

4. Internal displacement in Mexico: the debate on concepts, statistics and State responsibility

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Internally displaced persons [IDPs] are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.¹

Since the 1960s, Mexico has suffered from internal displacement as a result of religious intolerance (between Catholics and minorities of Protestant indigenous people) and communal conflicts, as well as disputes over land and natural resources in states including Nayarit, Hidalgo, Oaxaca, Guerrero and Chiapas. In the 1990s, these problems were compounded by situations of growing insecurity and conflict in which the Mexican army and local police officers intervened, displacing thousands of people. In particular, the 1994 Zapatista uprising in Chiapas caused unprecedented displacement levels, and estimates indicate that more than 30,000 people have been living through a period of protracted internal displacement, which means that even 30 years later displaced *chiapanecos* have been unable to find durable solutions.²

In the last decade, three factors have contributed to the intensification of violence and insecurity in the country: the security strategy pushed by Felipe Calderón's government (2006–12) to eliminate drug cartels, the recrudescence of struggles between cartels to control drug distribution routes and, lastly, the proliferation of smaller and more fragmented criminal groups fighting among themselves to control territory and wield influence across the country. Although larger cartels control international drug trafficking, these new and smaller actors concentrate on other crimes like extortion, demanding 'protection' fees,

1 According to the UN Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (11 Feb. 1998).

2 Academics and non-governmental organisations (NGOs) from the region announced this figure in the Foro de Diálogo por la Paz, Desarrollo Económico y Desplazamiento Interno Forzado in San Cristóbal de las Casas, Chiapas in March 2011.

kidnappings, and drug distribution and sale in local markets, establishing a presence in almost every region.³

As a consequence, the murder rate for the whole country rose from eight to 18 per 100,000 people, and in the most violent states it reached up to 20 per 100,000 people.⁴ Human rights violations against the civilian population became systematic and thousands of people died in the crossfire, or as direct victims of organised crime, creating a generalised climate of insecurity. Likewise, journalists, human rights activists, politicians and mayors have been harassed and/or threatened, persecuted or assassinated. In many municipalities, public officials have fled after receiving death threats or suffering reprisals for their actions against cartels. Nowadays these threats are taken very seriously, 32 mayors having been murdered between 2006 and 2014.⁵

In this context, under the current circumstances internal displacement in Mexico affects all sectors in society, but particularly vulnerable ones, such as the elderly, women, children and economically disadvantaged indigenous people. In this scenario, homicides, enforced disappearances, human rights violations, extortion, threats, 'protection' fees, assaults, robberies and arbitrary evictions, as well as corruption, impunity, hopelessness, fear and helplessness have all been causes for internal displacement, both preventively and reactively.

This chapter examines the impact of criminal violence on internal displacement in Mexico between 2006–14. It focuses mainly on the political debate around the definition of internal displacement, the existing statistics and the Mexican State's obligations towards its victims. It shows that, despite an irrefutable link between violence and internal displacement, its study and the attention paid to it have been plagued by political, methodological and practical obstacles, and as a consequence there is a lack of information, legislation and public policies for IDPs, which leaves them in situations of helplessness and vulnerability. Additionally, it argues that there are considerable

- 3 F. Escalante, 'Homicidios 2008–2009, la muerte tiene permiso', *Revista Nexos*, 3 Jan. 2011, available at www.nexos.com.mx/?p=14089 (accessed 15 March 2016) and E. Guerrero, 'Security policy and crisis of violence in Mexico', in D. Villiers Negroponte (ed.), *The End of Nostalgia: Mexico Confronts the Challenges of Global Competition* (Washington, DC: Brookings Institution Press, 2013), pp. 112–51.
- 4 INEGI, 'Evolución de la tasa nacional de homicidios. Homicidios por cada cien mil habitantes entre 1990–2009' (INEGI, México, D.F., 2010).
- 5 M. Torres, 'La muerte de edil de Tanhuato revive debate sobre la seguridad de alcaldes', *CNN México*, available at <http://mexico.cnn.com/nacional/2014/03/26/la-muerte-de-edil-de-tanhuato- revive-debate-sobre-la-seguridad-de-alcaldes> (accessed 15 March 2016). In only three years (2008–11) 25 municipal presidents (mayors) were assassinated: 4 in Michoacán, 1 in Zacatecas, 4 in Oaxaca, 4 in Durango, 2 in Guerrero, 1 in the Estado de México, 2 in Nuevo León, 1 in San Luis Potosí, 1 in Tamaulipas, 3 in Chihuahua, 1 in Morelos and 1 in Coahuila, available at www.terra.com.mx/noticias/articulo/965621/ (accessed 15 March 2016).

contradictions between Mexico's political and diplomatic discourse on forced migration and its internal policies.

