on repeat offenders and to sanction criminals without impunity. He seeks to prevent the growth of criminal groups by prosecuting them to the fullest extent possible and by using intelligence sources to detect and prevent attacks. Military and police will continue to assist land restitution officials whom are aiding displaced citizens and processing land claims. To build security at the local level, the Duque administration is dividing areas by neighborhoods and streets to give local

security forces the ability to adapt to specific circumstances and to effectively deal with threats to public security. These quadrants would be overseen by police. The police and military are expected to work together in a way that not just retaliates against crime, but prevents it. This will require anticipating crime and putting the proper resources in place to deter crime. To inform these types of decisions, the intelligence services will become instrumental, and Duque's citizen security plan thus includes a civilian informant network that would aid security forces; this network already has over 800,000 registrants. To reach security objectives in rural areas, Duque also proposes strengthening the Carabineros, which are rural police. He wants them to share military and national police responsibilities in citizen security and emergency management and sees them as one of two critical elements in solving immediate problems in rural areas. In regard to indigenous communities, the government plans to cooperatively work with them in a way that respects their way of life and helps them live safely.<sup>56</sup>

Moreover, there will be enhanced efforts to protect Colombia's national parks to prevent the extraction of natural resources like lumber, minerals, and other goods. At the same time, the Ministry of Defense will create a national gun registry and crack down on arms trafficking to limit the ownership and spread of firearms. To strike at criminal structures, the Duque administration is coordinating action between the different ministries to dismantle criminal organizations. This will include efforts to discourage youth from joining gangs through the use of economic incentives and a clear presentation of rules and laws. The PDS also contains a measure to protect social leaders and human rights defenders.<sup>57</sup>

Of course, there are also measures to remove illicit crops through multiple ways, including manual removal and aerial fumigation, along with crop substitution to a lesser extent. To fight the drug trafficking, there will be increased monitoring of roads and waterways. Many

of these policies rely on an enhanced intelligence apparatus, which would include adding satellites to monitor Colombia's borders.<sup>58</sup> In effect, the PDS is an ambitious strategy and is consequential not just for Colombia, but for the region and the United States, as it would affect the flow of drugs from Colombia to the United States and present an opportunity for increased hemispheric cooperation in a variety of areas.

Looking at the PDS and Duque's policies overall, one can find several similarities and differences between them and the policies of the two previous administrations. Duque's policies clearly align more with Uribe's policies than with Santos'. After all, Duque is seen as Uribe's protégé. Both Uribe's DSP and Duque's PDS enhance the size of security forces and the scope of their activities in fighting rebel groups and criminals and incorporate forced crop eradication methods. Both also rely on civilian informant networks, although Duque has been quick to reassure the public that he will not arm informants and will not have semi-trained militias, although his plan does briefly mention private security as a complement to public security efforts.<sup>59</sup> Yet, there is no specified mechanism in the PDS to ensure that Uribe's informant and death squad scandals are not repeated.<sup>60</sup> In comparison to the policies employed by the Santos administration, one will find stark differences, the first being Duque's unwillingness to fulfill parts of the peace deal with the FARC and his hardline approach to potential negotiations with the ELN. Moreover, Duque is not investing in crop substitution programs or in peace and equality programs for women and minorities.<sup>61, 62</sup> While Duque has bumped up the illicit crop eradication goal for the year by 43% to 100,000 hectares, 80% will be done through forced eradication; for 2018 he passed Santos' eradication goal. Santos and Duque also differ on the use of glyphosate, which Santos banned and Duque is considering to spray illicit crops. Payments to families in the crop substitution program were even suspended for a time when Duque first took office.<sup>63</sup>

Evidently, President Duque's policies are mostly a reversion to Uribe's policies and a refutation of those of his immediate predecessor.

