

## Mexico-U.S. Relations

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### DRUG POLICE ACT IN A VACUUM OF RULES

Mexico's northern border has been catalogued by the U.S. government as one of the five "high intensity" drug traffic areas in the world. Naturally, an important front in the struggle against drugs is being developed there. It is also a source of diplomatic confrontation between the governments of both countries. A war in which Mexican authorities loose a battle almost every day. For Washington, and especially for the Drug Enforcement Administration (DEA), it is a question of applying pressure to get a free hand in the persecution of drug dealers in Mexican territory with similar conditions to those they have been able to impose on the countries of the Andean region, Colombia, Peru and Bolivia.

For Mexico, it is a question of maintaining some measure of sovereignty, vis -à- vis the pressure of the U.S. drug enforcement agents, who are trying to operate beyond their country's borders—and doing it already. The proud statement: "The struggle against drug dealers in Mexico is carried out by Mexicans", constantly repeated by Mexican officials, from President Carlos Salinas to middle level policemen, is challenged everyday.

The most notorious case is, no doubt, that of Humberto Alvarez Machain, a somewhat prestigious gynecologist from the city of Guadalajara, the second largest in the country, who was kidnapped by Mexican policemen paid by the DEA, and clandestinely taken to the United States in early April. Presently Alvarez Machain is being judged in a Los Angeles court, under the charges of participating in the torture of a DEA agent, Enrique Camarena, who was kidnapped and murdered by the heads of the then flourishing "Guadalajara Cartel", in 1985.

According to the U.S. police accusation, Alvarez Machain—called "Dr. Mengele" by the press in that country—doped the captured agent, so that he could survive the torture and give information about what the DEA knew.

But beyond the complex circumstances surrounding Dr. Alvarez and ten co-defendants in a spectacular case, obviously the Mexican authorities are also being indirectly brought to trial.

The process, seen by many Mexicans as a question of personal revenge by the DEA, has awakened the old ghost of the murdered agent, Enrique Camarena, which has already succeeded in provoking serious tensions in the

bilateral relationship in the past. Possibly, although this might not be the express intention of either part, the scandal has soured the great friendship that President Salinas intends to preserve at all costs, with his most important trade partner.

The Camarena case is representative in the history of anti-drug cooperation between the two countries. After his murder, he became, for the United States, the good hero who died in the hands of Mexican crooks. And Mexican police were seen as corrupt accomplices of this murder.

This assessment came out to be partly true, since during the investigation of the case it was found that many



Drug dealers are usually heavily armed. Photo by Angeles Torrejón/Imagenlatina

Mexican police agents, including some in upper echelons, were involved in drug dealing. The Mexican authorities carried out a trial and put in jail the most important heads of the "Guadalajara Cartel". This, however, did not satisfy their powerful neighbors and three years later, U.S. authorities started their own legal process.

Mexico has reacted cautiously to the offense of the kidnap. In the beginning, the Mexican Foreign Relations Secretariat handled the case as a problem of sovereignty and asked for the return—not the extradition—of Dr. Alvarez to judge him in the country where the crime was committed.

Several months elapsed and U.S. authorities never answered this request.

As the scandal was beginning to evaporate, the Los Angeles Times revealed the existence of a tactical military unit, operating from the U.S. Embassy in Mexico. The Foreign Relations Secretariat balked: It knew nothing. It expressed its disagreement. Ten days later, the U.S. "explained" that it was a "technical team", including three civilians hired by the Pentagon to operate a computing center as well as radar units, in order to inform the Mexican police about the operations of the drug dealers.

Once again Mexico tried to come out of the incident with dignity, announcing "very clear rules" for the activities of the U.S. agents in its territory. Rules of the game unfortunately established after the game had started.

The Mexican government has made it clear that the principles of anti-drug cooperation are very precise. They definitely include neither carrying out joint operations nor the authorization for U.S. police to enter Mexican territory in search of drug dealers (the so-called hot pursuit). They do not admit the supervision of Mexican police activities by the DEA. They do not accept the militarization of the common border.

They recognize, instead, the need to establish an exchange of information, and to improve the coordination between the police forces of the two countries. They energetically reject a binational police force.

Mexico's problem is that, although the principles of anti-drug cooperation are very precise, the rules of the game are non-existent. For this very reason it is very possible for the players to improvise their own rules, and for the strongest of the two—the United States—to impose its own.

In practice, there is no agreement or bilateral treaty in force, that regulates all aspects of anti-drug cooperation, which started gaining strength since 1970, and since 1982 was formally established with the technical assistance agreements, according to which such assistance would be provided by the U.S. to the Mexican authorities.

The insistence of various U.S. agencies to commit Mexico to extraterritorial operations including hot pursuit, or clandestine activities such as the one that facilitated the kidnap of Humberto Alvarez Machain, dates from 1986, as a result of the mistrust generated by the way the investigation of Enrique Camarena's murder was handled a year before.

There are in fact two bilateral agreements, signed by both governments in March 1989 and ratified by their respective Senates later on: the Drug Traffic Agreement and the Legal Assistance Treaty. For them to enter into effect, a simple bureaucratic procedure is needed: the exchange of diplomatic notes, halted in Washington for unknown reasons.

This is the legal vacuum in which drug enforcement agents freely swim, in spite of all the protests written every week by Mexican diplomats and seldom answered by Washington. ■



Mountains of marihuana, ready to be burned. Photo by Marco Antonio Cruz/Imagenlatina