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## **Mexico's Counter-Narcotics Efforts under Fox, December 2000 to October 2004**

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## Summary

This report provides information on Mexico's counter-narcotics efforts during the first four years of the presidency of Vicente Fox. Special emphasis is placed on calendar year 2003, covered by the State Department's March 2004 report on international narcotics control, and the first six months of 2004, covered in President Fox's September 2004 "State of the Nation" report. This report will be updated when warranted by events.

**Share of Traffic.** According to the State Department, an estimated 70 percent of the U.S.-bound cocaine shipments pass through Mexican territory, a higher estimate than in past years. Mexico remains a major source country for heroin, marijuana, and methamphetamine, and a major center for money laundering activities.

**Control Efforts. Seizures** of cocaine by Mexico in 2003 were up 59% from 2002, but they were down 15% from the average yearly seizures in the previous five years (1998-2002), according to the State Department's latest report. Seizures of marijuana were up 24% from 2002, as well, and up 33% from the average in the previous five years. Seizures of methamphetamine and drug labs increased significantly in 2003 as compared to 2002 and as compared to the 1998-2002 average. On the other hand, seizures of opium in 2003 were down 39% from 2002, and down 30% from the average of the 1998-2002 period. Seizures of heroin were down 41% in 2003 compared to 2002, and were down 49% from the previous five years. *Arrests* were up in all categories in 2003, and there were major actions against leading drug lords. The Mexican State of the Nation report states that 31,719 people associated with seven drug organizations were arrested from December 2000 to June 2004, including 15 cartel leaders, 39 financiers, and 64 lieutenants. Mexico extradited 31 persons to the United States in 2003, including 18 Mexican nationals on drug-related charges. *Eradication* of opium and marijuana increased in 2003, but with more hectares of cultivation, the potential yield of opium was up 74% over 2002 and up 45% from the previous five years, while the potential yield of marijuana was up 71% from 2002 and up 76% from the 1998-2002 average.

**Cooperative Efforts.** President Bush and President Fox have met many times and have made the bilateral relationship a top priority, although disagreements over Iraq created some tension. In these meetings, the presidents agreed to enhance law enforcement and counter-narcotics cooperation between the two countries, and this cooperation was facilitated by the modification of the U.S. drug certification process. Top officials say that the countries have achieved unprecedented levels of cooperation, including the sharing of sensitive intelligence and expanded training for Mexican anti-drug forces. In the post 9/11/01 period, the countries have expanded cooperation into overlapping counter-narcotics and counter-terrorism programs.

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# Mexico's Counter-Narcotics Efforts under Fox, December 2000 to October 2004

## Recent Congressional Interest and Action

Congress has had a longstanding interest in Mexico's counter-narcotics efforts.<sup>1</sup> Beginning with legislation originally enacted in the mid-1980s, Congress required the President to certify annually, subject to congressional review, that drug producing or drug-transit countries had cooperated fully with the United States in drug control efforts during the previous year to avoid suspension of U.S. aid.<sup>2</sup> Mexico was fully certified in following years, but Congress closely monitored these certifications, and resolutions of disapproval to reverse the presidential certifications were introduced in 1996-1999. Following the election of opposition candidate Vicente Fox as President of Mexico in July 2000, several Members called for modification of the certification procedures or exemption of Mexico from the process, but legislative action was not completed. President Bush certified Mexico as fully cooperative on March 1, 2001, and no resolutions of disapproval were introduced in 2001.

In April and September 2001, the Senate Foreign Relations Committee reported out two measures (S. 219 and S. 1401) that would have suspended the certification requirements for three years, but no final action was taken by Congress on the measures. In December 2001, Congress passed the Foreign Operations Appropriations Act for FY2002 (H.R. 2506/P.L. 107-115) that waived the drug certification requirements for FY2002 for all countries, and instead required the President to designate only countries that had demonstrably failed to meet international counter-narcotics obligations. In September 2002, Congress enacted the Foreign Relations Authorization Act for FY2003 (H.R. 1646/P.L. 107-228) that, in Section 706, made permanent a requirement that the President designate in mid-September of each year, before the beginning of the fiscal year, the countries which have demonstrably failed to meet international counter-narcotics obligations.

Acting under these modified requirements, President Bush has made the required designations for fiscal years 2002 through 2005, and Mexico has not been

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<sup>1</sup> This report draws upon CRS Report RL31412, *Mexico's Counter-Narcotics Efforts under Fox, December 2000 to April 2003*, by K. Larry Storrs.