More urgently however, is assessing the impact that Duque's policies will have on Colombia. While Duque's policies may appear sound on paper and while he may say that his government is doing good things, reality paints a different picture. For example, Duque's scaling back of crop substitution efforts will only further endanger families in the program, as areas with crop substitution suffer higher homicide rates.<sup>64</sup> The program was not adequately structured during Santos' presidency, but Duque's reduction in the program's funding makes the problem worse. Weak substitution programs coupled with Duque's stance toward current and former rebel fighters will push people back to coca farming and rearming.<sup>65</sup> The government's enhanced forced removal efforts could make up for this, but the uptick in violence and loss of control over certain areas could simply cause coca production to move elsewhere. Furthermore, according to Green Party politician Juanita Goebertus, Duque's animosity toward the peace deal has created a crisis of confidence where former coca farmers and FARC fighters are uncertain how they will be treated by the government. If ex-combatants lose faith in the safe havens they have been relocated to, they could remobilize, while former coca farmers may find incentives to disobey the law.<sup>66</sup> The deal may be imperfect, but taking it apart would lead to a further rise in violence, empower armed groups, and stall the expansion of the state's presence in rural areas. The deal itself can be used to resolve deeply-rooted socioeconomic issues in Colombia and President Duque should not ignore that fact, according to the International Crisis Group.<sup>67</sup> In brief, there is a fair amount of uncertainty in Colombia's security situation and Duque can play a serious role in either feeding or starving that uncertainty.

Furthermore, while Duque's PDS indicated support for local leaders and minorities, local leaders continue to be killed at staggering rates and the government is embroiled in a tense standoff with indigenous communities who are protesting the government's insufficient efforts to implement the peace deal, promote the development of their communities, and respect their rights. Indigenous are being targeted by both military and police using at times lethal methods of response in response to these protests.<sup>68</sup> Local leaders and activists are particularly at risk of violence from right-wing paramilitaries that the Duque administration has failed to weaken, and other minority groups whose situation has worsened since Duque took office include Afro-Colombians, LGBT individuals, and women in rural areas. In response to the ELN attack in Bogota this January, armed forces in rural regions like Arauca are abusing their power while civil society organizations are simultaneously being threatened by rebel groups and criminals.<sup>69</sup> Groups like the ELN and FARC dissidents are expanding their attacks against the state, causing violence to see an uptick.<sup>70</sup> In fact, the different groups are even fighting each other, leaving many civilians caught in the crossfire. Many of the new groups popping up are more regional and crime-focused than political in nature, and there is a significant deficit in the trust between rural communities and the central government. Rural Colombians have yet to see tangible benefits from the peace deal.<sup>71</sup> Many citizens see the land restitution system as corrupt.<sup>72</sup> Duque could undo the damage by focusing less on coca eradication and more on stopping cocaine production and trafficking. Taking this path is not only more effective, but it does not have negative environmental and health effects and political capital costs. Evidently, while Duque entered office with the country facing several hurdles, his policies have so far worsened existing obstacles.

With that, the current situation is a foreshadowing of what may unfold in Colombia if such practices continue. Violence in a variety of dimensions will likely see an uptick. Inequality, particularly between urban and rural areas, will grow. The groups Duque is going after are decentralized and many in number; stepping up efforts to quash them may not yield immediate results, could cause them to ally with each other, and could lead to more attacks against the government and civilians. Already, FARC leader Gentil Duarte is attempting to reorganize FARC dissidents into a unified outfit, and Duque's policies may only persuade more to join Duarte's ranks.<sup>73</sup> The most concerning part of Duque's policies is the three-phased plan for zones suffering from high levels of violence. What is there to ensure that when a region is stabilized that the military will smoothly transfer authority to civilian officials? Will there be abuses of military power? Who will oversee such regions and ensure the military is acting effectively and responsibly? Even further, how can Duque be positive that zones in the second and third phases will not worsen, or that his approach to all phases will not worsen outcomes on the ground? What specific metrics are there to measure progress? Duque's PDS should instead treat zones uniquely and not try a one-size-fits-all approach; that is, he should recognize that going into areas with the military leading the way may not be the most sustainable method. Another concern is the increased surveillance. Colombia is one of the oldest democracies in Latin America; installing more surveillance runs the risk of interfering with civil liberties and deepening divisions in Colombian society that plays into "us vs. them" thinking, in addition to opening the door to a repetition of abuses that occurred under Uribe. .

However, there are some good sides to Duque's plan: increased regional cooperation will promote integration and security, and Duque's environmental protection plans promote biodiversity and ensure precious natural resources are not squandered. The heightened

monitoring of roads and waterways for smugglers will also be useful in disrupting criminal organizations and stemming the flow of drugs into the rest of the hemisphere. Ultimately, there are mixed yet mostly negative impacts that Duque's policies will have for Colombia, and it is important the government finds a way to maintain peace, scale up and maintain good policies, revisit some of the policies from the Santos administration it abandoned, and discard policies that would have negative effects.