The first section will look at internal displacement evidence in Mexico, and at the attempts made to determine the scale of the issue through quantitative and qualitative research. The second part will analyse Congress's discussion around relevant legislative initiatives, as well as in other government bodies, including the Executive Commission for the Attention of Victims (Comisión Ejecutiva de Atención a Víctimas – CEAV) created in 2013, and between public officials on the definition of internal displacement, the creation of protocols to tend to its victims and the need for an official study. Finally, the tension between the political and diplomatic discourse and Mexican reality will be examined.

The evidence on forced displacement: what comes first, the chicken or the egg?

*Mexico, grab your children... they are coming for us!*⁶

Even today no detailed studies of people internally displaced by violence in Mexico exist that give an insight into this population's characteristics, such as the cause of displacement, places of origin and destination, age and sex. However, evidence suggests that, in places where there has been a considerable increase in violence and the perception of insecurity, alterations in the political and social orders have taken place, leading to both internal and cross-border forced displacement. Mexico's historic trend of internal and international migration has clouded the judgement of Mexican authorities and the international community, causing both to underestimate the impact of violence in these flows in recent years.⁷

The qualitative work that I and my research team carried out in several states reveals that even well-off families in a stable economic situation sometimes become poverty-stricken when subjected to a multifaceted victimisation process which, including forced displacement, leads to a significant deterioration in their standard of living.⁸ Therefore, in the prevailing scenario since 2006, and

6 The desperate cry of an indigenous woman in a small community in Ixtayotla (Guerrero) who was persecuted by drug traffickers in July 2012 after she resisted paying extortion money, available at <http://bajoelfuego.blogspot.mx/2013/09/mexico-agarra-tus-hijos-vienen-por.html> (accessed 15 March 2016).

7 L. Rubio and S. Albuja, 'Criminal violence and displacement in Mexico: evidence, perceptions, and politics', in A. Lindley (ed.), *Crisis and Migration: Critical Perspectives* (New York and London: Routledge, 2014).

8 Among such cases are notable examples of middle- and upper-middle-class cattle and pecan farmers in the state of Chihuahua, as well as entrepreneurs from Nuevo León and Michoacán who were economically comfortable before falling victim to violence and having to pay enormous sums, in some cases, as ransom for kidnapped children or relatives (information collected from 17 testimonies gathered by the author in Aguascalientes in May

in every registered case of forced displacement, impoverishment is a direct consequence of violence and displacement; that is, even well-off families affected by displacement see their socio-economic status diminish, which in turn refutes the theory that poverty and unemployment are still the main causes of internal and transboundary movements in Mexico.

Internal displacement in Mexico has been invisible for several reasons. First, government agencies have tended to minimise or ignore it, as it exposes lack of foresight concerning the humanitarian consequences of the security strategy and a weak national human rights policy. Both Felipe Calderón and Enrique Peña Nieto's governments have systematically denied any responsibility for the fact that these measures have contributed to the increase in violence and the climate of insecurity. Thirdly, a legal and conceptual barrier has prevented displacement from being identified and documented in the halls of power, which has led to it being assimilated into economic migration.⁹ Fourthly, gradual and 'drop-by-drop' displacements have been particularly difficult to detect. Fifthly, attacks against journalists and human rights defenders have caused them to self-censor on issues of criminal violence and forced displacement, which is why in some of the most violent states these topics do not receive any coverage.¹⁰ Finally, displaced people may seek to remain invisible out of fear.¹¹

Let's take a look at the evidence. Statistical sources, including the 2010 population census, when cross-referenced with rates of intentional crimes like homicide, indicate that the 12 most violent states (Chihuahua, Sinaloa, Estado de México, Guerrero, Michoacán, Baja California, Durango, Tamaulipas, Nuevo León, Coahuila, Veracruz and Jalisco) had an overall net migration flow of 55,700 people, and that the correlation coefficient between homicides and net migration flow is negative (-0.27). Similarly, the proportion of people leaving municipalities with high levels of violence is 15 times higher than in municipalities with low levels. This shows that these locations are losing substantial numbers, which may be related to violence linked to organised crime.

2014, Mexico City in Sept. 2012, May–Aug. 2013 and Sept.–Nov. 2014, and in the Estado de México, Sept.–Oct. 2013).

- 9 S. Albuja and L. Rubio, 'Los olvidados de la guerra contra el narcotráfico en México: los desplazados internos', *Foreign Affairs Latinoamérica*, 11 (4) (2015), 23–31.
- 10 States in which the media self-censors include Coahuila, Veracruz and Tamaulipas. The fact that so many journalists were assassinated in the country during the period studied is particularly indicative. A total of 104 were killed in the 2000–14 period (8 in 2014 alone), and 22 disappeared, making Mexico the sixth most dangerous country for journalists, available at <http://amnistia.org.mx/nuevo/2013/06/25/el-gobierno-debe-garantizar-la-eficacia-del-mecanismo-de-proteccion-para-las-personas-defensoras-de-derechos-humanos-y-periodistas/> (accessed 15 March 2016); also at www.eluniversal.com.mx/nacion-mexico/2014/102-periodistas-muertos-en-el-pais-en-14-anos-1017462.html (accessed 15 March 2016).
- 11 Albuja and Rubio, 'Los olvidados de la guerra contra el narcotráfico en México'.

