



**THE OPIOID CRISIS IN AMERICA**  
Domestic and International Dimensions

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and hunting down  
heroin**

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## Executive summary

This paper explores policy options for responding to the supply of heroin and synthetic opioids from Mexico to the United States.

Forced eradication of opium poppy has been the dominant response to illicit crop cultivation in Mexico for decades. Forced eradication appears to deliver fast results in suppressing poppy cultivation, but the suppression is not sustainable even in the short term. Farmers find a variety of ways to adapt and replant after eradication. Moreover, eradication undermines public safety and rule of law efforts in Mexico, both of high interest to the United States. Instead of strengthening bonds between local populations and the Mexican state, forced eradication alienates local marginalized populations from the state and thrusts them more firmly into the hands of Mexican drug trafficking organizations (DTOs).

Alternative livelihood efforts have the best chance to improve public safety and rule of law in Mexico, even if, like eradication, they displace poppy cultivation to other areas. However, the implementation and effectiveness of alternative livelihood programs are severely hampered by intense insecurity in areas of poppy cultivation and take years of sustained efforts to produce robust outcomes. Nonetheless, the re-orientation of Mexican DTOs toward smuggling fentanyl to the United States and the associated crash in opium prices in Mexico provide an auspicious moment to launch comprehensive rural development efforts, an undertaking also consistent with the broad thrust of the Andrés Manuel López Obrador (popularly known as AMLO) administration's efforts, even if not the actual operationalized design of alternative livelihoods it has in mind. U.S. designation of Mexican DTOs as terrorist groups will counterproductively constrain U.S. anti-crime and counternarcotics efforts in Mexico, including alternative livelihood programs.

Unless security and rule of law in Mexico significantly improve, the licensing of opium poppy in Mexico for medical purposes is unlikely to reduce the supply of heroin to the United States. Mexico faces multiple feasibility obstacles for getting international approval for licensing its poppy cultivation for medical purposes, including, currently, the inability to prevent opium diversion to illegal supply and lack of existing demand for its medical opioids. In seeking to establish such demand, Mexico should avoid setting off its own version of medical opioid addiction.

The diffusion of fentanyl smuggling from the Cartel Jalisco Nueva Generación (CJNG) to the Sinaloa Cartel and increasingly smaller Mexican criminal groups complicates interdiction efforts in Mexico. In particular, it hampers the ability to design interdiction as a behavior-shaping deterrence tool that seeks to dissuade Mexican DTOs from smuggling fentanyl, instead of merely as an incapacitation tool that fails to generate strategic effects throughout Mexico's criminal market. Given the poor record of focused deterrence efforts in Mexico, the hollowed out capacity of Mexican law enforcement, changes in the leadership and behavior of the Sinaloa Cartel, and the unwillingness of the López Obrador administration to resolutely target Mexican DTOs, designing interdiction in Mexico as a deterrence and dissuasion tool is most challenging. It is very unlikely that U.S.-Mexican counternarcotics efforts can reshape the Mexican drug market so as not to centrally feature fentanyl smuggling.

The United States should:

- Prioritize interdiction and alternative livelihood efforts to limit and replace poppy cultivation, concentrating on the establishment of value-added chains and

microcredit and titling facilities until security becomes more permissive to allow for development of jobs in the legal sector.

- Focus anti-fentanyl interdiction on preventing a widespread establishment of production facilities in Mexico by diligently dismantling them.
- Couple policy interdiction efforts in Mexico designed to dissuade Mexican DTOs from smuggling synthetic opioids with similar focused deterrence measures in the United States.
- Reduce high-value targeting and reorient interdiction to targeting the middle layer of Mexican DTOs.
- Encourage Mexico to impose strict controls on the purchase of pill presses.
- Prioritize anti-corruption and interdiction efforts in maritime ports in Mexico that are key transshipment hubs for synthetic opioids and precursor agents.
- Preemptively develop anti-drone technologies at the U.S. border that can capture fentanyl-smuggling drones, instead of dangerously destroying them in the air, and deploy geofencing to prevent unauthorized drones from reaching U.S. air space.
- Link refraining from designating Mexican DTOs as terrorist groups to increased efforts by the López Obrador administration to counter fentanyl smuggling.
- Emphasize the risks of the spread of fentanyl abuse in Mexico and the need to prevent such a public health crisis by proactively disrupting supply. Help Mexico adopt effective treatment, harm reduction, and public health responses.