### *Recommendations for U.S. Policymakers*

Fortunately, with Colombia and the United States having a close relationship, there are several opportunities for U.S. policymakers to influence the situation in Colombia and improve the state of affairs. First, the United States should fully support the 2016 peace deal alongside the United Nations, and urge the Colombian government to fully honor all articles. The United States should especially support the JEP and the successful demobilization and protection of former FARC fighters. It should also urge Colombia to respect minorities and should offer to help in mediating conflicts between the state and minorities. The United States should also redirect aid from focusing on security to focusing on community development, economic integration, and voluntary crop substitution programs. Security programs are no doubt important in Colombia, and security aid could perhaps be better spent on building local police rather than on the military. The United States should not be funding aerial fumigation efforts, and instead fund alternative livelihood programs that will make long-run coca production fall. Right now, Republicans are supporting aerial fumigation efforts and other hardline measures to reduce coca cultivation, but they should take heed of the effects of such policies when they were used in the past.<sup>74</sup> The United States can help sustain alternative livelihoods by supplementing infrastructure investments that will make it easier for rural Colombians to grow legal crops and access urban

and global markets to sell their products. Furthermore, the United States can encourage Colombia to revive the PCIM alternative livelihood program that was actually very effective. It succeeded due to its focus on health, education, justice reform, and police presence, which together eliminated coca cultivation, improved economic conditions, improve schooling and health outcomes, and decreased homicide rates. It was unfortunately discontinued but with U.S. assistance and urging it could be revived as a viable alternative to Duque's current approach.<sup>75</sup>

It is also essential the United States not assert that Colombia is doing little or nothing to stop the flow of drugs from Colombia to the United States and that it should not receive as much aid, as President Trump recently suggested.<sup>76</sup> As explained already, Colombia has executed ambitious policies to reduce coca production and to crack down on drug trafficking. It lacks the resources and expertise to do so effectively however, and it needs U.S. assistance to achieve its goal in stopping the flow of drugs across borders. Regarding the environment, the United States should also support environmental preservation efforts and can help in maintaining Colombia's biodiversity by funding ecological reserves and monitoring mining and farming methods. Last but not least, the United States government should do what it can to ease the burden of Venezuelan refugees on Colombia. While Colombia has done well at integrating refugees, the crisis in Venezuela could be used by Duque as a means to increase military spending and use force; the United States can prevent such an outcome by taking more responsibility on Venezuela and making the resolution of the crisis a joint effort. Evidently, the United States needs to make serious changes, as the Trump administration is still completely behind the Duque administration and supports its hardline approach to coca production.<sup>77</sup> Congress could be a starting point for such changes if the executive branch proves resistant to change.

### *Conclusion*

In retrospect, Colombia has transformed significantly over the last 20 years. This is due in no small part to the internal security policies of its current and past presidents. Under Alvaro Uribe from 2002-2010, the Colombian government engaged in an aggressive campaign against rebels in an effort to expand the presence of the state and reduce widespread violence. Uribe's strategy, encapsulated in his Democratic Security Policy, included expanding the role of the military, pursuing rebel commanders through more offensive actions, forcibly eradicating coca and other illegal crops that financed non-state actors, and using civilians and local militias to gather intelligence on and weaken criminal and rebel networks. Uribe's successor, Juan Manuel Santos, continues some elements of Uribe's strategy, but also engaged in negotiations with rebel leaders, which led to the signing of a peace deal between the government and FARC insurgency. Santos in general took a less hardline approach and aimed to reform many of the policies employed by his predecessor. By 2018, when Santos left office, Colombia was more secure and faced fewer rebel combatants in the field. Yet, these policies have also had considerable consequences for human rights, crime, rural development, and civil-military relations. For example, while there was a drop in crime overall, certain types of crime have become more common and crime in some areas is even growing; the policies used by Uribe and Santos were troubled by scandals, adverse effects, and poor planning.

