

Drug Trafficking

MEXICAN NEGOTIATION STRATEGIES¹

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SOCIETY

In the last issue of *Voices of Mexico*, María Celia Toro explained how important it was for Mexico to develop its own strategies for fighting drug trafficking in order to diminish its vulnerability vis-à-vis those of the United States. In the first part of this article, then, she looked at two of the four main strategies: the first, the use of the argument that drug consumption in Mexico is not a grave public health problem; and the second, total cooperation with the United States and coming down hard on Mexican citizens involved in the drug trade. In this issue we present the second and last part of Toro's article, in which she addresses Mexico's two other main strategies.

NEGOTIATING LIMITS TO DEA ACTIVITIES IN MEXICO

The presence of a foreign institution like the Drug Enforcement Agency (DEA) in Mexican territory is a major challenge for Mexican policy and diplomacy. Therefore, negotiating limits to its activities is, undoubtedly, Mexico's most important as well as its most difficult strategy. It is a strategy that goes to the heart of the matter from the point of view of Mexico's international relations: the problem of national jurisdictions in the administration of justice.

For a long time U.S. narcotics police worked with Mexico with the understanding that the Mexican government's difficulties in preventing the export of drugs to the United States were technical. In addition to their training Mexican police, DEA presence in Mexico was originally justified as a way of gathering information about drug traffickers' organization and routes with the ultimate aim of impeding illicit drug imports to the U.S. or of requesting that Mexican police

detain drug traffickers within their borders. Several agreements were signed to this effect ("letters of understanding" in diplomatic parlance) to establish the basis for this kind of cooperation and other forms of technical and financial support (helicopters, equipment for crop detection from the air, radar, etc.). In the framework of these accords, the DEA was willing to basically respect Mexican sovereignty, work within the legal limits imposed on it and cooperate with Mexican police. The Mexican government accepted this arrangement because, besides obtaining the support it needed and sometimes sought, it was better to formalize the presence of this foreign police force than to ignore it.

The so-called "war against drugs" launched by the Reagan and Bush administrations in the 1980s abandoned this traditional arrangement. For the first time, the U.S. government decided to invest sizeable resources to stop drug trafficking within its own borders. In its eagerness to prevent U.S. consumers from acquiring the drugs, it was able to fix an import price for cocaine and marijuana that was so high that it prompted an unprecedented increase in the production and export of these drugs in Mexico and many other countries of Latin America.

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¹ SECOND OF TWO PARTS. Based on a chapter of a book by Ilan Bizberg (ed.), *La Política Exterior de México en el Nuevo Sistema Internacional*, Mexico College, Mexico City, forthcoming.



Press Conference. From left to right: Barry MacCaffrey, U.S. drug czar; Mexican Foreign Minister José Angel Gurría and Mexican Attorney General Jorge Madrazo.

At the same time, the U.S. government changed its basic legislation dealing with the fight against drug trafficking and addiction to facilitate what it has termed the extraterritorial enforcement of its laws. Armed with a hefty budget and appropriate legislation and political rhetoric, the DEA decided to leave behind its role as an intelligence-gathering agency subordinate to its Mexican counterpart and pursue drug trafficking with or without Mexican government authorization. The first and most conspicuous example of this change in power relations and in DEA behavior in Mexico was its furious reaction to the 1985 murder of one of its agents, Enrique Camarena, and its sequel, the famous Operation Legend, in which the DEA attempted to bring all the alleged perpetrators of the torture and death of one of its agents in Mexico before U.S. courts using any and all means.

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Imagenlatina-Alfonso Manzano

The DEA-organized kidnappings of René Martín Verdugo Urquidez and Humberto Alvarez Machain in 1986 and 1990 were part of this radical shift in U.S. policy. The new policy was also based on a different understanding of the nature of the problem: the inability of the Mexican government to put an end to drug trafficking was due to the generalized corruption of Mexican authorities.² Neither Mexican drug-linked corruption nor the U.S. analysis were new. The surprise was that the U.S. government persisted in publicly denouncing Mexican authorities' complicity and, what was worse, in combatting it.

To face this frontal challenge to sovereignty and territorial integrity, the

Mexican government proposed and sped up the signing of new treaties: the mutual legal assistance treaty, negotiated in 1987 and in force as of May 1991 and another, which bans cross-border kidnapping, signed in 1994, with the explicit aim of reaffirming its exclusive prerogative to apply the law and mete out justice in its own territory. With the same aim, the 1978 extradition treaty and the seemingly informal agreement between the two countries for police cooperation were reviewed.

It was a dissuasive strategy that did not stop U.S. police from acting against Mexican interests, but it undoubtedly raised the costs of the U.S. government sending its police forces beyond its borders; it also legitimized Mexican protests against conduct which violated international law and bilateral agreements. Recourse to international law has always been a weapon of the weak; however, in this case, the true strength of the Mexican government, which gives this negotiation strategy meaning, derives from its status as a sovereign nation. What Mexico is negotiating in these agreements and what the U.S. government has to accept at least in principle are the terms of access to its territory.

²Peter Reuter and David Ronfeldt, "Quest for Integrity: The Mexican-U.S. Drug Issue in the 1980s," A Rand Note (N-3266-USDP), Rand, Santa Monica, California, 1992.

The success of this strategy depends not only on U.S. policy—that is, U.S. government willingness to fully respect national jurisdictions—but the Mexican government's real possibility of retaining its autonomy. The other side of the [Mexican government's] demand for sovereignty is its ability to contain drug trafficking on its own, particularly the corruption and violence that always pave the way for it.

INTERNAL ADJUSTMENT: THE STRATEGY OF THE WEAK

By internal adjustment I mean domestic containment, that is the increase in government funding to intensify campaigns against drug trafficking in Mexico. It is the obligatory answer of a government faced with the precipitous growth of an illegal market, a growth explained mainly by a change in relative prices, over which—as we already mentioned—the Mexican government has no influence. Insofar as a country is able through domestic policy to confront international market variations which affect its domestic market, its original vulnerability will be counteracted.

But, if drugs are banned, over-penalization policies increase profits for those who, despite everything, decide to defy the law. So, when confronted with the possibilities of illicit enrichment offered by drug trafficking in the 1980s, domestic containment was impossible. In the mid-1980s, the Mexican government began a desperate effort to limit drug trafficking, particularly cocaine shipments. It had a police force and an army particularly ill equipped to fight this crime. Evidence of greater and greater corruption—particularly within the security forces themselves—and violence, as well as the transfer of the main cocaine trade routes to Mexico, forced the government to increasingly resort to the technical and informational aid of the DEA. The most important bilateral program over the last few years, for capturing airplanes crossing the border, was based on information supplied by the DEA. Something similar is occurring now, and will continue to occur, with

money laundering, although in this case, the cooperation is with the FBI.

More and more intense pursuit of drug traffickers in Mexico does not lead—nor can it—to advancing the Mexican interests of containment of the violence and corruption which are the bases for this illicit business. Quite the contrary: it contributes to the exacerbation of these problems because as it increases the risk to drug traffickers, prices and profits also rise. This leads to more violence and the purchase of protection from the authorities. Therefore, the more drug traffickers are hunted, the greater are the political costs, and this, in turn, deepens the already existing weakness of Mexico's justice system. The results of this internal deterioration lead to less autonomy in implementing anti-drug operations, which in practice means leaving the war against drug trafficking to others inside Mexican borders.

Thus, with drug traffickers on one side and DEA agents on the other, the Mexican government is practically under siege, "suffering what it must." ❧

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Cocaine about to be burned. Mexico has made determined efforts to limit drug trafficking, particularly cocaine shipments.