<sup>2</sup> For details on the certification process and an illustration of the possible consequences of decertification of Mexico, see CRS Report RL30080, *Mexico and Drug Certification in 1999: Consequences of Decertification*, March 4, 1999, by K. Larry Storrs. For more general information on U.S.-Mexican relations, including legislation on trade, immigration, and drug trafficking issues, see CRS Report RL31876, *Mexico-U.S. Relations: Issues for the 108<sup>th</sup> Congress*, by K. Larry Storrs.

mentioned by U.S. officials, except to say that it has been performing well and is far from failing to meet international counter-narcotics standards.<sup>3</sup>

## Estimates of Mexico's Share of Drug Trafficking Activity

According to the Department of State's Bureau for International Narcotics and Law Enforcement Affairs, Mexico is the principal transit country for South American cocaine entering the United States, the leading foreign source of marijuana, and a principal source of heroin. It is also a major producing and transit point for methamphetamine and other synthetic drugs.<sup>4</sup> Agency experts agree that Mexico's share of illicit traffic in the various areas has remained high over the years, although there are some variations in the estimates. The methodology for making the estimates (whether derived from seizures or some other means) is not regarded as entirely adequate, and the estimates may be affected by changing trafficking patterns and demand as much as enforcement efforts.

With regard to cocaine, the major drug of concern, the State Department's INCSR report covering the year 2003 states that "an estimated 70 percent of the U.S.-bound cocaine shipments pass through [Mexican] territory." The Drug Enforcement Administration's Country Profile for 2003 for Mexico states that "an estimated 70 percent of all cocaine originating from South America destined for the United States transits the Mexico-Central America corridor."<sup>5</sup> These estimates appear to be a higher percentage than reported in previous years. The INCSR covering 2002 stated that "approximately 65 percent of cocaine reaching the United States passes through Mexico and waters off the Pacific and Gulf coasts," and the INCSR covering 2001 stated that Mexico was the transit point for "more than one half of the cocaine sold in the United States."

With respect to heroin, the INCSR report covering 2003 states that Mexico produces less than five percent of the world's opium poppy, but because of the geographical proximity to the United States it is "the supplier of some 30 to 40

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<sup>3</sup> For details on U.S. congressional action and the presidential certifications and designations, see CRS Report 98-174, *Mexican Drug Certification Issues: U.S. Congressional Action, 1986-2002*; CRS Report RL30892, *Drug Certification Requirements and Congressional Modifications in 2001-2002*; and CRS Report RL32038, *Drug Certification/Designation Procedures for Illicit Narcotics Producing and Transit Countries*, by K. Larry Storrs.

<sup>4</sup> See U.S. Department of State, Bureau for International Narcotics & Law Enforcement Affairs, *International Narcotics Control Strategy Reports* (INCSR), generally issued in March of each year with coverage of the previous year. The latest version, issued in March 2004, is available on the Internet at [<http://www.state.gov/g/inl/rls/nrcrpt/2003/>].

<sup>5</sup> See U.S. Department of Justice, Drug Enforcement Administration, *Mexico: Country Profile for 2003*, DEA-03047, November 2003, pp. iii, 1-3, also available on the DEA website at [<http://www.usdoj.gov/dea/pubs/intel/03047/index.html>].

percent of the U.S. heroin market — especially in states west of the Mississippi.” This appears to be a slightly higher estimate than in the past. The INCSR report covering 2002 stated simply that geographical proximity to the United States “allows cultivators and processors [in Mexico] to supply a disproportionately large share of the U.S. heroin market.” A U.S. Customs official stated, in March 2001 hearings, that 14% of the heroin seized in the United States comes from Mexico, while an independent study indicated that Mexico is the source of 29% of the heroin used in the United States.<sup>6</sup>

In other areas, the INCSR covering 2003 reports that Mexico “is by far the leading foreign source of marijuana consumed in the United States,” and “is also a major producing and transit point for methamphetamine and other synthetic drugs.” Moreover, the report says that Mexican drug traffickers have steadily increased operations in all illicit drug sectors in the United States, and have come to dominate most of the distribution centers. Mexico continues to be a major money-laundering center, in which trafficking organizations exploit Mexican banks and financial institutions to transfer significant amounts of illicitly obtained currency through the global financial system. Favored money laundering methods include the smuggling of U.S. currency into Mexico and the movement of the funds back into the United States via couriers, wire transfers, and armored vehicles.

In short, Mexico’s share of illicit traffic has remained high over the years, and seemed to increase in 2003 in major areas, especially in the supply of cocaine and heroin to the U.S. market. Mexico’s role as a base for drug traffickers and as a center for money-laundering persisted and perhaps increased as well.

## **Mexico’s Efforts to Control Illicit Drug Activities**

The following three tables show State Department estimates of Mexican drug control efforts in three areas — seizures, arrests, and eradication — from 1998 to 2003. Supplementary information covering the first six months of 2004 is also provided as reported in the written version of President Fox’s Fourth Report of the Government.<sup>7</sup> Caution should be exercised in considering the changes in the various areas as an indication of Mexico’s seriousness in controlling drug trafficking. The trends may also be affected by the demand for the drugs, the amount of drugs produced or available, the sophistication of the drug traffickers, the intelligence and capabilities of Mexican counter-drug agencies, the effectiveness of reporting and monitoring methods, the effect of weather conditions on eradication efforts, and competition from alternative drug suppliers.

