

# Mexico's anti-drug policies<sup>1</sup>

Eduardo Héctor Moguel Flores\*

**N**ot a day goes by without the mass media mentioning the illegal production of drugs, their trafficking and consumption, and the exploits of the international community in the anti-drug war.

Nor does a day go by without some state insinuating the irresponsibility of some other state with regard to the drug problem, and how this cripples enforcement programs and makes eradication of drugs impossible.

This was, and still is, the situation in which the U.S. government and the countries surrounding it - including Mexico - find themselves. U.S. authorities continue to blame the drug threat in their own territory on the authorities of other nations in this hemisphere. The diplomatic friction is especially galling to Latin American and Caribbean governments who perceive the problem as fundamentally North American.

The United States has every reason to be concerned about the production and trafficking of drugs in Latin America and the Caribbean, because the biggest market and magnet for such substances is in the U.S. itself.

This has led U.S. authorities to believe that the principal problem lies in the supplier countries and in those

the drugs pass through on their way to the United States<sup>2</sup>. U.S. authorities therefore came to the conclusion that the most effective method for keeping drugs off the U.S. market was to get rid of them in their place of origin, or prevent them from reaching the consumer.

Accordingly, U.S. authorities have made drug control an increasingly important item in their domestic and foreign policy, one that has had repercussions on the narcotics policies of other countries such as Belize, the Bahamas, Bolivia, Colombia, Ecuador, Mexico, Jamaica, Peru, and the British protectorate of the Turks and Caicos Islands, to name but a few<sup>3</sup>.

The war against drugs has turned on the corruption that drugs bring with them and the use of off-shore banks such as those in the Cayman Islands and in the Dutch West Indies which launder money from drug operations.

The United States of America, with an immense territory and

1 Summary of an article published in the *Revista Mexicana de Política Exterior (Mexican Journal of Foreign Relations)*, No. 30, Spring 1991.

2 This of course involves classifying countries as "consumer countries", "producer countries", and "transit countries", and a variety of combinations of these three.

3 Considered to be producers and transit routes for drugs destined for the U.S. market.

population, nearly two thousand miles of hard-to-patrol border with Mexico and an even longer frontier with Canada, thinks itself an important target for drug producers and traffickers.

Some studies suggest that over 25 million Americans use drugs, although are not necessarily addicts. International statistics indicate that nearly 6 million people in the U.S. are cocaine addicts, over 4 million are addicted to barbiturates and tranquilizers, 2 million to amphetamines, 2 million to hallucinogens, and about half a million to heroin.

In addition, lots of Americans - about 20 million - smoke marijuana regularly. It is easy to imagine how drug consumption might represent an enormous economic and social cost for the United States and any other nation with similar troubles<sup>4</sup>.

However, throwing tantrums without taking responsibility has a diplomatic cost, one which is perhaps more difficult to assess than monetary loss. Acting in this way the United States has isolated itself, and now resembles Don Quixote tilting at windmills, and with as little likelihood of winning the battle. Yes, there is a moral here: problems cannot be

4 During his 1986 re-election campaign Ronald Reagan informed voters that drug abuse was costing U.S. society 60 billion dollars every year.

\* Legal advisor to the Mexican Embassy to the United States.



solved by laying the blame on others or passing it like a hot potato.

Many of the capital cities of the American continent, for example Belmopan, Nassau, La Paz, Bogota, Quito, Mexico City, Kingston, and Lima, together with those of the United Kingdom and the Netherlands, felt that the threatening bluster from Washington was bringing unfair pressure to bear by holding them responsible for drug-trafficking or money laundering. It didn't help the American cause that this was perceived as a way of drawing attention away from America's own drug problem. A certain lack of congruence between U.S. domestic and foreign policy, and what it demanded from other nations, was also felt in these capitals.<sup>5</sup>

This situation is a good starting point for the main subject of this article: Mexico's anti-drug policy. In spite of Mexico's historical stance on the subject<sup>6</sup>, its policy was best known in the United States -if not in the world as a whole- by the 1986 observations made by a U.S. House of Representatives Subcommittee that corruption in the Mexican legal system -in connection with the anti-drug war- was rampant.