When controlling for the effect of other variables for migration (including urbanisation and economic and demographic conditions), statistics indicate that violent municipalities lose 4.5 times more population than comparable non-violent municipalities, that is, locations with the same or similar socio-economic level. Nonetheless, the importance of security-related migration in these states can be far greater, as it is likely that many individuals on the move are relocating within the same state, and these flows are not currently being registered in any official poll or statistical study.¹²

According to a 2010 study carried out for the Centro de Investigaciones Sociales of the Universidad Autónoma de Ciudad Juárez, in Chihuahua alone, 230,000 people were forcibly displaced since 2006,¹³ and in 2011 a further 24,426 suffered the same fate.¹⁴ It is estimated that half of those fleeing Ciudad Juárez crossed the border and headed towards the US or Canada, and, out of this total, less than 0.5 per cent did so as refugees. It is known that most of those displaced are women and children, who since the 1990s have become the most vulnerable sector in this border city, as evidenced by the increase in femicides in that decade.¹⁵ At the same time, little is known of the whereabouts of those who stayed in the country.

This relationship between crime, violence and displacement has been corroborated through other sources. According to Vanderbilt University's Latin American Public Policy Opinion Project (LAPOP, 2012 and 2013), 13 and 15 per cent respectively of Mexican nationals in the study (approximately 228–30 individuals) changed their residence due to fear of crime. On the other hand, the Ciudadanía Democracia y Narco Violencia (CIDENA 2012) showed that, between 2007 and 2011, 3 per cent of respondents claimed to have abandoned their usual residence due to criminal violence (4 per cent in Chihuahua, 5 per

12 E. Rivero and E. Gutiérrez, 'Diagnóstico: desplazamiento interno por violencia en México' (2012), for an IDMC study that I coordinated.

13 CIS-UACJ, 'Encuesta de percepción ciudadana de inseguridad en Ciudad Juárez 2010', Universidad Autónoma de Ciudad Juárez, available at www.observatoriodejuarez.org/dnn/Portals/0/encuestas/Encuesta%20de%20Percepcion%20Ciudadana%20sobre%20Inseguridad%20en%20Ciudad%20Juarez%20II-2010%20v6mayo2011.pdf (accessed 15 March 2016).

14 The 2011 survey included questions that allowed researchers to examine causes for displacement with more precision, available at www.observatoriodejuarez.org/dnn/Portals/0/encuestas/Encuesta%20de%20Percepcion%20Ciudadana%20sobre%20Inseguridad%20en%20Ciudad%20Juarez%20III-2011%20v26enero2012.pdf (accessed 15 March 2016).

15 See, for instance, www.cidh.oas.org/annualrep/2002sp/cap.vi.juarez.2.htm (accessed 15 March 2016). Nonetheless, little is known about the consequences for the disappeared person's families, forced to move to the centre of the country to seek shelter, and the women who abandoned Juárez out of fear.

cent in Mexico City, 5 per cent in the Estado de México and 3 per cent in Guerrero).¹⁶

Similarly, other surveys, including the National Survey on Occupation and Employment (Encuesta Nacional de Ocupación y Empleo – ENOE) reveal that at least 27 municipalities have experienced migration caused by insecurity. Its results indicate that at least one out of a thousand people switching residence during 2010 did so because of insecurity. Additionally, the results of the Survey on Victimisation and Perception of Public Security (Encuesta de Victimización y Percepción de Seguridad Pública – ENVIPE-INEGI) indicate that, in 2011 and 2012, 1.3 per cent of all Mexican families had members who had moved from their homes due to violence, which could mean that in this period approximately 1,600,000 people may have abandoned their communities due to violence.¹⁷

Patterns of displacement in Mexico

Since 2011, displacement has been both massive (more than ten families at any one time) and ‘drop-by-drop’. There have been episodes of mass displacement in Oaxaca, Morelos, Nuevo León, Veracruz and Chiapas,¹⁸ mainly due to clashes between drug cartels or between cartels and State agents, and high levels of criminality in some localities in which civilians have been the direct victims. The media reported on at least 141 episodes of this nature between 2011 and 2014, which affected at least 281,000 people.¹⁹

So-called ‘drop-by-drop’ displacement is the most frequent, intense and also least perceptible type. Our research has identified these patterns: urban-urban (Chihuahua, Veracruz, Nuevo León, Tamaulipas), semi-rural/rural to suburban

16 Latin American Public Opinion Project, 2012 and 2013, available at www.vanderbilt.edu/lapop/ (accessed 15 March 2016) and Encuesta de Ciudadanía, Democracia y Narco Violencia, CIDENA, 2011, available at www.casede.org/index.php/nuestro-trabajo/publicaciones/encuesta-ciudadania-democracia-y-narcoviolenca-cidena-2011 (accessed 15 March 2016). This information has been systematised and analysed in Laura Rubio Díaz Leal (2014) *Desplazamiento interno inducido por violencia: una experiencia global, una realidad mexicana* (México, D.F., ITAM-CMDPDH, 2014).