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<sup>6</sup> See testimony of Assistant Customs Commissioner John C. Varrone before the Subcommittee on Crime of the House Judiciary Committee, March 29, 2001.

<sup>7</sup> See Presidency of Mexico, *Quarto Informe de Gobierno*, Section 3,3,2. This is the State of the Nation report, in spoken and written form, that Mexican Presidents deliver to Congress on September 1<sup>st</sup> of each year. It is somewhat equivalent to the U.S. State of the Union report and address.

## Seizures of Drugs

Turning to Mexican seizures of drugs in 2003, the results portrayed in Table 1, as reported by the State Department, demonstrate a mixed result compared to 2002, and compared to the average of the previous five years (1998-2002) that have been calculated to minimize the effects of annual variations. The results generally show negative results in the seizures of cocaine, opium, and heroin, while showing positive results in the seizures of marijuana, methamphetamine, and drug labs. More recent Mexican data for the first six months of 2004 show positive results in the seizures of opium, heroin, and marijuana.

**Table 1. Mexican Seizures of Illicit Narcotics, 1998-2003**

|                             | 1998  | 1999  | 2000  | 2001  | 2002  | 2003  |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| <b>Cocaine (mt)</b>         | 22.6  | 33.5  | 18.3  | 30.0  | 12.6  | 20.0  |
| <b>Opium (kg)</b>           | 150   | 800   | 270   | 516   | 310   | 189   |
| <b>Heroin (kg)</b>          | 120   | 258   | 268   | 269   | 282   | 165   |
| <b>Marijuana (mt)</b>       | 1,062 | 1,459 | 1,619 | 1,839 | 1,633 | 2,019 |
| <b>Methamphetamine (kg)</b> | 96    | 358   | 555   | 400   | 457   | 652   |
| <b>Illicit Drug Labs</b>    | 7     | 17    | 26    | 21    | 13    | 22    |

**Sources:** Data are from the U.S. Department of State, *International Narcotics Control Strategy Report*, March 2004, Part I, pp. 159-168, especially the Table on p. 168, with updated data on illicit drug labs from Mexican official reports provided by the Department of State. Seizures are measured in metric tons (mt) and kilograms (kg).

Seizures of cocaine, which many consider to be the key test, increased significantly, from 12.6 metric tons in 2002 to 20.0 metric tons in 2003, according to the State Department. This is a 59% increase from one year to the next, but the increase is from what appears to be a particularly bad year. The result for 2003 was still a 15% reduction from average seizures of 23.40 metric tons in the previous five years (1998-2002), and it surpassed only two of the previous five years. Mexican data for January-June 2004 show seizures of cocaine at 13.1 metric tons, a 17% reduction compared to January-June 2003, but a respectable result if projected at the same rate until the end of 2004.

Seizures of opium declined from 310 kilograms in 2002 to 189 kilograms in 2003, according to the State Department, a 39% reduction from the previous year, and a 30% reduction from the average of 409 kilograms in the 1998-2002 period. This was the lowest level of seizures in the last six years, except for 1998. Mexican data for the first six months of 2004 show seizures of 269 kilograms of opium, a 50% increase compared to the first six months of 2003, and a positive result if projected to the end of 2004.

Seizures of heroin declined 41% from 282 kilograms in 2002 to 165 kilograms in 2003, as reported by the State Department, and this result was a 49% decline from the average seizures of 240 kilograms in the 1998-2002 period. However, Mexican data for January-June 2004 show seizures of heroin up to 154 kilograms, a 166% increase compared to January-June 2003, and a result more in keeping with recent performance, especially when using the much higher Mexican data for 2003.

Seizures of marijuana increased 24% from 1,633 metric tons in 2002 to 2,019 metric tons in 2003, according to the State Department, making the seizures the largest in the last six years, and a 33% increase over the average of 1,522 for 1998-2002. Mexican data show seizures of marijuana for the first six months of 2004 at 790 metric tons, a 44% increase over the first six months of 2003, but a result that would be below recent results if projected to the end of the year.

Seizures of methamphetamine increased 43% from 457 kilograms in 2002 to 652 kilograms in 2003, the largest level of seizures in the last six years, and were up 75% compared to the average of 373 kilograms in the previous five years, according to the State Department. The Mexican data for 2004 do not contain information on seizures of methamphetamine.

Seizures of illicit drug labs increased 69% from 13 in 2002 to 22 in 2003, as reported by the State Department, and seizures were up 34% from the average of 17 labs during the previous five years, on an indicator that is likely to be somewhat erratic. Mexican data shows only two illicit drug labs being seized in January-June 2004, an 85% reduction compared to the number of seizures in January-June 2003.

## Arrests and Extraditions of Drug Traffickers

**Arrests in General.** As indicated in Table 2, the number of people arrested in Mexico on drug-related charges increased in 2003 in all categories compared to 2002, as reported by the State Department, but the arrests are low compared to the previous four years and to the average arrests in the 1998-2002 period.