## Introduction

Mexico is a key supplier of illicit opioids to the United States, both plant-based heroin and synthetic opioids. It is the dominant source of heroin consumed in the United States, producing some 91% of heroin consumed in the United States.<sup>1</sup> Only a small portion of the U.S. heroin market is supplied from Afghanistan and virtually none from Myanmar. Mexico is also a key transshipment place for synthetic opioids, such as fentanyl, originating in China and India. Although synthetic opioids from China are also shipped directly to the United States through postal and parcel services and U.S. seaports, Mexico plays an increasing role in the trafficking of fentanyl to the United States. This role grew significantly after China listed all fentanyl analogues as scheduled drugs in the spring of 2019 and fentanyl shipments to the United States from China declined dramatically.<sup>2</sup> The production of fentanyl in Mexico, albeit from imported precursor agents and only in a limited initial stage, also appears to be on the increase.

Key Mexican drug trafficking organizations (DTOs), including the Cartel Jalisco Nueva Generación (CNJG) and the Sinaloa Cartel as well as a large number of smaller criminal groups, compete for control of poppy producing areas in Mexico in a highly violent out-of-control criminal market. These two large DTOs also dominate fentanyl production in Mexico and smuggling into the United States, though smaller criminal groups are also beginning to engage in smuggling.

Mexican DTOs also dominate without rivalry the wholesale supply and distribution of illicit drugs in the United States, including plant-based and synthetic drugs, whether methamphetamine or synthetic opioids.<sup>3</sup> In particular, the Sinaloa Cartel is believed to control critical distribution hubs in New York, Los Angeles, Chicago, and Denver.<sup>4</sup> Rarely, however, do the large Mexican DTOs participate in retail distribution in the United States.<sup>5</sup>

The capacity of the United States to eliminate or even substantially reduce or reshape illicit drug supply from Mexico is limited. The United States has nowhere the level of ground presence in Mexico that it enjoys in Colombia. This much more constrained presence limits the effectiveness of counternarcotics tools the United States can deploy in Mexico. The strong refusal of the López Obrador administration to intensively target Mexican DTOs and prioritize law enforcement against them further constrains and hampers policy design and implementation. However, even if the López Obrador administration could be induced to collaborate more intensely with the United States to suppress particularly fentanyl trafficking, such as by linking increased cooperation to Washington not designating Mexican DTOs as terrorist groups, which the Mexican government strongly wants to avoid, interdiction efforts will face serious constraints on effectiveness.

A disruption of drug smuggling from Mexico will not dry up the supply of plant-based or synthetic opioids in the United States. However, particularly with respect to highly dangerous and potent fentanyl, reducing supply or pushing it further away from the U.S. border would be desirable.

This paper explores two sets of policy issues: how to address the supply of heroin as well as the supply of fentanyl and synthetic opioids from Mexico to the United States. After providing background context, the paper first reviews the current state and evolution of heroin and fentanyl supply from Mexico as well as existing policy responses. It then conducts a pro-and-con analysis of policy options to reduce supply of both heroin and synthetic opioids. With respect to heroin production, the analysis considers the benefits and costs of forced eradication, alternative livelihood efforts, and licensing of poppy cultivation for medical purposes. With respect to fentanyl production, it considers different designs of interdiction —

in particular, the possibility of designing interdiction as a deterrence and behavior-shaping strategy, not merely a disruption and incapacitation strategy. It also lays out ways to enhance and improve interdiction designed for disruption and incapacitation.

## Background

Mexico shares a 2,000-mile border with the United States that crosses cities, deserts, mountains and major rivers. As one of the United States' largest trading partners and a key location of joint integrated production chains in North America, Mexico is vital for the U.S. economy. The border features many legal points of entry through which vast legal flows of people and goods travel daily. The two countries also have many demographic and cultural ties. Millions of U.S. citizens have dual citizenship or family members in Mexico, and vice versa.