Colombia's current leader, Ivan Duque, aims to continue Colombia's political development with a range of policies, with most being enshrined in his PDS strategy. This strategy is more similar to Uribe's policies than to Santos', albeit with some differences. It involves the broadening of military and police powers to eliminate criminals and rebel groups, establishes a new civilian informant network, increasing regional security cooperation, improving science and technology investments in security forces, and eliminating coca

forcefully. Thus, some of the results of his policies can be predicted. His hardline approach to restoring order using methods with at best questionable and at worst disastrous effects could lead to Colombia reentering a period of intense armed conflict and seeing problems from the Uribe era reemerge. The 2016 peace deal signed with the FARC represented a potential turning point for Colombia, and although it was not perfect, Duque appears to have learned the wrong lessons from its implementation. Fortunately, there are improvements Duque can make to his policy, and with guidance from the United States, Colombia can continue with more certainty on the road to peace and an end to its decades-long struggle with insurgents and criminal organizations. The United States can do the most good by incentivizing Duque to support the peace process with the FARC, replace ineffective crop removal efforts with more effective and equitable methods, protect the environment and local leaders' access to resources, and engage in more sincere community development efforts. If they do not make these policy modifications, Colombia and the United States risk alienating different groups in Colombia and destabilizing its countryside; however, if it does make these needed changes, they would be able to cement remarkable political and economic developments made in Colombia over the past 20 years and continue Colombia's trajectory to becoming a regional leader on a range of fronts, including human rights, the environment, and security.

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## Chapter V

### What We Know about Venezuela's Military and Political Landscape

By Jasmine Snead

Actors	Description	Loyalties	Recent Reports
<b>National Organizations</b>			
National Army of the Bolivarian Republic of Venezuela (FANB)	The Venezuelan Army is the largest military branch of Venezuela and the second in Latin America. It has the responsibility for land-based operations against external, or internal threats that may put the sovereignty of the nation at risk.	Maduro with small number of Guaidó supporters.	A small group of 100 members of the Bolivarian National Armed Force (FANB) participated in the protest led by Guaidó and López. President Nicolas Maduro signed a decree either reducing in rank or expelling dozens of officers, including high-ranking ones, from the country's armed forces due to their involvement in what he calls a recent coup attempt.
Bolivarian National Guard of Venezuela (GNB)	The national guard can serve as gendarmerie, perform civil defense roles, or serve as a reserve light infantry force. The branch is recognized for its human rights violations under the Bolivarian government and its alleged involvement in international drug trafficking through the Cartel of the Suns.	Maduro with small number of Guaidó supporters.	Authorities in Caracas have deployed Chinese-built armoured personnel carriers against protesters. Eight VN-4 "Rhinceros" carriers were used on Tuesday against supporters of opposition leader Juan Guaidó in Caracas. Also, Maduro discharged National Guard Lt. Col. Illich Sanchez, who oversaw protection to the opposition-controlled National Assembly and accompanied Guaidó during the uprising last week.
Fuerza de Acción Especial de la Policía Nacional Bolivariana (FAES)	Created in 2017 by Maduro to "fight crime and terrorism." Known to carry out illegal raids and extrajudicial killings.	Maduro.	Executed 37 people in illegal home invasions since January.

Colectivos	Leftist armed pro-government groups.	Maduro.	Recently filmed menacing video with Maduro with dozens of masked men and women who he referred to as “peace defenders” of the barrios.
SEBIN	SEBIN is Maduro’s Cuban-supported intelligence agency, which has a record of using cruel and inhumane treatment to coerce confessions.	Largely Maduro but some support Guaidó .	On March 21, 2019, Maduro’s police raided the home of Interim President Juan Guaidó’s chief of staff Roberto Marrero, and arrested him. Additionally, General Manuel Cristopher Figueroa, the now ex-director of the Bolivarian National Intelligence Service (Servicio Bolivariano de Inteligencia Nacional – SEBIN) has joined the opposition.
The Directorate General of Military Counterintelligence (DGCIM)	The military counterintelligence agency of Venezuela whose function is to prevent intelligence or espionage internally and externally enemy by military and civilians. Notorious for holding 200 to 300 officers and military personnel for punishment after being arrested on accusations of conspiring to depose the socialist regime.	Maduro.	A source very close to the military High Command of the regime said Maduro arrested the Head of Counterintelligence of the Bolivarian Intelligence Service (SEBIN), Ramón Balza Liota and had him in the General Directorate of Military Counterintelligence (DGCIM). Until now, the state in which Balza Liota could be found is unknown.
<b>Criminal Organizations</b>			
Cartel of the Suns (Cartel de los Soles)	A criminal organization that controls the country’s drug trafficking operations. The term “Cartel of the Suns” came from the golden stars that generals in the Venezuelan National Guard wear on their epaulets.	Maduro.	According to U.S. officials, high ranking members of the Maduro regime, including current minister of industries and national production, El Aissami, Diosdado Cabello, president of the National Constituent Assembly, and