**Table 2. Mexican Arrests on Drug-Related Charges, 1998-2003**

|                   | 1998   | 1999   | 2000   | 2001  | 2002  | 2003  |
|-------------------|--------|--------|--------|-------|-------|-------|
| <b>Nationals</b>  | 10,034 | 10,261 | 10,771 | 9,784 | 6,930 | 7,653 |
| <b>Foreigners</b> | 255    | 203    | 233    | 189   | 125   | 139   |
| <b>Total</b>      | 10,289 | 10,464 | 11,004 | 9,973 | 7,055 | 7,792 |

**Sources:** Data are from the U.S. Department of State, *International Narcotics Control Strategy Report*, March 2004, Part I, pp. 159-168, especially the Table on p. 168, with missing data being supplied by the State Department.

The figures show that the arrests of foreigners in 2003 were up slightly from 2002, but lower than all previous years, about 31% lower than the average of 201 for the 1998-2002 period. The number of arrests of Mexicans and the number of total

arrests were up 10% from 2002 to 2003, but down 20% from the average in the previous five years. More recent Mexican data show higher arrest figures for 2003 and total arrests of 5,050 in the first six months of 2004, a 10% increase over the results in the same period in 2003.

**Actions Against Major Traffickers.** Despite the mixed results on arrests, recent State Department's INSCR reports have praised arrest successes against the major Mexican drug cartels, although the reports have exhibited slightly diminishing enthusiasm, and new cartels have been emerging to replace those that have been damaged.<sup>8</sup> The report covering 2001 stated that the Mexican government's longstanding fight against drug trafficking and crime has "resulted in tangible successes against the Arellano Felix Organization (AFO), the Carrillo Fuentes Organization (CFO), and the Gulf Cartel — widely considered the top three drug groups in the country." The report covering 2002 stated that "Mexican authorities continued to achieve impressive results in arresting leaders of major drug trafficking organizations, undermining their capabilities to operate both in Mexico and the United States." The report covering 2003 states that "Mexican authorities sustained an intensive counternarcotics effort throughout 2003, including the capture of major drug cartel figures. . . ." In line with these reports, the Mexican State of the Nation report states that 31,719 people associated with seven drug organizations were arrested from December 2000 to June 2004, including 15 cartel leaders, 39 financiers, and 64 lieutenants.

Major successes against the Arellano Felix Organization (AFO) based in Tijuana near San Diego include the following: (1) the arrest in March 2001 of a cell leader, Rigoberto Llanez Guerrero, and several lieutenants; (2) the arrest in August 2001 of Colombian trafficker and cocaine supplier Herbert Alberto Cruz Ruiz; (3) the killing in early February 2002 of drug lord Ramon Arellano Felix in a police shootout in Mazatlan, although some sources say he was killed by a rival gang; (4) the arrest in early March 2002 of drug lord and overall leader Benjamin Arellano Felix; (5) the arrest in mid-March 2002 of Miguel Herrera Barraza, another key figure in the organization; (6) the arrest in April 2002 of 43 corrupt police officers protecting the cartel and the subsequent arrest of other cartel lieutenants; and (7) the arrest in June 2004 of drug kingpins Jorge Arellano Felix and Efrain Perez.

Accomplishments against the Carrillo Fuentes Organization (CFO) based in Juarez near El Paso include (1) the arrest in May 2001 of former Governor Mario Villanueva after a two-year manhunt for allegedly using his position to facilitate drug shipments and money laundering in the far southeastern state of Quintana Roo; (2) the arrest in June 2001 of cell leader Ramon Alcides Magana who was transshipping cocaine through Quintana Roo with tacit support from Governor Villanueva; (3) the arrest in May 2002 of Jesus Albino Quintero Meraz, a top lieutenant in the Gulf Cartel who had also worked for former Governor Mario Villanueva; (4) the arrest in April 2003 of Arturo Hernandez, a senior hit man responsible for the deaths of many persons including the plastic surgery doctors whose bungled efforts led to the death

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<sup>8</sup> See U.S. Department of Justice, Drug Enforcement Administration, *Mexico: Country Profile for 2003*, November 2003, pp. 20-21, for a description of the major trafficking organizations.

in July 1997 of cartel boss Amado Carrillo Fuentes; (5) and the arrests in August and September 2003 of major CFO traffickers Jose Laija Serron and Rigoberto Glaxiola. In a related development, in July 2003, during "Operation Trifecta," Mexican authorities arrested three major drug traffickers, including Manuel Medina Campas, a leading lieutenant of the Ismael Zambada Garcia Organization that spun off from the CFO.

Achievements against the Osiel Cardenas-Guillen Organization (or Gulf Cartel, formerly led by the now-imprisoned Juan Garcia-Abrego) include (1) the arrests in April 2001 and March 2002 of traffickers Gilberto Garcia Mena and Adan Medrano; (2) the arrest in March 2003 of prime cartel leader Osiel Cardenas-Guillen; and (3) the arrests in August 2004 of major cartel figures Ramiro Hernández and Gilberto Higuera Guerrero.

