

# A new strategy against drug trafficking

*María Celia Toro\**

It has been argued that, relative to other source-country control efforts, Mexico's antidrug program has more funding, a more substantial commitment by the country itself, and more clearly defined goals; according to this view, "Mexico may even represent an 'end case' in terms of the drug control efforts the United States can expect from the government of a major producing country."<sup>1</sup> Although this overall assessment of Mexican antidrug programs may lead to a more positive U.S. evaluation of Mexican policy, or to the abandonment of aggressive diplomatic rhetoric, both of which would be welcome and positive outcomes, it does not identify the most important challenges related to drug trafficking that Mexico has to confront. Thinking about the drug problem in terms of what Mexico can do to stop drug smuggling into the United States and what the U.S. can expect from a major drug-producing and -exporting country obscures Mexico's most important drug-policy objectives and rationale.

Two essential goals have remained constant over time: authority over drug traffickers and autonomy from U.S. enforcement programs. The Mexican government's decision to prohibit international trade in drugs at the beginning of this century was an attempt to impose a minimum of order along what had become a perilous border and to keep U.S. agents from crossing into Mexican territory in search of opium and heroin smugglers. As the black market for drugs grew, largely in response to the increase in prices that derived from prohibition, antidrug policies in Mexico were

bound to focus on drug producers as well.

A drastic change in U.S. policy in the 1980s, consisting of an intensive border interdiction program and a more permissive policy regarding the extraterritorial assertion of U.S. narcotics laws, ended up working against Mexico's main policy goals. More stringent anti-narcotics programs in the United States did not halt the tide of drug trafficking and drove U.S. import prices to historically unparalleled levels. Although the new approach also elevated the risks associated with



*In Mexico, keeping drug traffickers and foreign police at bay will remain priorities.*

<sup>1</sup> Reuter and Ronfeldt, "Quest for Integrity," vi.

\* Conclusion to her book *Mexico's "War" on Drugs: Causes and Consequences*, Boulder, Lynne Rienner Publishers, 1995.

smuggling drugs into the United States—being apprehended and having merchandise and vehicles confiscated—drug traffickers were not discouraged. They found ways of coping with those risks by incorporating them as an additional cost; thus, they benefitted from the higher prices that U.S. importers were still willing to pay.

Despite refurbished and better-funded programs, the Mexican government could not counter the new financial incentives to smuggle drugs into the United States. Eradication and interdiction figures, as well as the notable increase in cases of drug-related corruption, human rights violations and violence in Mexico over the last decade, all suggest that the domestic costs of enforcing antidrug laws have mounted while the very hand of drug traffickers has been strengthened.

Drug trafficking and policies to stop it have affected, in particular, the Mexican criminal justice system. Courts and jails are full of drug cases, limiting the system in terms of what can be accomplished in other areas of domestic law. Police units have had to be disbanded periodically because of their collusion with drug traffickers, which has led to a heightened awareness of both the need to have a professional police force and the difficulties of actually creating one. Although so far the Mexican government has prevented traffickers from openly challenging the authority of the state, it has been able to reduce neither the collusion of authorities in drug traffic nor the violence among and by traffickers and enforcement agencies. How much longer the Mexican state, with its weak criminal justice institutions, can continue to fight an ever stronger criminal element such as the drug

traffickers remains a matter of speculation.

Largely independent of what the Mexican government was doing or could do to reduce the amount of drugs exported to the United States, over the last decade the U.S. government maintained a position of circumventing international norms and bilateral agreements, if necessary, to achieve its own policy and enforcement goals. Thus, the other paramount objective of Mexican policy—bringing U.S. authorities to recognize Mexico's exclusive jurisdiction over law enforcement in its territory—has not been fully achieved either. Although nothing resembling Operation Blastfurnace in Bolivia has occurred,<sup>2</sup> DEA agents have been playing a significant role in the Mexican drug scene since the mid-1980s and have been willing to act as an unauthorized police force in Mexico.