			other military personnel are leaders of the Cartel of the Suns. Guaidó has promised and the White House has loosely suggested that amnesty would be offered for any past crimes for those who abandon the regime and help get rid of Maduro.
Ejército de Liberación Nacional (ELN)	One of Colombia's two main guerrilla armies with left-wing political ideologies.	Maduro.	Reports of ELN acting as a de facto state power in Apure to resolve disputes between citizens and keep order. They have financed the reparation of school facilities previously neglected by the Venezuelan government, and distributed food rations through the government-owned Local Storage and Production Committees. Additionally, according to Colombian military officials, Maduro's regime has been training the ELN to use Russian-manufactured anti-aircraft missiles.
<b>Countries</b>			
Cuba	Cuba and Venezuela have an alliance as socialist nations and Cuban leader Fidel Castro counseled Hugo Chávez of Venezuela on surviving a coup in 2002. Additionally, Venezuela sent Cuba an estimated \$30 billion worth of oil between 2003 and 2015, in exchange for Havana dispatching tens of thousands of medical workers and other government employees.	Maduro.	Carlos Fernández de Cossío, Cuba's director-general of U.S. affairs, told The Associated Press that the U.S. is falsely accusing his country of having more than 20,000 troops and intelligence agents in Venezuela. De Cossío said there are roughly 20,000 Cubans in Venezuela but virtually all are medical workers.

China	China has a financial interest in Venezuela. Of the \$150 billion of debt Venezuela has, China is the largest creditor. Chinese loans have financed infrastructure projects, factory construction, and, under former leader Hugo Chávez, handout programs to the poor. Also, China has sold more than \$615 million in weapons to Venezuela over the past 10 years. Also, large portions of the Chinese weapons sold since 2014, such as armed cars and pistols, have gone to the Maduro regime “Bolivarian National Guard,” which is known for suppressing civilian protests.	Maduro.	US Secretary of State Mike Pompeo accused China of posing a national security challenge to Washington. During a tour of several Latin American countries, Pompeo said: “China and others are being hypocritical calling for non-intervention in Venezuela’s affairs. Their own financial interventions have helped destroy that country.”
Lima Group	A multilateral body of fourteen countries committed to finding peaceful solutions to the crisis in Venezuela.	Largely Guaidó .	11 nations who are part of the Lima Group condemned Venezuela’s government for gaming democracy and violating human rights. They subsequently recognized Guaidó as the country’s legitimate interim leader and called for Maduro to step aside in favor of national elections.
Russia	Russia has interest in Venezuela because it owns substantial portions of Venezuelan oil fields through a 2016 deal in which Venezuela offered Russia 49.9% of Citgo as collateral for a \$1.5 billion loan. With billions of Rosneft assets tied up in the country, Russia has concerns they could lose out as a result of a wholesale change in power.	Maduro.	The U.S. secretary of state said Maduro’s airplane was on the tarmac and he was prepared to depart for Cuba, but “the Russians indicated he should stay,” Russia has later disputed this claim.
United States	The rise of US-backed opposition leader Juan Guaidó allows for foreign investment. Also, the US is motivated to keep foreign powers like Russia and China away from their backdoor.	Guaidó.	Acting Defense Secretary Patrick Shanahan has canceled a trip to Europe in order to coordinate with the National Security Council and State Department on Venezuela.