Successes against the Caro-Quintero Organization include the arrest in December 2001 of cartel leader Miguel Caro Quintero.

Accomplishments against the Armando Valencia-Cornelio Organization (or Milenio Cartel) that operates primarily in the states of Jalisco and Michoacan include the arrest in August 2003 in Guadalajara of cartel leader Armando Valencia-Cornelio and seven associates.

Other achievements include the arrest in May 2001 of Adan Amezcua of the Amezcua-Contreras methamphetamine trafficking organization.

**Extraditions.** The Mexican government extradited a record total of 31 persons to the United States in 2003 (including 18 Mexican nationals and 19 narcotics defendants), compared to 25 in 2002, and 17 in 2001, under the Fox Administration, and 12 by the Zedillo Administration in 2000. In addition, over 70 fugitives who were in Mexico illegally were expelled to the United States. Denials of U.S. extradition requests fell from 25 in 2002 (including 3 high profile cases) to 10 in 2003, and Mexican domestic prosecution of fugitives from foreign jurisdictions increased, with 178 convictions out of 194 such prosecutions from 2001 to 2003.<sup>9</sup>

Until the last few years, Mexican policy and court decisions required that Mexican nationals wanted for crimes committed abroad be prosecuted in Mexico. However, the Zedillo Administration broke new ground by extraditing seven Mexican nationals and one dual U.S.-Mexican national to the United States between 1996 and 2000 on grounds that this was permitted under the U.S.-Mexico extradition treaty and Mexican extradition law in exceptional cases. Despite this stance, Mexican courts continued to be reluctant to approve extradition of Mexican nationals, even when recommended by the Mexican Foreign Ministry, and they freed several alleged drug traffickers after raising questions about the constitutionality and appropriateness of extraditions, especially where capital punishment or life sentences might be applied.

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<sup>9</sup> INCSR, March 2004, Part 1, pp. 164-165.

In January 2001, the Mexican Supreme Court ruled that Mexican citizens may be extradited to the United States for prosecution on drug charges provided that they are sentenced under Mexican guidelines. This seemed to clear one legal hurdle, but the INCSR report in 2001 noted that adverse lower court decisions on other issues, particularly the question of life imprisonment and capital punishment, continued to impede the extradition process.<sup>10</sup> In October 2001, the Mexican Supreme Court ruled that life imprisonment is unconstitutional in Mexico and a bar to extradition for fugitives facing that penalty in another country, although extradition may take place if the requesting country provides assurances that this penalty will not be imposed. The INCSR report in 2002 characterized this decision as a significant setback, with the potential to frustrate the extradition of the most serious criminals. It also expressed concern about overly technical legalistic analysis of extradition requests.<sup>11</sup> The INCSR report in 2004 noted that the two governments were working hard to narrow the impact of the October 2001 decision and to eliminate the backlog of extradition requests, and that the Foreign Ministry was asserting its prerogative to judge the adequacy of U.S. assurances.<sup>12</sup>

**Temporary Surrender Protocol.** The Mexican Senate in December 2000 approved a protocol to the U.S.-Mexico extradition treaty, already approved by the U.S. Senate, that would permit the temporary surrender for trial of fugitives who are serving sentences in one country but are also wanted on criminal charges in the other country. Following the meeting of Presidents Bush and Fox in Mexico in mid-February 2001, officials worked to implement this temporary surrender protocol, and the protocol entered into force in May 2001. According to the INCSR covering 2003, Mexican authorities have reported legal difficulties in implementing the Protocol.

**Anti-Corruption Efforts.** As the first president to be elected from an opposition party in 71 years, President Fox has promised to strengthen democracy and the rule of law in Mexico, and to fight corruption and crime. He has proposed the professionalization of the police under a new Public Security Ministry to deal with widespread public concerns with security and police corruption. As part of those efforts his Administration has reorganized the Attorney General's office (PGR), reformed the Federal Judicial Police (PJF), and created a new Federal Investigative Agency (AFI) patterned after the FBI to some extent.

Following the escape from prison of drug lord Joaquin "El Chapo" Guzman, President Fox announced a national crusade against drug trafficking on January 24, 2001, promising to eliminate corruption in the police and prison systems and to enhance law enforcement efforts against drug traffickers. After that, a large number of the prison officials in the state of Jalisco were questioned and charged, and many customs officials and anti-drug agents in the state of Chihuahua were removed from office. In early November 2002, President Fox presented a tougher, more comprehensive, six-year National Drug Control Plan, which recognized Mexico's growing drug problem and the need for greater cooperation among agencies, while

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<sup>10</sup> *INCSR*, March 2001, pp. V-30 and V-31.

<sup>11</sup> *INCSR*, March 2002, p. v-31.