These political challenges, domestic and international, that drug trafficking and its containment have

system has been concentrating the bulk of its resources and attention on enforcing antidrug laws, even though domestic drug use is relatively low in Mexico and the drug industry's impact on the economy is not consequential at the national level. However, by and large, these laws have been (and if this analysis is correct, will remain) impossible to enforce. The costs of simply trying to redress dangerous developments in the drug market (e.g., changes in smuggling routes negatively affecting Mexico) or to avoid unacceptable scenarios (e.g., traffickers operating with greater impunity and immobilizing law enforcement, the creation of ties between traffickers and other kind of outlaws, the escalation of violence and corruption, traffickers usurping the state's power and imposing their own version of law and order, and the loss of sovereignty in the implementation of justice) have increased exponentially over time. In sum, current policies need to be altered

*“Few reasons to believe that following the same basic path will contribute to the solution of Mexico's most pressing drug problems. Thus, a critical examination of long-held beliefs and policies is in order”*

come to represent for the Mexican state explain why the criminal justice

because their implementation is exacerbating the problems that justified fighting drug production and trafficking in the first place.

The realities of the “war on drugs” have dragged the Mexican government into a spiral of increasingly punitive programs that have rendered the manufacture and smuggling of narcotics more (rather than less) appealing and the organization of this

<sup>2</sup> Admittedly at the request of the Bolivian government, in 1986 the United States sent 170 soldiers and an unknown number of DEA agents to destroy coca crops and cocaine laboratories in Bolivia. The joint operation lasted for more than 1,890 days. Malcolm Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Clarendon Press, 1989, p. 122.

# CUADERNOS AMERICANO

NUEVA ÉPOCA

51

CUADERNOS AMERICANOS

NUEVA ÉPOCA



En este número ofrecemos a nuestros lectores artículos que tratan sobre varias figuras cimeras de la intelectualidad en América Latina: José Martí, José Vasconcelos y José Carlos Mariátegui.

Se conmemora el centenario de la muerte de José Martí (1895-1953) con la sección *Martí en América*, en la que aparecen artículos de Leopoldo Zea, Ismael González, Guillermo Castro Herrera, José Antonio Matesanz, Alfonso Herrera Franyutti, Luis Ángel Argüelles Espinosa, Ibrahim Hidalgo Paz, Liliana Giorgis, Adalberto Santana y Pedro Pablo Rodríguez.

Sobre Mariátegui y Vasconcelos publicamos los textos de Claude Fell, Gregorio Weinberg y Núria Vilanova.



*Voices of Mexico* / October • December, 1995

illegal market a threat to civilized and effective governance. There are few reasons to believe that following the same basic path will contribute to the solution of Mexico's most pressing drug problems. Thus, a critical examination of long-held beliefs and policies is in order.

Any alternative to the current policy of over-criminalization of the drug market will have to be evaluated in terms of its capacity to advance the different goals of antidrug policies, which are neither the same nor similarly ranked in all countries. In the case of Mexico, keeping drug traffickers and foreign police at bay will remain priorities. Preserving the integrity of enforcement agencies and blocking their involvement in the traffic, as well as limiting the use of violence, should also be placed high among Mexican drug-policy objectives. None of these goals, however, is necessarily advanced by launching "all-out wars" against drug traffickers; in fact, as the experience of the 1980s showed, the goals may even be undermined.

Furthermore, any change in Mexican policy must take into account the dynamics of the international narcotics market, because the price of drugs in the U.S. market is such an important variable, and one over which the Mexican government has no influence, Mexico cannot unilaterally disentangle itself from the international drug trade. Simply put, Mexico is bound to work within the limits imposed to so-called price-takers in world markets.

Given these objectives and restrictions, Mexican policy-makers could start thinking about a change in strategy that can advance Mexican interests without further weakening Mexican institutions. An overall reduction in enforcement levels may be

a good starting point. Still, for all the limitations and unintended consequences of the current regulatory framework, radical departures should perhaps be strongly discouraged. In most countries, instability in the organization of the illegal drug market, so far largely explained by major escalations in antidrug campaigns, has been associated with the unbounded use of violence rather than with the elimination of drug trafficking. A sudden change in policy, albeit in the opposite direction, could lead to a similar violence-promoting outcome.

In any event, the short-term effects of a drastic reduction in antidrug law enforcement are not easy to anticipate. But the Mexican government could try a gradual decrease and reorientation of its drug law enforcement budget; a change in strategy toward less, but also more focused, enforcement may prove beneficial in many ways. Reducing the number of police and soldiers involved in antidrug law enforcement, focusing instead on the use of small and better-trained anti-narcotics units, would positively affect the performance of enforcement agencies by reducing their exposure to bribery and limiting the chances of violent encounters. Eradication and interdiction programs would gradually be replaced by programs oriented to preventing the creation of groups of traffickers that impose their own version of law and order, especially in the countryside (as opposed to the currently indiscriminate spraying of plants); in addition, enforcement could be geared toward setting limits to traffickers' behavior vis à vis government and society (as opposed to incarcerating an ever-larger number of small-time drug dealers). Redirecting the antidrug law enforcement apparatus in this way could yield better results in terms of Mexico's main policy objectives without

necessarily augmenting drug production and contraband significantly.