17 ENVIPE 2012 and 2013 (INEGI 2013, 2014, DE, 25 Sept. 2014, available at www.inegi.org.mx/est/contenidos/proyectos/encuestas/hogares/regulares/envipe/envipe2013/default.aspx (accessed 15 March 2016).

18 Although changes in the demographic dynamics in Chiapas are not due to criminal violence, and the most recent waves of violence (Jan. to Dec. 2014), caused by religious intolerance between the Catholic majority and the Protestant minority, have caused mass displacement in the state. This dynamic also interacts with problems resulting from unresolved displacement since the 1990s.

19 According to monitoring I have carried out since 2011 with my research team as part of the Proyecto sobre Desplazamiento Interno Inducido por la Violencia en México, ITAM-CMDPDH.

areas (Chiapas, Sinaloa, Oaxaca, and Michoacán), suburban areas to urban areas (Sinaloa and Michoacán), urban-suburban (Veracruz), and finally intra-urban (Chalco and Nezahualcóandotl in Mexico State; Matamoros, Reynosa and Nuevo Laredo in Tamaulipas and in Mexico City). According to the information I have gathered, most communities, towns and villages suddenly left uninhabited have not been able to reach their former levels of population, as many individuals opted to leave their lands and property permanently.

Nonetheless, despite this evidence, these sources do not allow us to measure this phenomenon in a disaggregated way that would identify the regions of origin and destination, and the specific causes for displacement. That scenario would require an even more detailed statistical study incorporating questions that would allow these factors to be understood and measured. Additionally, an unfulfilled need remains for a qualitative methodology that will detect not only the proportion of population that increase in one state but also, and more importantly, this population's vulnerabilities and protection needs. In many for the federal government has used the lack of such a study to deny this phenomenon's existence.

The political debate over concepts, numbers and national responsibility

Since 2011 civil society has been in the midst of a systematic effort to cast a light on internal displacement and to spur the government to acknowledge it officially, study it, legislate in its favor and design and implement public policies to tend to the needs of its victims. So far, the results of these attempts have been poor. One of the most important rebuttals was during the 149th session of the Inter-American Commission on Human Rights (November 2013).

During the session, the petitioners asked the Mexican government to carry out a study of internal displacement in the country, design integral public policies to prevent it, and protect and provide assistance to its victims, establish both a registration system and a committee on the issue within the newly formed National System for the Attention of Victims (Sistema Nacional de Atención a Víctimas – SNAV).²⁰ After these requests, the government presented its National Plan for the Social Prevention of Violence and Crime (Programa Nacional para la Prevención Social de la Violencia y la Delincuencia) and its

20 Session no. 149 at the IACmHR, available at www.youtube.com/watch?v=S-tPYwm8asE (accessed 15 March 2016). The petitioners were the Norwegian Refugee Council's (NRC) Internal Displacement Monitoring Centre (IDMC) and the Instituto Tecnológico Autónomo de México (ITAM), represented by Sebastián Albuja, Steve Hege and Laura Rubio Díaz Leal.

advances on asylum issues.²¹ Neither response had any link to the issue at hand or the petitioner's requests.

At the time, the Mexican government refused to acknowledge officially that there was an internal displacement problem in the country. Likewise, in a private interview with the petitioners in Mexico City in the days following the session, one official expressed three concerns that reflect the official idiosyncrasy. First, that internal displacement as enshrined in the Guiding Principles on Internal Displacement presents serious problems for the Mexican authorities, as they deny that Mexico is in a situation of armed conflict, systematic human rights violations and/or generalised violence. Second, Mexican authorities tend to see internal displacement as a product of misery and unemployment, not violence. Third, there is a tendency for the different levels of government to criminalise the victims of internal displacement and other crimes.

