

# Mexico: Navy on Patrol and Police on the Beat

## Mexican Navy: an Interview with Rear-Admiral Juan Guillermo Fierro Rocha



*Rear Admiral Juan Guillermo Fierro Rocha, President of the Special Studies Commission at the General Staff of the Mexican Navy*

When crime was local, and nations threatened nations, the relationship between the navy on patrol and the police on the beat was clear – police took care of the criminals at home and the navy protected the seaborne advances. Nowadays, nations, or more specifically the communities that comprise nations, are increasingly threatened by transnational organized crime and subversive elements on a global scale. Trans-national crime manifests itself within communities through drug trafficking, human smuggling, money laundering, gun smuggling, and compromising intellectual property. Political and religious extremists threaten community values that have evolved in accordance with national mores, by taking advantage of the placidity that defines community peace of mind and develop sleeper cells to spread their terror to other localities.

In an earlier attempt at defining the relationship between the navy and police in the Canadian context, I discovered a quagmire of bureaucratic relationships involving Maritime Forces, RCMP, Transport Canada, Fisheries and Oceans, Coast Guard, CSIS, and others that oversee various aspects of multi-layered laws affecting Canada's littoral communities and its 12 mile / 200 mile Economic Expansion Zone, as well as a federal provincial jurisdictional divide. I have been unable to identify a single entity in Canada that is accountable for the administration and enforcement of all laws affecting Canada's coastline. From a maritime security perspective, the Federal Government's solution is the establishment of Maritime Security Operation Centres (MSOCs). Described as a platform for "data fusion," MSOCs are expected, should the need arise, to provide a medium for different federal departments to network and guide each other in making decision in the defence of the nation.

At a meeting with the Mexican Ambassador to Canada, Francisco J. Barrio Terrazas, in Toronto last November I mentioned my interest in the relationship between the navy and the police and noted Mexico's laboratory-like conditions for exploring such relationships. That discussion led to a visit to the naval headquarters in Mexico City.

In March of this year, I toured the Secretaría de Marina-Armada de México in Mexico City; an impressive naval HQ with

*Mexican Marines in Training.*



sailors from all ranks, both genders and representing Mexico's rich ethnic legacy carrying out their naval duties, even though located 7,350 ft above sea level.

Rear Admiral Juan Guillermo Fierro Rocha, President of the Special Studies Commission at the General Staff of the Mexican Navy, is responsible for briefing the High Command and the Chief of Staff. In our preliminary conversation I discovered that the Mexican navy has 175 ships (8 Battleships, 3 Amphibious War Ships, 33 Oceanic Patrols, 17 Coastal Patrols, 69 Interception Patrols, 32 Auxiliary Ships, 11 Searching Scientific Ships, and 2 Tall Ships for sail training). These vessels serve in an east coast fleet patrolling the Gulf of Mexico and Caribbean and in patrolling Mexico's Pacific coast. Mexico is comprised of 31 states and 1 federal district – and each of the 17 coastal states has its own naval command. The Mexican Navy seeks relationships with Navies in Europe, Asia, South America and North America.

Present at the interview were Legal Counsel, Capitán de Fragata (Commander) Ernesto Moreno Corona and Teniente de Corbeta (Lieutenant) Benjamín Jiménez, Tamayo, from General Staff, providing guidance and clarification between English and Spanish.

**How does the Mexican Navy relate to the Federal Police Force in dealing with drug trafficking?** I think we in Mexico are more advanced than Canada in this kind of work because of the experience we have achieved. We are working with the civil authorities – not to replace them but to support and complement them. For example, when we catch a criminal, we do not have authority of arrest only capture him (her) in the committing of an act and hand the violator over to the proper authorities. We are required to protect the criminal scene and support the police by protecting evidence. We are all connected with the objective of protecting Mexicans, once the civilian authorities arrive and take over, we return to our naval duties. For us, this is a critical area of law and order.

**It is common to see Marine personnel working alongside federal police, how are standards and procedures organized?** Mexico is dealing with a special situation right now. This is not the responsibility of the navy, but *Article 89* of the Constitution states that the President has “the right to preserve the national security and to have the command of the armed



*Mexican Marines on humanitarian duties during Haiti earthquake.*

forces to keep the interior secure in the defence of the country.” The President believes the problem of organized crime has to be addressed by all of the security agencies; he has commanded that all the forces at hand work together to solve the problem. That is the reason you see the Marines working with the federal police force doing surveillance work; we are dealing with a national effort to control and stop drugs entering the U.S. and Canada.