### *The Vital Role of the Military*

Military allegiances play a vital role in determining the success and influence of Venezuela's president. Mr. Juan Guaidó declared himself Venezuela's interim president. Implementing his influence in the opposition-controlled National Assembly, Guaidó entreated the constitution to assume as the position of acting president, asserting that Mr. 'Maduro's re-election last year was illegitimate. Since then, the tension between those who support Mr. Guaidó and those who back Mr. Maduro has increased. The military holds the balance of power. On April 30 in Caracas, Mr. Guaidó rallied the military to help depose President Maduro. Guaidó has guaranteed to pardon to soldiers who help to topple Maduro, and there have been accounts of recent small mutiny within ranks.

Even though there was a modest amount of National Army of the Bolivarian Republic of Venezuela (FANB) accompanied Mr. Guaidó, the majority of the soldiery reaffirmed loyalty to President Maduro and the status quo was maintained. There have also been reports of Bolivarian National Guard of Venezuela (GNB) leadership joining the opposition, Maduro puts forth effort to keep the military faithful. He placed officers in charge of critical posts in the government and state oil company. Nevertheless, soldiers are disgruntled regarding the salaries that are lower than before.

### *Guaidó's Supporters*

Of Interim President Juan Guaidó's supporters on the ground, two of his allies were recently detained. In late March Maduro's police raided the home of Guaidó's chief of staff Roberto Marrero and arrested him. More recently Venezuelan intelligence agents captured the vice president of the opposition-led National Assembly. Authorities attempted to hold Edgar Zambrano as he drove out of the opposition party headquarters, but he refused to leave his car. His car was then towed directly into a Caracas prison with him still inside. The detention is part of a more massive crackdown on opposition leaders who participated in last 'week's failed military uprising.

However, the strong arm of support that Guaidó has is the people and the fifty plus foreign powers supporting Guaidó's claim to the presidency. Los Barrios are impoverished areas

that touch the hillsides of every large city in Venezuela and makeup roughly half the national population. In recent months, residents of the barrios have shifted towards Guaidó. In the past, the barrios have acted as a foundation of support for the socialist administration for years. However, the residents are shifting allegiances based on the economic downturn and growing rates of police brutality. Public support for Mr. Maduro among Venezuela's most vulnerable population has declined from 40% in early 2016 to 18% in February 2019.<sup>1</sup> Without the overwhelming support of the barrios, Maduro is relying heavily on the armed forces and paramilitary groups.

### *Maduro's Support*

Support for Maduro among Venezuela's poorest has dropped to a record low of 18% in February 2019. On a larger scale, Guaidó is backed by over 50 countries internationally including the United States. The Trump administration acknowledges Guaidó as Venezuela's rightful president and encourages Maduro to leave office immediately. To facilitate the process, Secretary of State Mike Pompeo met with Russian Foreign Minister Sergei Lavrov to discuss the Venezuelan political crisis and the more significant effects around the world. Guaidó has said he is considering asking the U.S. to launch a military intervention in the embattled country.<sup>2</sup>

In Juxtaposition, 'Maduro's Presidency Disputed since the beginning, and he has used his term to extend his power. First elected in April 2013, Nicolás Maduro took charge after the death of his socialist mentor and predecessor in office, Hugo Chávez. At the time, Maduro prevailed by a thin margin of 1.6 percentage points.<sup>3</sup> Since taking office, he has an uphill battle to economically and politically. The opposition has accused him of maintaining power through restricting freedom of speech, political imprisonments, inhumane torture mechanisms, and extrajudicial murders.<sup>4</sup>

### *Maduro's Extension of Power*

Throughout Mr. Maduro's term, he has made conscientious efforts to expand his power and security. In 2015, President Maduro's ally, National Assembly President Diosdado Cabello, who some call the second most powerful person in the regime, stacked the 'country's courts with pro-government 'Maduro's guarantors of power. 'Maduro's National Electoral Council (CNE) oversee the conduct of all elections and declare the legitimate victors. Since 2015, they have

disqualified every major opposition party and most opposition candidates in lesser races since 2017.

Under President Maduro's orders, the CNE organized widely contested elections for the National Constituent Assembly. This caused significant controversy because the primary objective of the National Constituent Assembly is to draft a new constitution. Maduro used the Assembly to take away the granted powers of the National Assembly to benefit and add longevity to his regime. With pro-government Assembly, he was able to ratify his orders, and enact laws that discourage opposition figures and their policy proposals.