Since the 1920s and the era of alcohol prohibition in the United States, Mexico has also been a source and transit location of contraband flows to the United States, supplying U.S. demand for illicit alcohol and drugs. Mexico's cultivation of cannabis and opium poppy for the U.S. market dates back at least to the 1940s, with the intensity of cultivation shaped by changes in the drug preferences of U.S. users and the fluctuating fortunes of illicit drug suppliers as well as, occasionally, as in the 1970s, U.S. counternarcotics policies foisted on Mexico. Since the 1980s, Mexico has also been a major transit route for U.S.-bound cocaine from the Andean region and has experienced a dramatic rise of methamphetamine production. The U.S. opioid epidemic originating with over-prescription of pharmaceutical opioids subsequently stimulated a renewed expansion of opium poppy cultivation in Mexico between 2010 and 2018, and most recently, transshipment of synthetic opioids, particularly fentanyl, as well as the emergence of their production in Mexico.

Over the past two decades, Mexican DTOs have become increasingly violent and brazen. Also increasingly fragmented and involved in a diversified scope of illicit activities and extortion, they continue to be undeterred by Mexican law enforcement actions. Homicides levels have exploded to levels historically unprecedented in Mexico. In 2019, murders in Mexico, a country of some 130 million people, rose to above 34,500.<sup>6</sup> 2020 remains highly violent. Although since 2007 the Mexican military has been deployed to combat the DTOs and provide public safety, the drug wars persist and are characterized by extensive torture, beheadings, public display of mutilated corpses, attacks on entire communities, indiscriminate targeting, and extensive and egregious human rights violations — including by Mexican law enforcement forces.

Rather than stemming insecurity, actions of Mexican law enforcement forces, including the targeting of Mexican DTO leaders, have often exacerbated the violence and an out-of-control criminal market.<sup>7</sup> Mexican law enforcement and government officials, particularly at the local and state level, have also been extensively targeted by Mexican drug trafficking groups, presenting the officials with the classic choice of succumbing to corruption and working for the DTOs or facing risks of assassination and brutal violence against themselves and their family members. The result has been poor local government capacity and limited ability to resist the pressure and dominance of DTOs and corruption networks.

Under the Merida Initiative, the United States and Mexico have collaborated to an unprecedented degree in anti-crime efforts in Mexico; and the United States has provided extensive assistance for both tactical operations and efforts to reform Mexico's weak, corrupt, under-resourced, and antiquated law enforcement and judicial systems.<sup>8</sup> Nonetheless, the López Obrador administration has been skeptical of key elements of the cooperation, such as high-value-targeting, as well as the entire Merida Initiative. Although Mexico's DTOs are a crucial source of violence in Mexico, critically, the López Obrador administration has disavowed

targeting Mexican DTOs and focusing on drug interdiction and drug supply suppression, and has promised instead to reduce violence through other means.<sup>9</sup> However, after a year and half in office, it has not yet managed to effectively operationalize an alternative law enforcement strategy even for its narrow, albeit vital, objective of reducing violence.

At least 10 large and many small splinter drug trafficking groups violently compete for illicit production areas, smuggling routes, and corruption networks — with the long-dominant Sinaloa Cartel and aggressive upstart Cartel Jalisco Nueva Generación currently dominating the bloody drug fights.<sup>10</sup> Their bipolar war has inflamed most of Mexico and is now spreading through Central America all the way south to Colombia.<sup>11</sup>

Meanwhile, in areas where state presence is inadequate, deficient, inequitable, abusive and predatory, large segments of the population live under narco rule. With a national poverty rate of over 40%, often higher in areas of illicit drug production, local populations have depended on illicit economies, a situation likely to be exacerbated by the COVID-19 pandemic. Some DTOs, such as the Sinaloa Cartel, have sought to build up their political capital by regulating violence levels and ordinary crime on the streets and providing socio-economic handouts such as money for schools, clinics, fiestas, football fields, and local churches.<sup>12</sup> To build up such political capital, many criminal groups, including the Sinaloa Cartel and the CJNG, have also provided assistance packages including soaps, sanitizers, and food to local populations in response to the COVID-19 pandemic sweeping Mexico and resulting in lockdowns.<sup>13</sup> Anti-crime militias, ostensibly emerging since 2010 as local self-defense responses to the criminal groups, have frequently succumbed to participation in various criminal activities, including predation on local communities, and cooptation by DTOs.<sup>14</sup> The complexity and fluidity of the Mexican criminal market and weakness of state capacity make policy interventions challenging and limit their effectiveness.