<sup>5</sup> The Latin American and Caribbean capitals were surprised that Washington's efforts to fight the drug problem during the Nixon Administration -Nixon was the President who started the war against drugs in the U.S.- coincided with the distribution of 8 million doses per year of methadone to combat heroin addiction. Methadone is now recognized to be equally addictive as heroin, and even U.S. federal law considers it relatively dangerous.

<sup>6</sup> In 1925 Mexico signed the International Opium Agreement, drawn up at the Hague in 1912. The United States was not a party to this treaty. This Opium Agreement remains partially in force in certain countries, but has been repealed and replaced by the Sole Agreement on Drugs of 1961, to which both Mexico and the United States are parties.

Naturally, the Mexican response was not long in coming and heated, suggesting that U.S. officials who knew little about either Mexico's or the United States' anti-drug policies were interfering in Mexican domestic matters and meddling with Mexican sovereignty. Mexico's reaction was justified. Earlier that year the then presidents of Mexico and the U.S. had met and discussed possibilities for combating drugs, at which meeting the Mexican government promised to continue close collaboration and had committed a considerable proportion of its limited resources to this war on drugs. Mexico's point of view is as clear today as it was then. The Mexican government holds that the drug problem observes a very well known law of the market: as long as there are

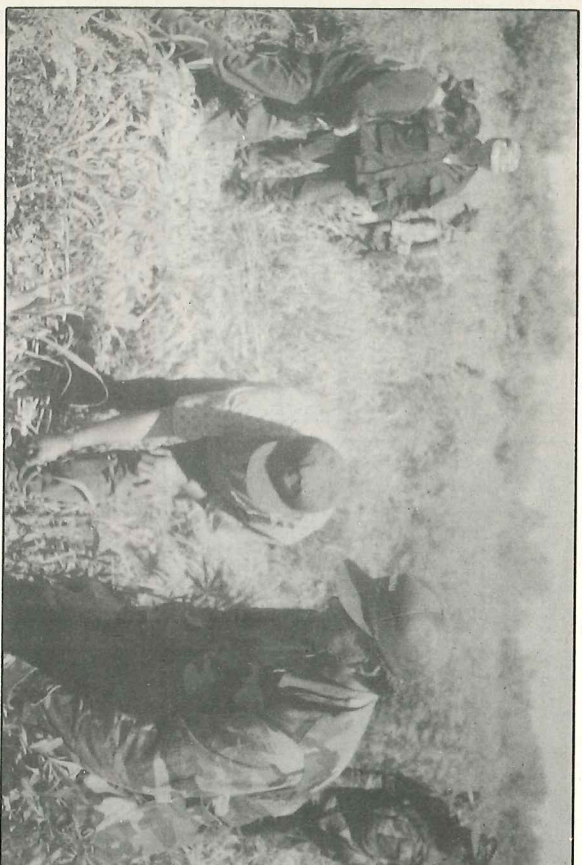
consumers there will be producers, a route for getting the product from its place of origin to its place of sale, and businessmen who will wring profits from both the producers and the consumers.

The idea that responsibility for punishing criminals should fall on the police forces of the supplier and trafficking countries is absurd; that law enforcement programs should operate as close as possible to the place of production is equally so. U.S. authorities should accept the fact that they need to fight drug consumption in their own territory, and politely request that neighbor countries do the same. Besides, the Mexican government needs no encouragement, already having its own reasons for

## The war against drug trafficking in Mexico (Dec. 1982 - Jan. 1990)

<i>Illegal plantations eradicated</i>	393,937
<i>Seizures (kgs.)</i>	
Heroin and opium paste	1,415
Cocaine	69,817
Dried and packed marijuana	10,247,137
<i>Confiscations</i>	
Land vehicles	10,027
Boats	83
Planes	198
Firearms	16,171
<i>Clandestine laboratories dismantled</i>	47
<i>Persons arrested and brought to trial</i>	82,121
<i>Judicial proceedings</i>	50,585
<i>Criminal organizations dissolved</i>	280
<i>Government agents killed in action</i>	92





Harvesting for the incinerator.

putting a stop to drug production and drug-trafficking.

As if this were not enough, to comply with the new agreement with the U.S. the Mexican government had to assign money, material and human resources originally assigned to fighting the drug problem within Mexico to pitching in to the fight within the U.S.<sup>7</sup>

The U.S. seemed quite happy demanding that the Mexican government increase its efforts in the war against drugs. When anyone asked about where the drugs consumed by U.S. addicts came from, the answer of many U.S. officials was *south of the border!* This was irresponsible; generally the drugs came *through* Mexico, not from it. They typically originated from other Latin American and Caribbean countries.