Additionally, during 2017 the Maduro administration replaced foreign companies with unregulated Venezuelan miners.<sup>5</sup> This was a strategic move because that garnered political because the miners operate with the backing of senior Venezuelan military officers, including National Assembly President Diosdado Cabello, who is being investigated by the U.S. for aiding extensive drug trafficking operations connected to Cartel of the Suns.

#### *Los Colectivos*

Dominant legs of Maduro's regime on the ground in Venezuela are the colectivos. Local militias are known as colectivos to crack down on peaceful protestors. It is believed that Maduro's drop in public opinion among the poor is due to the brutality of colectivos. The colectivos are on a mission to suppress developing resistance and glaring defiance to Maduro with through threats, fear, and brutal force.

#### *The Use of SEBIN Against Guaidó*

In March of 2019, Maduro's internal security force raided the home of Interim President Juan Guaidó's legislative assistant Roberto Marrero and captured him. SEBIN is President Maduro domestic intelligence agency, supported by Venezuela's socialist ally, Cuba. It is reported that SEBIN continues to detain him. In the past, SEBIN has been accused of using cruel and inhumane treatment to coerce confessions; therefore there is worry regarding his safety.

#### *The Effects of the Conflict Between Guaidó and Maduro*

Because political tensions have intensified and the Maduro administration is focused on silencing the opposition, criminal organizations operating in Venezuela experience nearly

impunity. Recently there have been several shootouts, and airforce general and five officers were killed near Aragua. These violent incidents are believed to be ordered by a gang that ran out of a penitentiary. Additionally, there was an altercation between rival mega-gangs in Sucre, which resulted in nearly ten deaths and fifteen people injured. There has been little traction in arresting assailants for these violent incidents.

### *Role of FAES*

FAES Maduro has increasingly relied on the Fuerza de Acción Especial de la Policía Nacional Bolivariana- FAES (the Special Action Force of the National Police) that he created in 2017 to fight crime and terrorism. But instead, FAES is an institutional mechanism that unleashes unlimited violence to keep Maduro in charge. The FAES is made up of thirteen hundred officers and is believe in having murdered over one hundred Venezuelans in low-income communities in less than a seven-month time frame from June to December 2018.<sup>6</sup> According to Michelle Bachelet, the U.N. High Commissioner for Human Rights, FAES is accused of killing nearly forty people in connection with illegal home invasion raids in January.<sup>7</sup>

For an organization with such high amounts of civilian interaction, FAES is not trained to deescalate alterations using mechanisms such as slowing down, creating space, and communicating to defuse a potentially dangerous situation. Instead, their modus operandi is primarily military rather than noncombat focused. FAES take control of an area as if they were an army and hunt specific targets that are considered enemies rather than people

### *Reinforcement Outside of Venezuela*

The National Liberation Army (ELN) is a Columbia Guerilla Group that has utilized Venezuelan territory at least since the nineteen seventies. Post peace agreement between the Colombian government and the FARC, the ELN has exponentially increased its presence on the border with Venezuela. In some parts of Apure, the ELN is seen as community leaders by providing resources, employment, and maintaining order. Additionally, Colombian General Luis Navarro said that the Colombian military had intelligence proving that the ELN was cooperating militarily with Maduro's government.<sup>8</sup>

## *Recommendations*

The conclusion is there is far more questions regarding Venezuela than answers at this point. The opposition movement is demoralized but intact, and Maduro is still sitting in the seat of power. What is certain is that the humanitarian crisis, which has left Venezuelans perilously low on food stores, medicine, energy, and water, and has caused more than millions of people to emigrate to other countries should be the highest priority.

The U.S. is an excellent ally to Guaidó, which can incentivize senior leaders to partner against Maduro. However military intervention is recommended due to the sheer size of Venezuela and the mountainous terrain. Additionally, Venezuela is a heavily militarized state with a densely armed civilian population. A military takeover would be far more complicated than past conflicts. Finally, while this salient issue resonates with some Americans, typically those in the Florida peninsula. The majority of Americans do not understand nor care about the complexities of the Venezuelan political crisis. It would be a risky move for the Trump administration to lean on military intervention in Venezuela before the 2020 elections.

The solution with the least bloodshed would be a negotiated deal to have internationally supervised fair elections. Also, creating a citizens council with balanced representation from the barrios and including human rights organizations would ensure the people of Venezuela have an adequate say in the electoral process.

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