## Poppy cultivation and heroin production

The first and long-standing component of opioid supply from Mexico to the United States is heroin. Unlike in countries such as Afghanistan and Colombia, where a multifaceted U.S. government presence has been far more extensive and established, U.S. reach, influence, and historical presence on the ground in areas of Mexico's drug production is weaker and more constrained. The U.S. counternarcotics policies thus need to be fully prosecuted through the Mexican government. Historically that has not been easy, and became further complicated when López Obrador — a populist, nationalist, statist politician focused primarily on economic redistribution, rather than security issues — became Mexico's president in December 2018.<sup>15</sup>

### Overview of supply

Since the 1940s, Mexico has been a principal supplier of heroin to the United States. Poppy cultivation in Mexico dates back to before World War II. During the war, Mexico supplied legal medical opioids for the United States at the request of Washington. When U.S. demand for medical opioids declined after the war, poppy production switched to producing heroin and supplying the illegal drug market in the United States. It flourished particularly in the 1970s, before declining due to U.S.-Mexican poppy eradication drives in Mexico and, importantly, a widespread takeoff of cocaine consumption in the United States that mitigated the expansion of heroin consumption in the United States.

Thus, in 2000, Mexico's poppy cultivation only covered 1,900 hectares (ha),<sup>16</sup> compared to perhaps 30,000-40,000 ha of marijuana cultivated yearly during the same period.<sup>17</sup> But by



2009, poppy cultivation shot up to 19,500 ha for several reasons.<sup>18</sup> First, Colombian poppy farmers producing heroin for the U.S. market went out of business in the early 2000s. Second, Mexico cannabis farmers lost their market to legal cannabis production in the United States and lacked legal livelihoods. Third, and most importantly, the United States began restricting the prescription of medical opioids even as an opioid epidemic stimulated by the over-prescription of opioids and egregious malpractices of U.S. pharmaceutical companies raged in the United States.<sup>19</sup>

Thus, Mexico again became the dominant supplier of heroin to the United States. By 2016 and 2017, poppy cultivation in Mexico increased to 30,600 ha coinciding with diminished Mexican interaction with the U.S. on law enforcement and intelligence sharing.<sup>20</sup> The U.S. government has estimated even higher numbers of opium poppy cultivation in Mexico, with 32,000 ha cultivated in 2016, 44,100 in 2017, and 41,800 in 2018.<sup>21</sup> The estimated heroin production potential thus increased from 26 metric tons in 2013 to 106 in 2018.<sup>22</sup>

The cultivation of illicit crops employs thousands, perhaps tens of thousands, though precise data are lacking. In fact, poppy cultivation is among the most labor-intensive illicit economies, enabling those who sponsor it — in Mexico's case, organized crime groups — to obtain extensive political capital.<sup>23</sup> Like in other parts of the world, Mexico's poppy farmers are some of the poorest and most marginalized segments of Mexican society and often also members of indigenous groups. In prominent areas of poppy cultivation, such as in the states of Michoacán and Guerrero, the drug economy constitutes a substantial portion of the local economy while alternative livelihoods are lacking and state presence is weak, inadequate, and often sporadic and repressive. Access to drug cultivation areas is often fully controlled by drug trafficking groups and only at their discretion. They also serve as arbitrators of disputes, providers of public goods, and shapers of local economic options. At the same time, areas of poppy cultivation are some of the most violent and contested areas of Mexico, with many small and large DTOs as well as anti-crime and crime-co-opted militias operating there.

