

The Anti-drug War In U.S.-Mexico Relations

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The end of bipolarism in international relations had an instantaneous effect in the United States of an increasing tendency to “nationalize” foreign policy issues. With the elimination of the threat of a nuclear confrontation, U.S. diplomacy has expended its best efforts in attending to its international concerns based on criteria of domestic interest.

This can be illustrated by President Clinton’s recent visit to Mexico, Central America and the Caribbean. Throughout the visit, laced with cordiality and good manners, the interests of the guest took precedence over those of the hosts. Nonetheless, at several points things became uncomfortable due to the fact that it was Clinton’s first trip to the region since taking office in January 1993. For many, it was a symptom of a lack of congruency between words and deeds. For others, it expressed a lack of interest in a part of the world considered sufficiently loyal.

The basic agenda during the three legs of the trip consisted of trade, migration and drug trafficking. Obviously, the first two issues are a top priority for the countries being visited, while the third was a major concern for the visitor. However, little was heard concerning the dashed spirit of the Summit of the Americas that thus far, 18 months later, has not been formalized in any concrete pro-

ject. On the contrary, the obstacles placed by the U.S. Congress in the way of broadening the North American-Free Trade Agreement (NAFTA) were confirmed and there was nothing to report on any compensatory formula for Caribbean countries that claim to have been affected by the trade agreement.

The U.S. agencies dealing with the issue reiterated that recent immigration measures are only directed against the undocumented, who, they insisted, mostly come from Latin America. The negative effects the involuntary repatriation of its citizens could have on the fragile economies of various countries did not receive any attention that was made public.

However, on the question of drug trafficking, the way information was divulged was very special. This issue, a national priority for the United States, does not admit exceptions. Its unilateral focus is best expressed in the certification process used by Washington to rate the support other countries provide to its anti-drug agencies.

The procedure was imposed in 1986 on the U.S. presidency by Congress, with the aim of creating mechanisms to pressure other governments to cooperate. If that cooperation does not reach acceptable levels, the country in question is decertified, with severe and arbitrary consequences, particularly given the inequality reigning in today’s world. It is important to emphasize that in adopting any decision, be it positive or negative, the domestic

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effects of the measures to be taken are not being considered at all. In general, this has made for high human and economic costs for the peoples and governments being evaluated.

The suspension of U.S. government economic and technical aid, obstacles to obtaining any loan requested from international financial institutions, and the stigma of being branded a country that favors drug trafficking, are just some of the effects that a condemnation generates. This unilateral action provides the U.S. State Department with additional leverage vis-à-vis many countries, since it is responsible for presenting the certification report to Congress.

It is not new to attribute U.S. domestic drug consumption to foreign interests. From the beginning of this century, Washington has had a simplistic explanation: it has considered the illegal drug trade the exclusive responsibility of the rest of humanity, a problem controllable only by enforcing the law, intercepting shipments and eradicating drugs in producer countries.

Such arguments are increasingly difficult to swallow, as can be shown, for example, by the funds earmarked for intercepting drug shipments, which between 1981 and 1995 increased from U.S.\$350 million to U.S.\$2 billion, with results that are at best open to discussion. Funding has recently been reoriented toward eradicating drug cultivation. However, statistics from the State Department itself show how little effect such programs have. In 1995, 55,000 hectares of coca were eliminated, which would have produced just 270 metric tons of cocaine. In the same period, coca was planted on an estimated 1.4 million hectares, with a potential production of 7,250 metric tons of cocaine.

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Today, more than half of the marijuana consumed in the United States is supplied by domestic producers, mainly in Tennessee, Kentucky, California and Hawaii. The most important drug rings involved in marketing cannabis are run by large scale U.S. producers. Their relations with multinational groups will surely allow them to broaden their markets soon. In this sense, it is important to mention that several U.S. states have recently adopted flexible norms that will facilitate the legal use of this drug.

It is interesting to recall that the chemical ingredients, money laundering, illegal arms trafficking and the social impact of drug consumption are unfortunately all of U.S. origin and booming there. Neither is the traditional battle to alternately place the blame on supply or demand anything new. While it is true that as long as consumption among the U.S. population persists, production abroad will continue, domestic production is now added and faces no border problems in shipping its products, which are just as illegal as drugs coming from other parts of the world.

It is clear that if the certification criteria were also applied in the United States, many members of Congress and senators would have to reject out of hand the presidential report, given the negative effects it would cause in their districts and states. It is well known that when one source of drugs is eliminated, another immediately takes its place in areas where activities aimed at eradication or repressive legal measures are more flexible. It is paradoxical that today, for example, some drug substitution is occurring where consumption itself takes place, although for practical reasons it is indispensable for the U.S. government to maintain the hypothesis that everything comes in from overseas.