**Did the involvement of the navy in law enforcement require constitutional change?** Not at all, the Mexican Constitution allows the President to take whatever action he considers necessary to protect the nation. The navy falls under [the purview of] the National Security Cabinet and the National Security Council; the President heads both. However, changes have been made in the national security law. We are ready to merge national defence as a national security situation. Modifications to the national security law clarify our situation, but this situation is temporary. The personnel of the Mexican Navy are performing duties as a public security action and we are developing a special office of

human rights to certify that navy personnel understand their role in this process. We need to be in touch with the Mexican people – we are trying to evolve and train our personnel to be more competent in serving the Mexican citizens. We are using a lot of lawyers to advise us in practicalities of these matters. We need to be all involved in this process in order to relate national security to public safety.

**In Canada we have a problem with different departments sharing information that each owns, do you have such a limitation in Mexico?** We don't have specific rules about information; we work with the federal police for example, the Mexican army and other agencies of government. We have to exchange information with the national security services, we can exchange between departments of the government because of the critical nature of the situation we are dealing with. Communications evolves through confidence that we work with all Mexican agencies as part of a national strategy to deal with drug trafficking. Then there is our Mission as a Navy, which is to aid security through protection and surveillance.

**How does Mexico guard and police its coastline relative to the way such duties are performed in Canada by the RCMP and in the U.S. by the US Coast Guard?** The Mexican Navy guards our coastline, developing surveillance in order to prevent illicit acts being committed in national waters. We work with all armed forces and law enforcement organizations. We employ a legal team that knows the basis of this operation. We have search and rescue services that are managed by the Navy and we are involved all aspects of Port activity, we also oversee nautical navigation aids in Mexican Ports. The army and naval forces are the first line of defence of the nation and are involved in addressing this national problem. The police work with naval forces at the regional level – they have smaller and faster boats. At the same time, we are defending the coast of the country, dealing with the job of the Coast Guard. We are improving our methods and professional practices in developing the service of the Coast Guard – refining practices, especially in Search and Rescue. We don't have a formal Coast Guard service, the navy assumes these duties; we are doing the two roles.

**Do you see a need for Mexico to have a defined Coast Guard service?** It could be an ideal situation. We are currently utilizing the resources we have in the navy; we have a force of 50,000 people and they cover a very wide area. We have different problems in different parts of our country – the situation in Mazatlan is very different from Cancun or in the border of the Pacific Ocean with Guatemala. Problems in the Pacific Ocean are different than in the Gulf of Mexico. The local commands need the discretion to put into action their plans for dealing with the situation at hand. The different commands are focussing their efforts to deal with possible threats to the tourist industry and illegal distribution of narcotics as well as to improve their expertise in Search and Rescue also security within their harbours – few people, a lot of tasks. The federal police and the navy work together in the implementation of the International Shipping and Port Security (ISPS) Code within all Mexican Ports. This involves us working within the framework of the International Convention on Human Rights. Mexico is committed to all aspects of human rights. We work within the framework of the Mexican constitution and the international law of human rights – but our supreme law is our constitution.

**How do you see the relative supply and demand formulation of drug policies having to be developed if we are to find a solution to narcotic trafficking in North America?** Let me relate the foreign policy of Mexico, which has three main axes; self-determination, non-intervention; and peaceful resolution. These rules are reflected in the role of the Mexican Navy when we face risks or threats. We are in touch with American agencies and we are trying to get closer to the Canadian ones – in order to interchange experiences and information – to prevent or solve threats which affect the region. We are dealing with our risks, our national problems, however, we are convinced we won't solve these problems by ourselves. We recognize the problems affect not only Mexico, but the U.S. and Canada too – that is why there is a need to recognize the core responsibility. Together, we have a responsibility to share, in order to prevent. In this context of the foreign policy of Mexico, we are convinced that it is necessary to be in touch with American and Canadian agencies in order to work together – to share information, experiences, intelligence, exercises, operations out of the country, and because of the Mexican foreign policy, we do so in full respect of U.S. and Canadian sovereignty.

**Are you aware of the Canada/U.S. ShipRider program?** We are very familiar with the ShipRider program and we do understand the concept of protecting sovereignty and respecting each other's laws. Mexican laws do not recognize anyone from any country, on board a Mexican Navy ship performing police activities. Were they needed, we would see such duties only in terms of interchanging professional practices. But in your case, this is a demand to solve specific problems and I understand it is a temporary arrangement. We have other types of problems to solve. I believe we will evolve into this situation. We are in touch with the consular services and with Northern Command. When this kind of a problem appears, we have other tools, such as the NANSI (North American Maritime Security Initiative, March 2010) procedures.