<sup>12</sup> *INCSR*, March 2004, Part I, p. 165.

noting Mexican successes against major drug traffickers. At a broader level, President Fox has ordered the Secretariat of Public Administration (SFP) to aggressively attack official corruption. He also proposed and is implementing a Freedom of Information law that went into effect in July 2003 to encourage honesty and transparency.

Notable efforts to punish drug-related corruption include the arrest in January 2001 of prison officials who facilitated the escape of drug lord Joaquin Guzman; the arrest in February 2001 of state and local police in Mexicali who had blocked official efforts to capture AFO lieutenant Gilberto Higuera Guerrero; the arrest in April 2001 of a brigadier general and two other officers for complicity with the Gulf Cartel; the arrests in Tecate in April 2002 of more than 40 high-level law enforcement officials with ties to AFO traffickers; the arrest in October 2002 of 25 mid-level officials on suspicion of disclosing sensitive information to drug traffickers; the implementation throughout 2002 of policies to force the retirement of all personnel in the Federal Judicial Police; the seizure in January 2003 of 17 offices of the elite federal anti-drug unit known as FEADS and disbandment following the discovery of evidence that it was being corrupted by drug traffickers; and the arrest in late January 2004 of a number of Mexican state police officers in the border state of Chihuahua on suspicion of involvement with drug traffickers in the killing of 11 men from rival drug gangs.

At a more systematic level, the government maintains a national police registry to prevent reemployment of corrupt policeman, and the Attorney General's office has greatly expanded the screening and vetting of employees, especially for the formation of the Sensitive Investigations Units (SIUs) dealing with extremely sensitive information. According to the INCSR reports, the Attorney General's office dismissed 1,100 people for irregularities in 2001 of some 14,000 screened employees, while the anti-corruption agency took action against over 4,400 employees in 2002, and imposed over 2,500 sanctions in the first half of 2003.<sup>13</sup>

## **Eradication of Illicit Crops**

Table 3 portrays the results of Mexican efforts to eradicate opium poppy and marijuana cultivation in the last six years, showing the total area of cultivation, the total eradication effort regardless of the number of sprayings, the effective eradication area, the potential area available for harvest and production, and the potential yield of the illicit products.

The results for eradication are somewhat surprising, in part because the total area under cultivation and the potential harvest area has been expanding considerably, in part because of favorable growing conditions, so that even where there are increases in the number of hectares eradicated, there may still be increases in the potential yield of the product.

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<sup>13</sup> For more information on Mexican counter-corruption activities, see Rodrigo Labardini, *The Fight Against Corruption in Mexico*, *U.S.-Mexico Law Journal*, Vol. 11 [2003], pp. 195-206.

**Table 3. Mexican Eradication of Illicit Drugs, 1998-2003**

|                            | 1998   | 1999   | 2000   | 2001   | 2002   | 2003   |
|----------------------------|--------|--------|--------|--------|--------|--------|
| <b>Opium</b>               |        |        |        |        |        |        |
| Cultivation (ha)           | 15,000 | 11,500 | 9,500  | 14,600 | 13,500 | 14,900 |
| Total Eradication (ha)     | 17,449 | 15,469 | 15,300 | 17,000 | 19,600 | 20,000 |
| Effective Eradication (ha) | 9,500  | 7,900  | 7,600  | 10,200 | 10,800 | 10,100 |
| Potential Harvest (ha)     | 5,500  | 3,600  | 1,900  | 4,400  | 2,700  | 4,800  |
| Potential Yield (mt)       | 114    | 75     | 38     | 91     | 58     | 101    |
| <b>Marijuana</b>           |        |        |        |        |        |        |
| Cultivation (ha)           | 14,100 | 23,100 | 16,900 | 18,400 | 19,400 | 28,300 |
| Total Eradication (ha)     | 24,000 | 33,800 | 33,000 | 29,000 | 30,800 | 36,600 |
| Effective Eradication (ha) | 9,500  | 19,400 | 13,000 | 14,300 | 15,000 | 20,800 |
| Potential Harvest (ha)     | 4,600  | 3,700  | 3,900  | 4,100  | 4,400  | 7,500  |
| Potential Yield (mt)       | 8,300  | 6,700  | 7,000  | 7,400  | 7,900  | 13,500 |

**Sources:** Data are from the U.S. Department of State, *International Narcotics Control Strategy Report*, March 2004, Part I, pp. 159-168, especially the Table on page 168, with corrected and updated data from the State Department in October 2004. Cultivation and Eradication are measured in hectares (ha), with one hectare equaling 2.47 acres. Cultivation represents the number of hectares in which the crops are grown. Total eradication reflects the total hectares sprayed, including spraying a field three times if there are three crops, and is a good representation of Mexican efforts. Effective eradication reflects the U.S. estimates of the number of hectares eradicated, factoring out repeated spraying in one area and is one factor in calculating potential yield. Potential harvest is the resulting number of hectares available for harvesting and production. Potential yield reflects the metric tons (mt) of the illicit drug that could have been produced given the available hectares of the product.