During the first years of the certification process, decertification was reserved for governments with which the United States had distant and sometimes non-existent relations, such as Iran, Myanmar, Laos, Nigeria, Afghanistan and Syria. During the Clinton administration, the criteria has become more rigid, extending to countries with clos-



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Barry McCaffrey, during his recent visit to the Mexican side of the border.

er ties. This is the case of Colombia, which in the past year has suffered the consequences of this unfriendly, hostile decision, something that apparently could continue for quite some time.

Other groups are granted exceptions to the rule for reasons of U.S. national interest. This transitional formula serves, according to those who apply these policies, to exert pressure without generating instability.

The statistics are impressive. In the 11 years certification policies have been implemented, they have had no positive effects on fighting drug trafficking. The United States should accept, given such evidence, that it is indispensable to intensify both bilateral and multilateral respectful cooperation in this field. However, the United States has always had major problems with this kind of international cooperation, both regional and world wide, above all because it would make imposing unilateral criteria more difficult. It would also mean that the U.S. government would have to undertake an intro-

spective review of its policies, particularly taking into account its own population's proclivity to drug consumption, as well as the development of a formidable criminal organization that uses the best technology in its entire chain of production and distribution of some drugs, especially some narcotics byproducts that are highly profitable for its economy, which worsens the problem on a world level.

At present, nothing is more unfair than to judge the efforts of Mexico and many other countries of the region in the fight against drugs. The accusation, in the case of Mexico, that the person in charge of the fight against the drug trade turned out to be involved in illicit activities is, to say the least, childish, if this is aimed at disqualifying and disparaging the work of the entire government.¹

¹ This is in reference to the case of General Jesús Gutiérrez Rebollo, charged with collaborating with the Mexican drug cartels when he was the head of the Mexican Institute for the War on Drugs. [Editor's Note.]

Drug trafficking necessarily requires cooperation between consumer and producer countries, as well as an honest commitment to share the responsibility. The certification process perpetuates the myth that it is supply, more than demand, that is the principal cause of the alarming indexes of consumption in the U.S. population. Nowadays, this is an unacceptable fallacy.

During 1997, Mexico will be certified not once, but twice. As a result of the turbulent debate that in both houses of the U.S. Congress led to approval of a favorable report on Mexico, President Clinton felt obliged to offer a follow-up report that will be sent to the Senate in September. It is likely that this will spur the same appetites for the spotlight and front-page headlines among congressmen and senators who belittle Mexico's efforts against the drug trade.

It is clear that these procedures based on domestic considerations generate a climate of friction that will inevitably undercut trade, financial markets and investor confidence. In addition, they awaken dormant nationalist sentiments and spark an intensive guerrilla war in the media

in both countries. In short, they undeniably confirm the extraterritorial character of the certification procedure.

Mexicans have already begun to draw some lessons from this unjust and debilitating debate. It must be said that the U.S. Congress created this procedure for domestic considerations, to make political hay and favor special interest groups. Therefore, despite the sensible voices that have been raised, it is not likely that the procedure will be eliminated for quite some time. Therefore, it would be correct for each of the affected countries to begin to seek mechanisms that would allow them to minimize the effects domestically. More voices are continually being raised that demand the "Mexicanization" of the material resources employed in the fight against drug trafficking. This viewpoint sustains that Mexico has sufficient funds to acquire helicopters, spare parts, radar equipment, etc. On the other hand, the political costs of receiving them as part of aid programs are too high.

Bilateral, regional and worldwide cooperation is not only inevitable, but indispensable. As a result, it is impor-



Cooperation between the United States and Mexico has begun to increase in the recent months.

tant to establish the guidelines that should regulate such cooperation, based on respect for the sovereign decisions of each government. This is a difficult task, since the U.S. government has always put up significant resistance to opening up the field to multi-lateral efforts. It is correct to point out, however, that the dialogue has improved between the two countries, as shown by the diagnostic report elaborated by the High Level Contact Group to Control Illegal Drugs.

In the bilateral debate, the two heads of state have made important efforts to find formulas for cooperation. It is in more specific cases, on an operational level, in which a series of unacceptable conditions have been demanded of Mexico. These have inflicted further major damage on bilateral relations.

This is the case with the proposal to allow immunity for Drug Enforcement Agency (DEA) agents in Mexico and allow them to carry weapons, or to allow U.S. ships and aircraft to enter Mexican territory to undertake punitive actions. Such requests, given their interventionist nature, have always been rejected by the Mexican government. Another list of topics includes the common goal of detaining the leading drug lords, a field in which Mexico has achieved real progress, while in the United States no significant arrests have thus far taken place. With regard to extradition, there have been no objections from the Mexican side to comply with the current treaty, with the stipulation that the spirit and letter of the accord be respected in the case of criminals who could be subject to the death penalty. The treaty is very clear in such cases. Mexico will judge these criminals based on its own legal traditions. In terms of sending drug lords to the United States, the Mexican government should extradite only those who do not have cases pending before the Mexican judiciary system. If they do, obviously they should first serve their sentences in Mexican jails.²

² In November 1995, Juan García Abrego, head of the Gulf Cartel, was handed over to U.S. authorities, even though he committed crimes under Mexican law. [Editor's Note.]