Traditionally, Mexican cartels supplied black-tar and brown-powder heroin to United States. Only by 2012 did Mexican DTOs begin to modernize their opium processing and produce white heroin — a purer and more potent form long produced in Asia. Since then they have been supplying the eastern United States with white heroin, replacing supply from Colombia, while continuing to supply areas west of the Mississippi River with black-tar. White heroin facilitates the mixing in of far more potent and deadlier synthetic opioid fentanyl. Recently, however, both white heroin and fentanyl have started to emerge and spread in the western United States.

## Existing policy

Mexico's strategy has for decades centered on eradication and interdiction of drug flows, and dismantling of drug labs, and targeting of drug trafficking groups. During the 1970s, eradication was mostly foisted on Mexico by the United States and often adopted by the Mexican government reluctantly and haltingly and with substantial subterfuge and deception on the part of Mexican law enforcement.<sup>24</sup>

In response to the recent expansion of opium poppy — and again under pressure from the U.S. to eradicate poppy cultivation — Mexican President Enrique Peña Nieto's administration once again beefed up eradication, even resorting to controversial, unpopular, and politically explosive aerial spraying of poppy fields.<sup>25</sup> Although his successor López Obrador has disavowed targeting Mexican poppy farmers, some aerial spraying of poppy cops persisted in 2019.<sup>26</sup> In 2018, eradication was estimated to destroy between 21,000 and 29,000 ha of poppy and seized between 315 and 356 kilograms of heroin.<sup>27</sup> 103 drug labs were reported dismantled by the Mexican government in 2017.<sup>28</sup> But as farmers often replant after



eradication, and drug processing facilities for heroin are easily rebuilt, the suppression efforts do not appear to have significantly reduced heroin supply to the United States. In 2019, the first year of the López Obrador administration, the intensity of both eradication and interdiction significantly declined, with some 12,000 ha eradicated and a 70% reduction in heroin seizure compared to 2018.<sup>29</sup>

The United States and Mexico have established several joint programs to combat opioid production in and supply from Mexico, including the U.S. Embassy Interagency Heroin-Fentanyl Working Group operating since 2015, the Bilateral Heroin and Fentanyl Investigation Group, the Heroin Enforcement Group, and the Diversion Investigative Group. The trilateral North American Drug Dialogue, established in 2016 and mostly meeting on a yearly basis, also serves as a platform for Mexico, Canada, and the United States to develop common assessments of the opioid threat, improve interdiction capacities and efforts, and coordinate policies.<sup>30</sup>

Mexico has historically shown little interest in adopting alternative livelihoods policies to reduce illicit crop cultivation, even rejecting U.S. assistance for such programs.<sup>31</sup> At other times, the alternative livelihoods and broader rural development efforts ended up highly ineffective — sometimes poorly designed and under-resourced, often undermined by extensive corruption by local administrators and political bosses. Projects to promote communal logging, fishing, tourism, and legal agriculture were often undertaken in an ineffective top-down manner. Moreover, powerful local politicians and businessmen often usurped the resources meant for marginalized farmers, contributing to the persistence of dire poverty.<sup>32</sup>

## Policy options

Policy options for suppressing supply of Mexican heroin consist of traditional responses such as eradication, alternative livelihoods, and interdiction as well as more unorthodox approaches such as licensing opium poppy cultivation for medical purposes. Mexican NGOs have been promoting the licensing option, and the López Obrador administration has been considering it even though the president himself remains ambivalent. The pros and cons of eradication, alternative livelihoods, and licensing are discussed in this section. Interdiction is discussed in the section on fentanyl.

### *Eradication*

Eradication of poppy crops delivers swift short-term, but highly unsustainable returns. Farmers can and do replant after eradication. They adopt a variety of strategies to hide their crops in remote areas or under tree cover. Given the small area of poppy cultivation relative to arable land with conditions suitable for poppy growing, drug trafficking groups and farmers can move cultivation to other parts of the country. Thus, short-term suppression frequently does not produce long-term reductions unless other structural changes take place in the market.