When a Mexican or American navy ship needs intervention, we communicate with the other partner, we reach the limit of our territorial waters and we interchange the solution. Our American partners respect our laws, and we theirs. The con-



cept of core responsibility that Admiral Mariano Francisco Saynez Mendoza, Secretary of the Navy is trying to work with, in the case of the navy, is to look for solutions to the problems to the extent that, the solution itself, does not provoke any damage to Mexican rules, the law, our responsibilities, our duties, the respect of our neighbours' sovereignty and, of course, our own. We are trying to solve a lot of problems with our American partners.

**Are cooperative efforts with Canada and the U.S. progressing?** Canada, the United States and Mexico are sharing and trying to solve the same problems with different resources. All three countries are committed to solving the problem and enforcing the law to the extent of their own areas of responsibilities. Our shared experiences and joint efforts will lead to better results, given the environment in which they have evolved. The international agenda recognizes not only terrorism as a threat to national security, but also factors such as trafficking of drugs, guns, and persons, between countries. This reality acquires more importance because some of these have their origin or destiny in USA or

Canada. Mexico is facing them because it is the first step of this route.

## Discussion

Rear Admiral Fierro Rocha describes Mexico as the first step in the route for transporting illicit drugs to the U.S. and Canada. As long as the demand for this product continues unabated in the U.S. and Canada, Mexico will be under pressure to address the concern as a transnational organized crime issue.

Evidence and intelligence from ongoing narcotic investigations, seizures and prosecutions confirm just how lucrative this “business” is – involving many millions of dollars, mostly in cash that must be disseminated legally before it can be used by its benefactors. It is so lucrative, in fact, that the occasional successful enforcement coup does nothing to stem the tide. The laundering of such quantities of money has continued unabated over the past four decades, which clearly indicates that much work is required.

Innovative policies – such as the ‘Four Pillars’ approach (Prevention, Treatment, Harm Reduction, and Enforcement) for addressing drug addiction on the streets of Vancouver – are controversial and not overtly supported by the US government. The “war on drugs” policies promoted by successive U.S. governments over the past four decades, along with liberal gun ownership laws that do not impede drug traffickers from acquiring military armaments, dictate the options open to Mexico in attempting to stop the transfer of illicit drugs across its northern border. It should



*Naval helicopter surveys flooded area in humanitarian rescue services.*

be noted that Mexico’s gun laws are as restrictive as Canada’s. Complying with its desire to be recognized as a democratic country that subscribes to the rule of law, the President of Mexico has little choice but to utilize all of his national security agencies in limiting illegal drug trafficking north of the U.S. / Mexican border.

Admiral Fierro Rocha emphasizes the importance of relating national security to law enforcement and public safety while at the same time being clear about naval obligations. He understands the need for naval personnel to be aware of human rights’ obligations relative to law enforcement in dealing with their citizens, while at the same time supporting information transfer needs, as the situation demands. Building a trusting relationship with the citizenry, and sharing information between government departments, seems to be the challenge in

defining a modern relationship between the navy on patrol and the police on the beat when national security is threatened from within.

A naval presence provides assurance that a nation’s interests are being represented in localities far away from its shoreline. That said, under the kind of circumstances Mexico finds itself, there is evidently a need to further define the role of the navy when the nation is bleeding from within.

The infiltration and evolution of organized crime in communities is insidious, and the message from Mexico is that dealing with such community based threats requires a collaborative approach that combines the resources of both national defence and law enforcement groups.

In an interview published in the *Australian Maritime Association’s Maritime Studies* (2007), Rear-Admiral Roger Girouard, who recently retired from the CF, agreed that a dedicated police force would be more effective in administering maritime law than the occasional tour of duty by an RCMP Officer. “The environment and culture are different,” he cautioned, “maritime policing procedures are different and the jurisdiction is complex – port, waterside, out the 12 miles, contiguous zone out the 200 miles, all of that has legalistic play with some party having a stake” Girouard believes the issue of bureaucratic ownership is counter-productive – “what we need is ownership of the responsibility to decide, act and do.”

By comparison, all military services in the U.S. are subject to the *Posse Comitatus Act of 1878*, which limits the federal government’s use of the military for domestic law enforcement. However, the U.S. has no shortage of civilian law enforcement agencies, and its Coast Guard is unique in that it is not bound by the 1878 legislation. This allows it to perform both law enforcement and defence duties, on land and sea, at home and abroad. A military operation, the U.S. Coast Guard offers a model for merging the “navy on patrol” with “the police on the beat.” Over the long term, the USCG model could become the benchmark for a North American maritime security perimeter linking law enforcement on land and at sea. **FI**

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*Naval aircraft performs shoreline surveillance.*