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Clearly, in the case of money laundering, some of the norms regulating both banking systems must be brought up to date. This is a task for both countries. After all, it is pertinent to ask how some Mexicans currently facing trial in the United States could deposit millions of dollars in U.S. banks, without any sort of legal monitoring and why this was only made public when they were arrested.

This is another lesson we cannot ignore: the double moral standard that sees only minus signs on one end of what is clearly a chain. The *New York Times* itself, in less than 72 hours, provided an example of this kind of exercise. On February 23, the editorial concluded that Mexico had not cooperated, but should not be decertified for reasons related to national interest, recommending instead a qualified certification. Three days later, in the same section, a long article was published explaining the ineffectiveness of the certification process, arguing for its elimination.

Another recent example is an arrogant letter sent to President Clinton by 40 congressmen and senators, in which the authors provide a list of deficiencies in Mexico's attitude toward the war on drugs, with the argument that Mexico has supposedly shown a fake incapacity and lack of political commitment on the issue. The letter was signed by six out of eight senators representing the four border states. A seventh senator expressed similar views from some where in Texas. It is impossible to deny the negative impact on bilateral relations that results from this type of activities.

Most of the signers, and others who have opposed certifying Mexico, are the same legislators who had actively opposed NAFTA. The trade agreement will also be subject to a U.S. presidential and congressional evaluation during the next few months. Obviously, the professional "bashers" will have their day. It is key that Mexico be prepared to use the tools of political action that work in the United States: lobbying the government and Congress, mobilizing the private sector and developing a media policy and an approach to centers of political reflection, such as the universities, etc.

Another lesson that can be drawn from these debates in the U.S. Congress is that they take place under very unequal conditions. For the time being, we cannot place very high expectations on legislators of Mexican background, as has constantly been confirmed in the lack of solidarity and support actions when questions like undocumented immigrants, for example, have been discussed. From this flows the importance of broadly and appropriately publicizing the activities that continuously go on at U.S. think tanks and academic institutions interested in Mexico.

Some conclusions:

1. The unilateral way in which the United States conducts the struggle against the drug trade is not very respectful of the sovereignty of the countries from which it demands cooperation. In particular, the U.S. congressional certification process violates the most elemental principles of equality between nations. We should insist

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on its elimination for both political reasons and tactical considerations, since it has been proven completely ineffectual.

2. On a bilateral level, the countries in the region should expect reciprocal treatment. It is important to recognize the increase in the number of drug users, but also that U.S. domestic production has increased to the point where in some cases it is self-sufficient.

3. The strategy of only intercepting drug shipments has not been very effective, as shown by the fact that drugs coming from abroad are cheaper today in the United States than 10 years ago.

4. The focus of the war against drug trafficking adopted by U.S. administrations has created unnecessary tension in many countries, particularly in Latin America, political unrest in peasant areas where the drugs are produced, human rights violations during attempts to eliminate crops, corruption of police forces and the military, as well as a growing and unnecessary participation of the armies in this fight, encouraged by their counterparts in the Pentagon.

5. The United States should recognize the advantages of working on a multilateral and regional level. Reinforcing existing mechanisms in the United Nations and the Organization of American States is one possibility. Another option is to create ad hoc mechanisms for functioning on the highest political and police levels. This proposal is not accepted by U.S. authorities, who feel it is not very effective for unilaterally applying pressure on the countries involved.

6. The U.S. government and Congress should support the initiative of Latin American and Caribbean countries to hold a special session of the UN General Assembly to study collective strategies in the war against drug trafficking. That assembly would take place in New York in June 1998.

7. The governments of the region would respect a decision whereby the same level of demands they are subject to by U.S. author-



Authorities burn more than nine tons of cocaine and marijuana. Mexico has made a big effort in the fight against drugs.

ities and agencies were also applied within the United States. In particular, intensifying educational programs designed to reduce domestic drug consumption, carrying out major campaigns to eliminate marijuana fields in several U.S. states, prohibiting the production of synthetic drugs, controlling the flow of chemical inputs in the region, halting arms trafficking and seriously combating money laundering, which is mainly conducted within the United States and U.S. financial institutions.

8. Drafting a document on this issue, along with concrete proposals, is important. It should be supported with the participation of leading public figures with experience and political weight, both in the United States and Latin America and the Caribbean, as well as

members of the private sector and the media. The aim would be to incorporate recommendations to facilitate tackling the problem, whose solution does not seem likely in the long run, but which is causing a deep deterioration in U.S. relations with Latin American and Caribbean countries.

9. The focus of the study should cover all areas, including production, consumption, shipping, chemical inputs, production of synthetic drugs, arms trafficking and money laundering. To avoid writing an academic document, it should be oriented toward decision-makers in the countries involved, in government, the legislature, the private sector, university circles and the media. **VI**