

Obstacles and Progress in Bilateral Cooperation: The Sovereignty and Institutional Capacity Dilemma

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Mr. Chairman and Members of the Caucus,

I would like to thank you for holding this hearing and for the kind invitation to testify before you.

I find it very frustrating, as do many of you, that bilateral anti-drug cooperation is limited by Mexico's extraordinary degree of sensitivity to matters that might conceivably impact on national sovereignty, a sensitivity that often seems outdated and misplaced in the face of the global crime threat. Rather than defining clear rules of the game that would respect Mexican sovereignty but permit our two countries to mount joint police operations and engage in deep cooperation, we remain caught up in legalistic debates over how many angels can dance on the head of a pin. That Mexico might even have contemplated extraditing U.S. Customs agents after the Casablanca affair, an effort that has been put aside, was an amazing display of misplaced moral fervor.

In fact, Mexico has been putting up barriers for so many centuries that it does not know when to stop. At the risk of repeating history that you already know, Mexican reticence vis a vis the U.S. springs from a sense of vulnerability dating from the Spanish Conquest, reinforced by the 19th century French installation of a Hapsburg emperor and U.S. conquest of Mexican territory. The cultural and political reality is that Mexico has feared that the United States would abuse its power almost as much as it feared the drug traffickers who now menace the very integrity of the Mexican state. Only recently, with the North American Trade Agreement, has Mexico begun to revamp its formerly insular and defensive stance vis a vis the outside world.

In practical terms, the question is how do we get around 500 years of history to achieve greater and more effective drug cooperation with our Mexican counterparts. We can begin by doing no harm. The "tough love," "get over it" attitude implied in the certification process is harmful. It smacks of precisely the sort of paternalistic condescension that reinforces Mexican's worst fears about the U.S. polling data conducted recently by Alduncin y Asociados show that 75 percent of all Mexicans reject the U.S. certification process. Moreover, Mexicans believe that their government is doing as much, and even more, than the U.S. government to fight drugs. The U.S. is not perceived to hold the moral high ground, especially since Mexico's drug problem is one for which we in the U.S. bear much responsibility. As a researcher in Mexico, I experience that widespread disenchantment of the Mexican public with U.S. drug policy frequently and attempted to express it in the Washington Post article herein attached.

Thus, Senators who wish to decertify Mexico should remember that the message they send the Mexican government is also offensive to the Mexican people. We undermine the political support

that Mexican governments need to work with the U.S., inadvertently slowing the pace of cooperation.

Decertification, like nuclear weapons, is a threat that must never be used lest we risk the mutual assured destruction of the bilateral relationship. Let me be specific. Mexico's political parties are moving toward presidential candidate selection this year. If relations with the U.S. become a factor in the Mexican primary race due to certification, then candidates will inevitably assume anti-American postures. Candidates favoring a cooperative relationship with the U.S. will be undermined. The leverage of certification is tempting for short term gain, but counterproductive for the fundamental health of the relationship.

Having said that certification is not constructive, let me say emphatically that Congress has an important role to play in bilateral affairs. Congress should not underestimate its power and influence, and most certainly does not need the certification process to get a message across. Certainly the Inter-Parliamentary Group process should be made more than a symbolic annual event. The Inter-Parliamentary Group should be strengthened with greater U.S. Member participation, and perhaps bi-annual sessions, including potential Committee to Committee working groups between Members who share policy responsibilities. Individual Members of Congress can also play an increased role outside of the inter-parliamentary process with stepped up congressional visits to Mexico, one-on-one meetings with Mexican congressional counterparts, and interviews with the Mexican press—all of which are actions grossly underutilized by the U.S. Congress. Rather than striving toward mutual goals all year round, the U.S. Congress shows indifference 11 months of the year, tying its own hands. In order to move beyond historic mistrust, the U.S. Congress must be a constructive part of the confidence building process and assume an open-minded posture. Creating trust is more likely to foment cooperation than creating resentment.

Finally, a word of optimism. If you stand back only a few years from the relationship, there has been a sea change in several major areas of the bilateral drug war.

Extradition: It is hard to believe that, although we have had a treaty with Mexico since 1978, no extradition requests were signed by the Mexican Foreign Relations Ministry until 1996. None. That was a political decision based on the historic sensitivities mentioned above. In 1997, the Foreign Relations Ministry signed extradition papers for 5 Mexican drug traffickers and delivered 7 fugitives wanted in the U.S. In 1998, Mexico surrendered 5 traffickers (one of who was a Mexican national, Bernardo Velardez) and extradition papers were signed for 7 more (four of whom are Mexican nationals). Mexico deported and expelled 3 major drug figures between 1996-1997 (Juan Garcia Abrego, Jose Luis Pereyra, and William Moran). This is a sea change in extradition policy. Traffickers awaiting extradition have filed appeals, which frustrates both governments, but that is a due process issue typical of any judicial system.

Training Programs: Mexico used to treat cooperative training programs with the U.S. as if they were a shameful fact to be kept secret. I cannot stress enough to the Members of the Caucus how important it is from the standpoint of challenging traditional taboos that Mexico has recently announced in a high profile fashion that its new anti-drug plan trumpets an FBI training program for the new National Preventative Police. It is of the most extraordinary symbolic and substantive significance that Mexico has publicly recognized that it is currently engaged in training programs with the U.S. Secret Service, the Drug Enforcement Administration, and the Federal Bureau of Investigation.

Military Cooperation: Mexico crossed a psycho-cultural Rubicon when it began military-to-military cooperation with the U.S. in 1996. The training of Mexican troops and officers in the U.S. would have been utterly inconceivable a few short years ago.

Institution Building: Mexico's leaders have the will to fight traffickers, but lack the institutional capacity and resources to deal with the corruption and inefficiency of their judicial and law enforcement systems. In just the last 3 years, Mexico passed an organized crime act; money laundering laws and bank regulations; is applying new technologies to detecting and intercepting traffickers, and is building a vetted police force. Effective capacity cannot be built over night, but Mexico is in rapid, institution building mode.

These and other developments make me relatively optimistic that first, Mexico is making an effort to push the envelope of bilateral cooperation and second, that results must eventually follow. I am also encouraged by recent polling data suggesting that the Mexican people support intensified cooperation with the U.S. on anti-drug efforts. I wish to conclude by urging Members of Congress to travel to Mexico, to go with an open heart and mind, and to deliver an urgent, but constructive message to our neighbor about the need to overcome our historic mistrust in order to overcome a common enemy.