Of course, within the prohibition framework, eliminating drug-related corruption and violence is not a realistic goal. The two are intimately tied to the workings of illegal markets and should thus be seen as inevitable consequences—the containment of which has become a political imperative in Mexico—of current policies rather than as a cause of their failure. Something similar could be said about whether it is realistic to reduce permanently the amount of marijuana, heroin and cocaine illegally exported into the United States, simply because the Mexican government cannot modify the relevant price for Mexican drug smugglers, namely the U.S. import price.

An important change in the new strategy would be to stop thinking

of illegal drugs would prove more visionary. As for affecting drug use in the United States, analysts agree that drug-producing and -exporting countries can do little to elevate the price of drugs for the final consumer in the United States—an important policy goal for the U.S. government to discourage drug consumption. It is thus not clear why antidrug programs in Mexico should be evaluated in terms of their impact on either drug use or drug prices, which until today have been the most widely accepted measures of success (or rather, of failure). Neither is it obvious why taking drugs out of the market should be considered, in and of itself, a Mexican policy objective.

Thinking about the likely U.S. reactions to any change in Mexican drug policy, I would guess that under the Clinton administration those reactions may be more supportive than in the past,

bilateral collaboration in any meaningful way. Second, the policy of diminishing drug use through antidrug law enforcement has come under increasing attack in the United States over the last years. Different ways of dealing with the drug-consumption problem have been advanced, all of them suggesting the need to reallocate resources away from antidrug law enforcement. Reuter identifies three stands in the U.S. drug debate:<sup>3</sup> the hawks favor tougher enforcement; the doves stress the negative effects of prohibition and favor legalization; and the owls favor a change in spending priorities and less aggressive enforcement. Owls, who also favor prevention and treatment, are likely to have a large say in the near future. By the same token, Mark Kleiman convincingly argues in favor of a new policy of “grudging toleration” to discourage drug abuse in the United States and at the same time avoid the excesses of the war on drugs.<sup>4</sup> A reorientation in U.S. policy that would concentrate on buyers and sellers in the retail market, as well as on educational and rehabilitation programs, as opposed to seizing drugs in transit to the United States and immobilizing traffickers wherever they may be, would significantly contribute to making the advanced proposal work. Certainly, such a move would aid Mexico in pursuing its own drug-policy goals of immobilizing traffickers and securing its territory against U.S. law enforcement incursions. ✕

“Two essential goals have remained constant over time: authority over drug traffickers and autonomy from U.S. enforcement programs”

about Mexican antidrug policy as an instrument of public health. Not only is the relationship between enforcement-dominant antidrug programs and drug use still a matter of debate, but in Mexico, diminishing the use of marijuana, cocaine and heroin has so far not been a priority and probably should not become one. Should the Mexican government be concerned with the public health consequences of drug abuse, concentrating on the consumption of legal drugs would be more appropriate, and looking for alternative ways of preventing a further increase in the use

even if starting to downsize the Mexican antidrug law enforcement apparatus led to a short-term growth in the narcotics contraband. First, most sovereignty or jurisdictional conflicts between the United States and Mexico have derived from legal and political changes in U.S. drug policy rather than being directly related to the amount of marijuana, heroin and cocaine entering the United States. Basically, there is little the Mexican government can do to prevent these kinds of conflicts except for formalizing bilateral cooperation and protesting whenever the DEA's activities do not seem to be furthering

<sup>3</sup> Peter Reuter, “Hawks Ascendant: The Punitive Trend of American Drug Policy,” *Daedalus*, Summer 1992.

<sup>4</sup> Kleiman advances this proposal to discourage drug abuse in the United States without forbidding all drug consumption, a proposal that would be highly beneficial for Mexico and other Latin American countries. See Kleiman, “Neither Prohibition Nor Legalization: Grudging Toleration in Drug Control Policy,” *Daedalus*, Summer 1992.