The concern about the lack of an internal displacement definition is generalised within the federal administration, despite the fact that since 2006 the government began waging a 'war against drug cartels' and Mexican diplomats in multilateral fora have recognised the conceptual and normative validity of both the definition and the Guiding Principles, and have promoted the rights of displaced people in other countries.²² According to the authorities, recognition of an internal displacement problem in Mexico for the reasons given would also mean they would be acknowledging that Mexico was in a similar situation to Sudan or Colombia, which would be unthinkable.²³

In its *Report on the Execution of the Action Program of the International Conference on Population and Development 1994–2009*, the National Population Council (Consejo Nacional de Población – CONAPO) established that, due to the lack of a concrete legal internal displacement definition, the Department of Government (Secretaría de Gobernación) formulated its own definition with the purpose of standardising such concepts within the federal public administration. This was based on elements derived from the Constitution, international treaties ratified by Mexico, and the Guiding Principles on

21 See the communiqué from the Secretaría de Relaciones Exteriores: 'El gobierno mexicano acude al 149º periodo de sesiones de la CIDH', in *SRE*, 1 Nov. 2013, available at <http://saladeprensa.sre.gob.mx/index.php/comunicados/3328-411> (accessed 15 March 2016).

The State's representatives in this audience were Subsecretario Roberto Campa (Secretaría de Gobernación) and the Secretaria General of the Consejo Nacional de Población, Patricia Chemor.

22 L. Rubio Díaz Leal and D. Bachi Morales, 'Desplazamiento interno forzado en el multilateralismo: evolución normativa y participación de México', in G. González, O. Pellicer and N. Saltamacchia (eds.), *México y el multilateralismo en el siglo XXI* (México, D.F., CIDE- ITAM-Senado de la República, 2015).

23 Interview with Under Secretary Roberto Campa, Nov. 2013, Secretaría de Gobernación, Mexico City.

Internal Displacement.²⁴ However, this definition did not emerge and was not disseminated within the federal public administration at any of the three levels of government (federal, state and municipal).

The fact that several legal instruments, including the 2013 General Victims' Law [*Ley General de Víctimas*], talk about internal displacement without offering any definition has been a source of great confusion. Because of this, the conceptual issue has been at the centre of Congress discussions and also of CEAV plenary sessions, without producing any results of significance and has paralysed any advances or statements in favour of the displaced.²⁵

In Congress, initiatives to reform existing laws or create a national law on internal displacement have not been successful since 1998, when the first initiative was presented.²⁶ The Senate is currently discussing a proposal to reform article 73 of the Constitution, which defines Congress' attributions. The precise objective of this proposal, presented by Senator Gabriela Cuevas, is to give the Senate the faculties it needs to legislate in favour of displaced persons. The results of these discussions remain to be seen. At the local level, only two out of 32 states in Mexico have adopted laws on displacement: Chiapas, in 2012, and Guerrero, in 2014.²⁷ Nonetheless, regulations have not been adopted for either of them, which also means that public policies have not been designed in these states, which have large populations of displaced persons.

On the other hand, obstacles have arisen in addressing the issue of internationally displaced persons (IDPs) in the CEAV due to internal struggles

24 Taking the Guiding Principles as a starting point, the following definition is put forward: all individuals or groups who have been forced or pressured to abandon or flee their places of residence as a consequence of armed or religious conflicts, generalised violence, violations of fundamental human rights, construction of development projects or natural catastrophes, available at www.conapo.gob.mx/publicaciones/cipd15/Cap09.pdf (accessed 15 March 2016).

25 On the internal displacement debate as an independent victimisation factor in the CEAV, see J.A. Guevara and M. Peguero, 'La Comisión Ejecutiva de Atención a Víctimas y el Desplazamiento Interno Forzado', in *Animal Político*, 1 Dec. 2014, available at www.animalpolitico.com/blogueros-verdad-justicia-reparacion/2014/12/01/la-comision-de-atencion-victimas-y-el-desplazamiento-interno-forzado/ (accessed 15 March 2016).

26 Senators Eviel Pérez Magaña and Diva Gastelum made significant attempts in 2013 to modify the *Ley General de Población* to include the definition, State responsibility and the need to set out a public policy. Moreover, Senator Zoe Robledo and others made a similar attempt in 2012 in respect of the initiative for the *Ley General para la Prevención y Atención del Desplazamiento Interno* (General Law for Preventing and Controlling Internal Displacement).

27 Part of the confusion has been evident, for instance, within the Senate's Commission on Indigenous Affairs, which was under the impression that internal displacement was a local issue mainly affecting states with indigenous populations such as Chiapas and Oaxaca (interview with secretario técnico Jaime Aranda and Senator Eviel Pérez Magaña, Aug. 2013).

and a lack of consensus on the definition of internal displacement. There has also been confusion about how to put the Guiding Principles into operation, the CEAV's role, integrating displaced persons in the victims' registry, and the lack of a protocol for attention. At the centre of the debate in the CEAV's plenary sessions lies the question of whether people who have been forced to flee preemptively due to extreme insecurity should be recognised as IDPs, or whether this should only apply to people who are victims of arbitrary evictions or other serious crimes that seriously threaten their physical integrity. Linked to the issue of preventive flight is the discussion on whether displacement should then be considered an autonomous 'victimising fact' [*hecho victimizante*] and whether its victims should have the right to reparation.