The lack of state presence in areas of cultivation significantly limits eradication. Areas of poppy cultivation are often under full control of DTOs and militias. Thus, manual eradication teams can easily come under attack. Aerial spraying reduces the physical dangers to the eradication teams, but some Mexican DTOs — specifically, the CJNG, a principal patron of poppy cultivation in Guerrero and Michoacán — have shot down military helicopters. The DTOs have the capacity to attack spraying aircraft.

Poppy eradication campaigns severely complicate efforts of the Mexican military and law enforcement forces to pacify festering Michoacán and Guerrero and rid them of rule by violent organized crime. Counterproductively, they bond poor poppy farmers with the DTOs and further

alienate them from the Mexican state. That is not only counterproductive to restoring public safety in Mexico and building rule of law in the country, but also adverse to the U.S. interest in the stability of its southern neighbor.

### ***Alternative livelihoods***

The fact that the López Obrador administration appears to want to focus on providing alternative livelihoods is a positive development.

Serious alternative livelihoods efforts require extending state presence and engaging in broader and more equitable development. They also require sustaining the resources and political wherewithal to tackle the highly skewed political and economic power distribution in Mexico and the extreme social marginalization of many of its communities. The López Obrador administration has such motivation; in fact, such an agenda lies at the very core of its political project.

But the administration's proposed designs — and the lack of a coherent and overarching public security strategy — for bringing legal livelihoods to areas of drug cultivation leave many questions unanswered and should give rise to skepticism. It wants to champion various agricultural support measures for farmers in Mexico, including (but not exclusively) for poppy farmers, particularly through a food security program. In a visit to Guerrero in January 2019, López Obrador promised to provide price support for grains, setting the price of a ton of corn at \$300, as a way to dissuade farmers from cultivating opium poppy. Such a price would be competitive, given that the significant expansion of poppy cultivation in Mexico and possibly large inventories of stored heroin in Mexico and the spread of fentanyl use in the United States, partially displacing heroin, have reduced the price of Mexican opium to some \$260 per kilo, about a fifth of the price compared to three years ago and mostly not enough for even subsistence of opium farmers.<sup>33</sup> The likelihood that synthetic opioids, whether produced in China, India, or Mexico, will continue to dominate the U.S. market makes price profitability of legal crops more competitive with opium poppy. Yet, even if opium prices do not rise again, \$300 per ton of corn is nowhere near adequate to help marginalized Mexican farmers escape poverty and profound food insecurity.

The 2019 suppression of price and apparently reduced interest by Mexican DTOs in sponsoring opium poppy cultivation at least temporarily resulted in poppy farmers migrating from poppy cultivation areas to nearby cities. Although they do not have assured employment in the cities, coping as itinerant or part-time workers in urban spaces is currently easier than staying in the areas of previous opium boom.<sup>34</sup> Yet COVID-19-induced economic hardship in Mexico may push larger segments of rural populations to poppy cultivation in 2020 and 2021.<sup>35</sup>

At the same time, profitability is usually not the most significant factor influencing farmers' cropping decisions. Access to land and stable land titles, availability of microcredit, effective value-added chains, such as processing plants and exporting capacities, and good physical infrastructure for transportation and processing all critically determine the viability of alternative legal livelihoods. Poppy also outcompetes many other crops in its ability to grow in areas of poor soil, inadequate water, or difficult climate, even though opium poppy plants produce greater opium yields of higher potency under better conditions. In many areas of poppy cultivation, legal crops will likely not be viable. And, crucially, good local security is a fundamental factor enabling the takeoff of legal livelihoods.<sup>36</sup>

The intense insecurity and minimal state presence in areas of poppy cultivation in Mexico is a key obstacle to launching alternative livelihoods efforts. Significantly increasing law enforcement and military presence in those areas would be a necessary starting point, as DTOs

and militias controlling those areas would be unlikely to permit alternative livelihoods efforts. Despite serious deterioration of public safety in Mexico during its first year and multiple security crises, the López Obrador administration has so far remained steadfast in its opposition to strong law enforcement measures. It has not identified areas of poppy cultivation as priority zones for deploying its new law enforcement entity, the National Guard. However, without increased and sustained law enforcement presence, large parts of the poppy areas will remain inaccessible to development teams.