<sup>7</sup> Mexico was already using its few available resources to destroy marijuana and poppy crops, to face up to the *caciques* who controlled drug production, to prevent drug transportation, to locate clandestine airstrips, and to fight against drug abuse, all threats to Mexico's own national security, to its own territory and the welfare of its people.

The Mexican government strove to combat production, trafficking and consumption of drugs for three reasons, in the following order of importance: the health of Mexicans, national security, and international cooperation.

The Mexican approach is to wage the war in a long term fashion. This involves prevention geared toward educational, cultural, social, economic and even political causes, combatting the production, trafficking and consumption of drugs, and rehabilitation treatment for drug addicts.

Along these lines the Mexican government has strengthened its structures for fighting drug-trafficking, reforming the law and increasing penalties for those who break it, and augmenting its human, financial and material resources.

In Mexico drug-related crimes are federal offenses. Into the anti-drug fray the federal authorities throw the Judiciary Branch, the Office of the Attorney General, the Ministry of Communications and Transport, the Ministry of Health, the Ministry of Defence, the Ministry of the Navy, and the Ministry of the Interior - the equivalent of the State Department in the United States, but without its

foreign relations branch- and the corresponding authorities in the individual states.

The Office of the Attorney General is responsible for pursuing drug offenders through the federal courts, from investigation and police actions to pre-trial proceedings.

The Judiciary Branch plays its part by issuing warrants for arrest for people presumed guilty of committing an offense and later convicting and sentencing them<sup>8</sup>. An array of Mexican legal offices provide the criminal with a legal proceeding that affords him wider protection than the U.S. *habeas corpus*.

The treatment and rehabilitation of drug addicts falls under the jurisdiction of the Ministry of Health and the National Anti-Addiction Council, headed by the Minister of Health himself.

The armed forces and the Ministries of Defence and the Navy do their bit by seeking out and destroying illegal plantations in Mexican territory, smashing up clandestine laboratories, and breaking up drug-trafficking networks that distribute, sell, and consume drugs (see table).

Local police departments contribute to this atmosphere of brotherly goodwill by collaborating willingly with the Attorney General's office.

It should be pointed out to American officials that in spite of Mexico's critical financial position -not unlike that of other developing countries- during the eighties Mexican spending on the anti-drug war increased consistently. For example, at the Attorney General's

<sup>8</sup> There is no equivalent in the Mexican legal system for the U.S.-type jury. Sentences are passed by the judges. Neither are practices such as probation or parole available to those accused of anti-social offences against health, such as production, trafficking or consumption of drugs.



office alone, the amount of cash on hand rose from 44 trillion pesos in 1988 to 122 trillion pesos in 1989.

Human resources have been specially trained, and now approximately 25% of the armed forces on active service are kept busy hunting down suspected offenders.

Today a fully operational anti-drug force operates on Mexican territory

using planes, land vehicles and boats, all provided with the necessary logistic support. They reconnoiter and verify, and fumigate illegal plantations or transport military and police personnel.

The heavy sentences imposed on drug offenders were made heavier and punishments spelled out more precisely. The average increase in sentences was 33% for most offenses,

from criminal association, offenses against health and crimes involving the transportation or use of firearms, the smuggling of explosives, to money laundering. Fines were indexed to the minimum wage, inflation, and the higher cost of living in Mexico. People were brought to trial more quickly.

In addition, the Mexican authorities put into effect certain

## Laundering money

In our society money is the yardstick by which everything is measured. Money is the unit of social measurement and also the means of exchange; goods and services not being traded for other goods and services, but for money.

Money circulates so freely that it becomes extremely difficult, and at times impossible, to tell whether its origin, the way it is handled, its circulation or destination are legal or illegal.

Preventive measures are practically non-existent, and only when some illegal handling of money is suspected, or there are signs that money is being laundered, are police or other investigators put to work.

However, such clues or suspicions come from indirect sources, from rumors of unannounced transactions, or irregularities scattered through larger financial systems which cannot be accounted for by monetary or exchange regulators. Therefore there cannot be preventive mechanisms based on a single principle that would produce immediate discoveries of money laundering operations.