In addition to the lack of consensus on the definition of internal displacement, the debate on the 'legality' of paying attention to IDPs reflects another confusion, one with grave legal and practical consequences. Despite the fact that IDPs' rights as enshrined within the Guiding Principles reflect the spirit of protecting human dignity that is inherent in International Humanitarian Law, International Refugee Law and International Human Rights Law, as contained in international treaties ratified by Mexico, some CEAV commissioners have declared that intervention in favour of IDPs without explicit orders and authorisation by law would be 'illegal'.²⁸ In so doing, they deny that, through the Guiding Principles, IDPs do not have the special legal status afforded to refugees, but do acknowledge that as human beings in a situation of extreme vulnerability they have the right to enjoy all guarantees under human rights law and International Humanitarian Law, including those particularly relevant to their situation. It is clear that, without a consensus on the definition, it is difficult to arrive at an explicit acknowledgment of the issue, approve relevant legislation and register IDPs as victims of violence with a right to integral reparation, and to create a public policy encompassing those entitlements.

The second problem that reflects the official idiosyncrasy is the authorities' tendency to see internal displacement as a product of misery and unemployment rather than violence. During the aforementioned session before the Inter-American Commission the petitioners asked the government to direct the National Institute of Statistics, Geography and Informatics (Instituto Nacional de Estadística, Geografía e Informática – INEGI), the most important agency for registration, documentation and statistics, to carry out a diagnostic of internal displacement in the country. Later, in November 2014, considering that INEGI is the only institution with the capability and resources to carry out a quantitative diagnostic of this kind, the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (CMDPDH), a non-governmental

28 Guevara and Peguero, 'La Comisión Ejecutiva de Atención a Víctimas y el Desplazamiento Interno Forzado'.

organisation (NGO), presented a letter to the institute's governing board with a similar request.

The Institute was able to achieve the above without incurring too many additional costs by means of two national surveys, the 2015 inter-census survey and the 2020 population census. To that end, INEGI was asked to include in its surveys questions that would help to identify displaced persons in the country: 'Have you lived in the same municipality in the last five years?' If the answer was negative, the survey would ask 'In which municipality did you live?' and 'What was the reason for changing your place of residence?', and offer the following reasons: unemployment, work, insecurity, fear or victimisation (due to crimes like kidnapping, murder of a family member, direct violence, threats, extortion). In this way, it would be possible to establish a direct link between displacement and violence, identify regions of origin and destination and, once these destinations had been identified, carry out qualitative research (for example through focal groups) to determine the specific attention and protection needs of vulnerable individuals.²⁹

In January 2015 INEGI replied to this request by stating that the inter-census survey, to be carried out in the second half of that year, would not include questions allowing internal displacement to be quantified. It justified that decision by stating it had carried out a pilot test with 'unsatisfactory' results. Seven cities had been selected for a brief survey which included a question on whether any family member living in the household had changed his or her place of residence due to violence, natural catastrophes or threats due to their religious preferences. The conclusions of this exploratory exercise were that: communities do not identify religious intolerance, violence or natural disasters as a cause for displacement, and internal migrations are multi-causal, with economic reasons overcoming all others.³⁰

29 There had already been similar questions in the 2000 census; however, in the 2010 census the question on the specific municipality from which a person had been displaced was deleted, leaving only the section devoted to whether the person had moved from one state to another. This made it impossible for the 2010 census to provide disaggregated results on displacement due to violence, when one considers that in some states certain municipalities are more violent than others.

30 The localities in which the survey was applied were San Miguel de Allende (Guanajuato), Zihuatanejo (Guerrero) and Manzanillo (Colima); Nogales (Sonora), Hidalgotitlán (Veracruz); Zinacantán (Chiapas) and León (Guanajuato). When analysing the demographic and economic characteristics of the localities in which the pilot study was carried out, and the criminal tendencies in neighbouring areas, it is not surprising to find that displacement was not perceived or confused with economic migrations. The first three are traditional tourist hotspots with many national and international visitors, are safe, have large populations of expats, and living costs are much higher than in other municipalities in their respective states. Although security could be a pull factor for families fleeing violence, the high costs of living can be an obstacle for those that are extremely marginalised and vulnerable. On the other hand, in the case of Zinacantán (Chiapas), it is surprising that displacement due to religious intolerance or the zapatista conflict were not

As a result, INEGI decided that household surveys could not detect the human mobility issue of displacement, whereupon it omitted the questions suggested from the 2015 inter-census survey, closing the door on the possibility of approaching this phenomenon through a national survey and perpetuating the tendency to look at forced displacement as resulting from some states' lack of economic opportunities.³¹

The third element of social discourse on displacement is a tendency to criminalise victims. This occurs with victims of homicide, enforced and involuntary disappearance, human trafficking and forced displacement, and has been particularly prevalent in the last two administrations of President Felipe Calderón (2006–12) and President Enrique Peña Nieto (2012–). One of the most serious consequences of criminalising victims is denying any State responsibility towards them. For instance, when in 2010 an armed group entered a party in Villas de Salvárcar (near Ciudad Juárez) and murdered 17 young people and wounded another 12, the first ministerial declarations on the issue attributed the attack to rivalry between criminal groups.³² Later, Felipe Calderón declared that, although the events were tragic, the young people had been gang members. Further investigations later revealed that the victims were students and athletes.³³ Nonetheless, this type of declaration often leads to cases being closed without carrying out any investigation, and without delivering justice or reparation to the victims' families.