Moreover, the significant contraction of the Mexican economy (due to structural deficiencies as well as the effects of the COVID-19 pandemic and associated disruptions of global travel, production, and supply chains) projected at between 4.6 and 8.8% in 2020<sup>37</sup> could leave the Mexican government with little resources and motivation to robustly invest in alternative livelihoods.

Nonetheless, the United States could explore working with the López Obrador administration on other dimensions of the alternative livelihood efforts, such as developing value-added chains and microcredit facilities and helping farmers obtain titles.

The second significant downside to alternative livelihoods efforts is that they take a lot of time before they start producing desirable outcomes of improved legal livelihoods and reduced drug cultivation. They thus require strategic patience in Washington. Moreover, as with eradication, even effective alternative livelihoods programs in particular areas of Mexico can merely disperse cultivation to other parts of the country or to other countries, such as neighboring Guatemala.

Even so, there are good reasons for the United States to explore with Mexico how to jointly mount robust and well-designed alternative livelihoods efforts. The fact that opium prices are down<sup>38</sup> provides an important window of opportunity. The fact that such efforts will also strengthen rule of law in Mexico also enhances U.S. interests in them.

Still, in comparison with Colombia or Afghanistan, U.S. development presence in Mexico is minimal. And any alternative livelihoods program to be successful will require very close collaboration with and working through the Mexican federal government or collaboration with state governments in Mexico or Mexican and international NGOs.

If the Trump administration were to designate Mexican drug trafficking groups as Foreign Terrorist Organizations (FTOs), as it has threatened, U.S. government capacity to support alternative livelihoods measures could be severely compromised.<sup>39</sup> The terrorism designation mandates that U.S. officials and other entities operating in Mexico guarantee that none of their money and resources reach terrorist groups. So, if the designation were to go through, the United States may, for example, be self-deterred from delivering alternative livelihoods programs in Guerrero if a terrorist-designated DTO could usurp some of the money through extortion, a very likely scenario. (Thus, in Colombia, even after the peace deal, the United States cannot provide any assistance to any program in which former members of the Revolutionary Armed Forces of Colombia — People's Army, or FARC, members participate. And in Nigeria, the U.S. needs to go through extraordinary legal contrivances to deliver assistance to a program for low-level Boko Haram defectors, even children who have been dragged into Boko Haram slavery.) Worse yet, the United States can impose severe sanctions against countries and NGOs that deliver aid that could trickle to terrorist groups.<sup>40</sup> (This threat gravely increased the deaths of Somalis during the 2011 famine as international NGOs were scared off.)<sup>41</sup> U.S. and international sanctions against material support to terrorist groups have essentially criminalized humanitarian aid.

### ***Legalization of poppy cultivation***

Not surprisingly, many Mexican poppy farmers support legalizing poppy cultivation for medical purposes, a proposal that the López Obrador administration has been exploring and that has been enthusiastically endorsed by former Mexican politicians, many Mexican think tanks, and even some members of the Mexican military.<sup>42</sup> But poppy licensing is not an easy proposition: In fact, it is a complex and difficult policy to implement, and its effects on both violence and rural development are highly contingent.

For a licensing scheme to take place legally within the current counternarcotics regime, underpinned by the 1961 Single Convention on Narcotic Drugs, two particularly difficult issues would have to be addressed – preventing the diversion of licensed opium into the illegal drug trade and assuring sufficient legal demand for Mexican opium. Mexico could of course withdraw from the treaty and attempt to re-accede to it with exceptions for its opium market.

Preventing the diversion of licensed opium into the illegal drug trade would be extremely difficult in Mexico, given the lack of security and the lack of state presence in large parts of the country. “The concentrate of poppy straw” method avoids the collection of opium gum and hence minimizes the chance that the opium could be converted into heroin. Its adoption in Turkey successfully prevented the leakage of licensed opium into the illegal trade there.<sup>43</sup> On the other hand, the failure to adopt this method in India has contributed to estimates that between 20% and 30% of licensed opium makes its way into the illegal trade.<sup>44</sup>

Paradoxically, however, the adoption of the concentrate of poppy straw method would also reduce the labor-intensiveness of harvesting opium, thus reducing the number of farmers who could be employed in legal licensed production. But farmers who are not granted a license, including because there are too many applicants, could simply shift production to new areas, as poppy cultivation does not require much arable land. And even if all existing farmers are given a license and adopt the poppy straw method, new growers could start illegally cultivating opium poppy for heroin production.