The U.S. estimate of total eradication of opium poppy cultivation in 2003 of 20,000 hectares is 2% above the figure for 2002, and 15% above the average of 16,964 hectares in the 1998-2002 period. The effective eradication of opium poppy cultivation in 2003 of 10,100 hectares was 6% below the performance in 2000, and 8% below the average effective eradication in the 1998-2002 period. However, with the increase in the total area under cultivation and the better growing conditions, the estimated potential harvest was 4,800 hectares, which produced a potential yield in 2003 of 101 metric tons of opium gum, a significant 74% increase from the potential yield of 58 in 2002, and a 45% increase over the average of 75 metric tons in 1998-2002.<sup>14</sup> The Mexican State of the Nation report provides data only on the total area of eradication, showing a 39% increase from 12,302 hectares of opium poppy eradicated in the first six months of 2003 to 17,062 eradicated in the first six months of 2004.

The U.S. estimate of total eradication of marijuana in 2003 was 36,600 hectares, a 19% increase over 2002, and a 21% increase over the average of 30,120 hectares in the 1998-2002 years. The estimate of effective eradication of Mexican marijuana in 2003 was 20,800 hectares, a 39% increase over 2002, and a 44% increase over the 1998-2002 average of 14,240. With a potential harvest of 7,500 hectares, the potential yield of 13,500 metric tons of marijuana in 2003 was up 71% from 2002,

<sup>14</sup> Compare U.S. Department of State, Press Statement: 2003 Drug Cultivation Estimates for Mexico, April 6, 2004, which reported a 78% increase in opium poppy yield and a 70% increase in marijuana yield.

and up 76% from the average of 7,460 for the 1998-2002 period. The Mexican State of the Nation report provides data only on the total area of eradication, showing a 72% increase from 110,008 hectares of marijuana eradicated in January-June 2003 to 17,209 hectares eradicated in January-June 2004.

In short, while eradication efforts expanded in 2003, compared to previous years, the estimated yield of opium poppy gum in Mexico increased 74%, while the estimated yield of marijuana in Mexico increased 71%, significant increases for both illicit products. More recent Mexican data show continuing increases in the area of poppy and marijuana eradicated.

## **Mexico's Counter-Narcotics Cooperation with the United States**

U.S.-Mexico counter-narcotics cooperation increased substantially during the Administration of President Zedillo (1994-2000), with the full range of law enforcement, military, and border and drug control agencies being involved. Acting through the annual cabinet-level meetings of the Binational Commission, the twice yearly High Level Contact Group (HLCG) on Drug Control, and the roughly quarterly Mexico-U.S. Senior Law Enforcement Plenary, the countries' leaders agreed on a joint anti-drug strategy with numerous cooperative arrangements.<sup>15</sup>

Following the inaugurations of new presidents in the United States and Mexico, President Bush, on his first foreign visit, met with President Fox in Guanajuato, Mexico, in mid-February 2001, and the two leaders pledged to pursue a "partnership for prosperity." On drug trafficking issues, they agreed to strengthen law enforcement cooperation in accordance with each country's national jurisdiction, and in the joint press conference, President Bush indicated that he had confidence in President Fox's efforts to control corruption and drug trafficking in Mexico, and that there was a movement in Congress to reform the U.S. drug certification procedure which Mexico considered unfriendly. With legislation unfinished, on March 1, 2001, President Bush certified that Mexico had cooperated fully with U.S. counter-narcotics efforts, citing arrests of drug traffickers and impressive eradication results in 2000.

During President Fox's official state visit to the United States on September 5-7, 2001, the Mexican President, in addressing a joint session of Congress, called upon legislators to pass legislation to suspend the drug certification requirements as a gesture of trust and faith in the new government, arguing that "trust requires that one partner not be judged unilaterally by the other." Following the Bush-Fox talks, the joint communique praised the growing law enforcement cooperation between the countries, expressed support for the OAS' multilateral evaluation of counter-

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<sup>15</sup> See CRS Report RL30886, *Mexico's Counter-Narcotics Efforts under Zedillo and Fox, December 1994-March 2001*, by K. Larry Storrs. For a good summary by the Clinton Administration, see *Mexico and United States, Main Results of the Mexico-U.S. Binational Cooperation Against Illicit Drugs (1995-2000)*, available on the Internet at [[http://www.whitehousedrugpolicy.gov/international/binational\\_1995\\_to\\_2000/index.html](http://www.whitehousedrugpolicy.gov/international/binational_1995_to_2000/index.html)].

narcotics efforts, and noted President Bush's commitment "to work with the U.S. Congress, on a priority basis, to replace the annual counter-narcotics certification regime with new measures designed to enhance international cooperation in this area."