The most common way of laundering money consists of simply transporting money, shares, or goods physically, either individually or in bulk, through the mail, or by messenger service. Local or international bank transfers to one or several bank accounts gives money launderers access to the money and shares when they arrive at their destination, or allows them to return it to their place of origin disguised as fictitious loans or debt repayment. This way dirty money is converted into clean, a process known as recycling.

The best way to investigate money laundering is to check bank transfers and balance sheets. Investigators look to see whether the math of a company's asset sheets is all in good order, and do the same for individuals, looking at their usual income and any bizarre increases in their assets, etc.

Like most countries, Mexico has not been able to dodge the impact of money laundering. Article 115 bis of the Mexican Federal Fiscal Code does not consider money laundering, in any of its variants, to be an isolated offense, because it is the result of a different and earlier criminal act. The crimes most closely linked to money laundering are, in the following order: drug-trafficking, tax evasion, bank or insurance agency fraud, and corruption by civil servants.

The prevention and punishment of the offenses linked to money laundering are essential in the fight to halt this problem. Hence the importance of doing away with court backlogs which slow the judicial process, and the light handed sentencing which keeps money launderers and their ilk operating with apparent impunity.

In order to fight this anti-social phenomenon and its roots Mexico needs to install stricter controls over its financial, monetary, and exchange activities. With these in place we could expect a greater degree of prevention, detection, and punishment of the panorama of illegalities associated with money laundering.



special operations in the northern and southern border areas to discourage activities linked to drug-trafficking.<sup>9</sup>

At the international level, Mexico's anti-drug policy is self-explanatory. Mexico has repeatedly expressed its conviction that drug-trafficking should be addressed by the collective effort of the international community. Mexico's commitment to the war against drugs is firm and long-standing.<sup>10</sup>

Within the bilateral framework, the predominant place goes to the Mexico-U.S. relationship. Mexico-U.S. cooperation occurs mainly between the Attorney General in Mexico and the U.S. Justice Department.<sup>11</sup>

This cooperation involves both technical assistance, providing equipment—from spare parts for land vehicles to helicopters and planes—and the training required for the war against drug-trafficking—ranging from courses for mechanics to specialized matters involving narcotics and psycho-tropic substances.<sup>12</sup>

Mexico also honors agreements with Colombia, Costa

<sup>9</sup> The war against drugs is also waged in collaboration with the Federal Highway Police, an agency of the Ministry of Communications and Transport.

<sup>10</sup> Among more than 60 multilateral and bilateral agreements there is one for the direct exchange of information on drug-trafficking that has been in force between Mexico and the United States since 1930.

<sup>11</sup> There is also another type of collaboration with other participating parties and entities not directly related to the war against international drug trafficking, but which due to their general aim may be considered to be part of it. Such is the case for the agreement on the recovery and restitution of stolen vehicles and planes signed in 1961 and in force since 1983, or the more recent agreement for the exchange of tax information, signed in November 1989 and in force since January 1990.

<sup>12</sup> Courses in epidemiology, for example.



*A job well done: 1,150 kilos of cocaine confiscated in Nuevo León and Tamaulipas in 1989.*

Rica, Guatemala, Peru, and Venezuela. The signing or implementation of similar bilateral agreements with Belize, Canada, Cuba, Ecuador, Spain, Jamaica and the United Kingdom are imminent.<sup>13</sup> Mexico also participates actively in U.N. drug-fighting organizations.

Overall, Mexico has been truly stalwart in its participation in regional anti-drug efforts.

During United Nations discussions of an agreement on the illegal trafficking of narcotics and psychotropic substances Mexico managed to slide the following principles into the text of the treaty, the selfsame principles that have always guided Mexico's anti-drug efforts:

<sup>13</sup> Of the latter—all of which have been signed—the majority have been approved by the Senate and are pending ratification.

1. A comprehensive definition of all aspects of the phenomenon, from production and transit to demand and consumption
2. Respect for the sovereignty, security, public order and legal mechanisms of each state
3. The denunciation of foreign authorities influencing national ones in the carrying-out of tasks which national laws reserve exclusively to the latter
4. The freedom of each state from supervision, certification or punitive measures by any other state

These have always been the principles of the Mexican government, and other governments who wish to deal once and for all with this scourge should keep in mind another more elemental principle: you scratch my back and I'll scratch yours.<sup>M</sup>