Similarly, displaced persons from Chihuahua, Michoacán, Sinaloa and Veracruz have stated that after their families reported the disappearance and/or murder of a relative to the authorities, the administration acted in collusion with criminal groups to try to incriminate the victims and some family members. When the enquiries did not lead to any detentions and the families reacted by demanding justice and carrying out their own investigations, many of them were harassed and threatened by officials, which in turn led to them

detected (1994–5). One base of popular support for the Ejército Zapatista de Liberación Nacional (EZLN) in the 1990s came from the region's *tzotziles* groups, which were later displaced after several outbursts of violence, intimidation from the Mexican army, and later harassment from the opposition party's political groups (Partido de la Revolución Democrática - PRD). When the return of this community, which had been displaced for a protracted period, was foreseen in 2004, and later 2009, it was partially achieved through continuing violence. In the social conscience of indigenous chiapaneco people, the experience of forced displacement has been strongly tied to their fights for political and social vindication.

- 31 Response to Dr José Antonio Guevara Bermúdez, executive director of the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, from INEGI's director general, Miguel Cervera Flores, 20 Jan. 2015, Aguascalientes, Oficio Número 200/009/2015, INEGI.ESD2.01.
- 32 'Recuento de las masacres en México', CNN México available at <http://mexico.cnn.com/nacional/2011/11/24/villas-de-salvarcar> (accessed 15 March 2016).
- 33 Available at www.proceso.com.mx/?p=289778 (accessed 15 March 2016).

being displaced in their turn.³⁴ An interview with the public officer confirmed this tendency to criminalise victims of displacement.

In short, because there is a lack of a consensus on the legal definition of internal displacement and a tendency to see it as the consequence of a lack of economic opportunities in places of origin, and to criminalise its victims, the refusal to acknowledge its existence is perpetuated and the lack of capacity and political will to respond to it is revealed. As the next section will show, this lack of public policy and national responsibility within the Mexican government contrasts starkly with its political and diplomatic discourse, which promotes the rights of displaced persons around the world and recognises the normative validity of the Guiding Principles on Internal Displacement.

From active discourse to inaction: contradictions between foreign policy and internal politics

After their visits to Mexico, the Sudanese diplomat and UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Francis Deng (2002) and the Special Rapporteur on the Rights of Indigenous Peoples, Rodolfo Stavenhagen (2003) presented a series of recommendations on measures directed at IDPs to the government, which at that point acknowledged their existence in the state of Chiapas. In response, the government promised in 2004 to review the IDPs' situation and to consider creating an institution to represent them.

The Government also committed to promoting the Guiding Principles at a regional level. As part of its efforts, it organised a 'Regional Forum on Internal Displacement in America' in 2004.³⁵ This event brought together experts from international organisations, academics and officials from all over Latin America to analyse the issue and study possible ways forward. During the forum, governments were encouraged to support the Inter-American system and its activities to defend, protect and monitor IDPs.

One month later, the Mexican government pledged to review the situation of IDPs in Mexico, seek avenues to tend to their needs and support return to their communities, as well as to create an institutional focal point in charge of the issue.³⁶ During 2004, Mexico was one of the countries which, during the

34 In this case it is important to mention families displaced from Delicias y Saucillo in southern Chihuahua and Pajacuarán, Michoacán and the interviews I conducted in Aguascalientes and the Distrito Federal (Sept. 2013, March 2014 and July 2014).

35 Seminario Regional sobre Desplazamiento Interno en América, Mexico City, Mexico 18–20 Feb. 2004, available at www.brookings.edu/fp/projects/idp/conferences/MexReportSpanish.pdf (accessed 15 March 2016).

36 'Respuesta del gobierno al informe del Relator Especial sobre los Derechos Humanos y las Libertades Fundamentales de los Indígenas sobre su visita a México', March 2004, available at <http://132.247.1.49/ocpi/respuesta/docs/respuesta.pdf> (accessed 15 March 2016).

commemoration of the Cartagena Declaration's 20th anniversary, promoted the Mexico Plan of Action.