Earlier, the Senate Foreign Relations Committee reported out S. 219 (a bill to modify drug certification requirements) in April 2001, and then reported out S. 1401 (Foreign Relations Authorization for FY2002-FY2003), with similar language in Sections 741-745, in August 2001. These provisions would modify the drug certification process for three years, require designation of the countries subject to sanctions only, and encourage development of a multilateral strategy. Lacking congressional action on S. 219 or S. 1401, the drug certification requirements were temporarily modified in late 2001 by enactment of the Foreign Operations Appropriations Act for FY2002 (H.R. 2506/P.L. 107-115). This measure waived the drug certification requirements for FY2002 and required the President to designate only countries that had demonstrably failed to meet international counter-narcotics obligations.<sup>16</sup>

During the Bush-Fox meeting in Monterrey, Mexico in March 2002, the Presidents acknowledged "major successes achieved by Mexico in the fight against narco-trafficking" and agreed on "the importance of redoubling judicial cooperation" between the countries. The March 2002 INSCR report on Mexico noted that the two countries cooperated in a range of bilateral counter-narcotics and law enforcement fora, including the Legal Working Group of the Binational Commission, and the Senior Law Enforcement Plenary Group. It emphasized that the climate of cooperation within the bilateral law enforcement and military communities had improved dramatically in recent years, stating that "For the first time in recent memory, both sides are sharing sensitive information on counternarcotics issues." The report mentioned bilateral air-to-air communications on interdiction operations, joint post-seizure analysis of maritime operations, and bilateral military intelligence sharing. It noted that U.S.-sponsored law enforcement training tripled in 2001, and that military-to-military contacts increased, with ion scanner and night vision goggle training being especially useful in Mexico's drug interdiction efforts. Among the joint operations that might be cited to exemplify the close cooperation between the countries is Operation Marquis, which culminated in June 2001 with the arrest of about 80 individuals in the United States and Mexico.<sup>17</sup>

In this cooperative bilateral environment, in September 2002, the Congress and President enacted the Foreign Relations Authorization Act for FY2003 (H.R. 1646/P.L. 107-228) that, in Section 706, made permanent a requirement that the

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<sup>16</sup> For details on the various measures, see CRS Report RL30892, *Drug Certification Requirements and Congressional Modifications in 2001*; and CRS Report RL30950, *Drug Certification Procedures: A Comparison of Current Law to S. 219 and S. 1401 as Reported*, by K. Larry Storrs.

<sup>17</sup> See Federal Government Says It Smashed Major Drug Ring With Mexico's Help, *New York Times*, June 21, 2001, p. A14; DEA News Release, June 20, 2001; State Department International Information Programs, Fact Sheet: U.S.-Mexico Law Enforcement Cooperation, 05 September 2001.

President designate in mid-September of each year, before the beginning of the fiscal year, the countries which have demonstrably failed to meet international counter-narcotics obligations, thereby removing an irritant in the bilateral relationship.

According to the INCSR covering 2002 and 2003, the cooperation between the countries has continued along the same trajectory. Both reports state that “the United States and Mexico achieved unprecedented levels of cooperation in fighting drug trafficking and other transnational crimes.” The report covering 2003 went on to say that “U.S. and Mexican law enforcement personnel routinely share sensitive information to aid in the capture and prosecution of drug traffickers and the seizure of cocaine, heroin, marijuana, and methamphetamine shipments.”<sup>18</sup> The reports mentioned the continuing dialogue between officials of the countries through the annual Binational Commission meetings, the twice yearly Senior Law Enforcement Plenary (SLEP) meetings, and the Bilateral Interdiction Working Group (BIWG) meetings, with each forum having various sub-groups working on relevant issues.

The reports mentioned the continuing professionalization of the law enforcement and military institutions, and indicated the prominent role of the United States in these efforts. In 2003, the United States sponsored over 140 training courses for 6,484 Mexican police officers, prosecutors and investigators. In 2002, it provided computer equipment and software to the Office of the Attorney General (PGR) and the Federal Investigative Agency (AFI) and the National Center for Analysis, Planning and Intelligence (CENAPI). During FY2002, over 200 Mexican military members received U.S.-sponsored military training, and Mexican liaison officers participated on some U.S. vessels and task forces. In activities with counter-narcotics and counter-terrorism implications, U.S. and Mexican officials are installing Non-Intrusive Inspection Equipment (NIIE) at border crossing points, establishing Advanced Passenger Information System (APIS) to review commercial airline passenger lists, training to rescue migrants stranded in remote desert regions, and deploying software to plan for infrastructure and staffing needs at ports of entry.

In the end, the results of United States and Mexican efforts are mixed. Despite the unprecedented levels of cooperation between the United States and Mexico and the major Mexican strides against the leading drug trafficking organizations, Mexico continues to be the principal transit country for South American cocaine entering the United States, the leading foreign source of marijuana, and a principal source of heroin. Despite impressive eradication efforts, the estimated production in Mexico of opium poppy gum and marijuana increased significantly in the last year for which reporting is complete.

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<sup>18</sup> INCSR, March 2004, Part 1, pp. 166-167.