In November, Mexico City hosted an event to adopt the 'Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America'. Adopted by consensus, this framework sought to respond to the main international protection issues and find durable solutions for refugees, IDPs and other people in the continent with those protection needs.³⁷

This diplomatic activism also resulted in a proposal presented in May 2014 by Mexico's delegation³⁸ to the Organization of American States (OAS), which summarises previous recommendations in these 11 items:

1. Include in State Parties' policies, plans and programs IDPs' special needs and respond to the loss of physical protection and livelihoods and their exposure to risks.
2. Consider the benefits of incorporating in national legislations the Guiding Principles on Internal Displacement and apply them when designing and implementing programs to protect IDPs.
3. Tend to the specific needs of vulnerable groups.
4. Adopt human rights and gender perspectives.
5. Establish protection measures through dialogue with all relevant actors.
6. Comply with obligations under IHL, international human rights law and international refugee law as applicable when tending to the needs of IDPs and communities affected by this issue.
7. Pledge to offer protection before and during displacement and to seek durable solutions.
8. Take into account the differentiated needs of affected persons.
9. Strengthen the exchange of best practices with the international community.
10. Promote national and international initiatives to gather, analyze and disseminate qualitative and quantitative data on IDPs.
11. Call upon UN and Inter-American institutions, as well as humanitarian organisations and the international community, to provide the assistance that States request, with the aim of responding to the root causes of displacement and protecting those affected during all stages of displacement.

37 The Mexico Plan of Action highlighted the link between migration and the international protection of refugees, acknowledging the challenges posed by mixed migration flows. Additionally, it identified projects to achieve self-sufficiency and local integration of urban refugees, stimulate social and economic development in border areas to benefit refugees and reception communities and, lastly, create a resettlement programme.

38 Consejo Permanente de la Organización de los Estados Americanos, Comisión de Asuntos Jurídicos y Políticos, *Proyecto de resolución. desplazados internos*, CP/CAJP-3252/14 rev. 2, 23 May 2014. This entire project was included in the internal displacement section, AG/RES. 2850 (XLIV-O/14),

Despite this activism and the proposals put forward before the OAS and the UN, ten years after the Rapporteurs' visit to Mexico the country has still not officially reviewed the status of IDPs or acknowledged that violence has diversified the causes of internal displacement, creating new IDP flows in almost every state, particularly those most afflicted with violence.

Likewise, in the *Report on Advances and Challenges in Human Rights*, presented by the Secretaría de Relaciones Exteriores (Foreign Relations Secretariat, SRE) in October 2011, there is only one reference to internal displacement, in a footnote mentioning the Rapporteurs' visits during the previous administration (2000–6).³⁹ This omission is also an expression of the lack of political will on this issue.

In the context of deterioration of human rights in Mexico as a consequence of the war against drug cartels, impunity and a lack of rule of law, as well as Mexican diplomatic activism promoting the rights of displaced persons, these actions are in stark contrast with the failure to comply with the pledges made to international organisations and the Rapporteurs. It was also in this context that a petition presenting the case of internal displacement was put before the Inter-American Commission on Human Rights in November 2013.

Conclusion

Internally displaced people are the 'orphans of conflicts'. Within this group are some who are in extreme conditions of vulnerability: usually women, children and the elderly. They are, according to Thomas Weiss and David Korn, the poorest among the poor and the most vulnerable among the vulnerable, because they lack all sustenance and access to protection.⁴⁰ This international scourge, which grows to even more worrying dimensions as time goes by, also causes the fragmentation of families, the disappearance of whole communities, tears in and the uprooting of social fabric. The psychological consequences are grave. When this problem is not duly addressed, it reproduces situations of misery which, in turn, reproduce undesirable patterns of violence.

In Mexico, the conflict in Chiapas and violence related to organised crime and the State's security strategy have had the most serious humanitarian consequences which the Mexican authorities have not fully acknowledged. One of these internal displacement, remains invisible although its effects are felt in most of the country.

In order to provide specialised care and protection to displaced people, it is necessary, above all, to acknowledge its existence officially and to examine it

39 Available at www.sre.gob.mx/images/stories/doceventos/2011/octubre/onu061011.pdf (accessed 15 March 2016).

40 T. Wise and D. Korn, *Internal Displacement: Conceptualization and its Consequences* (London: Routledge, 2006).

in detail through quantitative and qualitative studies with data disaggregated by age, sex and location. These hard numbers and the needs detected through a rigorous methodology should be the starting point in the long process of protecting IDPs.

In a forum like the Inter-American Commission the Mexican authorities had no means of responding because, as this chapter has shown, the State still lacks the conceptual, legal and institutional framework to respond to this humanitarian problem. Its advances in diplomatic interventions and its activism in favour of refugees around the world starkly contrast with the lack of an explicit acknowledgment of the issue within the country. This reveals, categorically, the lack of political will to respond to it, leaving hundreds of thousands of displaced people in a state of defencelessness, marginalisation and vulnerability.