A licensing scheme crucially depends on intensive and effective law enforcement, unless all U.S. opiate users switch to 100% fentanyl – a most undesirable outcome for the United States.

The second key issue is how to ensure adequate legal demand for the opium produced in Mexico. A study by Romain Le Cour Grandmaison, Nathaniel Morris, and Benjamin T. Smith estimates that Mexico currently imports and consumes only 0.7 tons of morphine, which would be satisfied by a mere 0.73% of Mexico’s current production of illegal opium and perhaps not even produce sufficient income for one single village in Mexico.<sup>45</sup> Of course, as is typical in much of the developing world, Mexico probably severely undertreats pain. A recent study, for example, claims that Mexico actually needs 20 tons of morphine per year to treat *chronic* pain, a demand that could absorb some 20% of Mexico’s illegal opium production.<sup>46</sup>

But that is a dangerous call: As the U.S. opioid epidemic shows, prescribing powerful addictive opioids for chronic pain is a sure path to widespread and deadly addiction.<sup>47</sup> Already, there are dangerous portents. The very same international pharmaceutical companies culpable of setting off the most intense U.S. drug epidemic ever, or their international branches, such as Purdue Pharma’s Mundipharma, have mounted aggressive campaigns abroad to increase opioid prescriptions. They have applied the same duplicitous methods abroad as in the United States, continually downplaying the addictive nature of drugs such as OxyContin, hiring doctors to promote opioid prescribing and urging them to overcome “opiophobia,” and creating “patient groups” to lobby for looser regulation of prescription opioids. Opening an office in Mexico in 2014, Mundipharma declared that 28 million Mexicans were suffering chronic pain. Expanding markets for treating all kinds of pain, not merely terminal cancers, dramatically

increases sales and profits for international pharmaceutical companies, particularly when it causes addiction. After Mundipharma started its aggressive lobbying in Mexico, several other international companies eager to push prescription opioids followed, with Teva and Grunenthal buying Mexican drug companies. Since these promotional efforts started, Mexico has already passed measures to make it easier to prescribe opioids.<sup>48</sup>

Mexico should avoid resorting to opioids for treating chronic pain, while continuing to use opioids to treat severe short-term pain and the pain of terminally ill patients. Mexico should learn the bitter lesson from the United States that while public health approaches for drug use are badly needed, assuming that legalization will *ipso facto* reduce drug addiction is foolish at best, since such policy outcomes are enormously contingent on many institutional, regulatory, and cultural factors.<sup>49</sup> The likelihood is in fact the opposite.

Mexico could instead or in addition seek to cultivate external markets for its morphine and other opioids, if it manages to address the difficult international requirements and compete with many other global suppliers of medical opioids. The legal, regulatory, and business competition challenges are significant.

Nor will a legalization of marijuana cultivation for medical or recreational use and the legalization of poppy for medical purposes defund criminal groups or reduce their proclivity toward violence. Without robust state presence and effective law enforcement, there can be little assurance that organized crime groups would be excluded from the legal drug trade. Already, Mexican criminal groups extort all kinds of legal businesses, including mining and logging companies, avocado farmers, gas stations, oil refineries, and retail shops — including extensively in the poppy-producing areas such as Michoacán and Guerrero. And they fight over extortion and control of the legal commodities and business no less viciously than they fight over the illegal drug trade.

At best, poppy-licensing will simply shift the operations of criminal groups into other domains. At worst, Mexican criminal groups will continue engaging in the legal production of marijuana and poppy as well as the taxation and extortion of legal businesses as they do already with other legal commodities.

If Mexico wants to legalize drugs, the sequence needs to be the opposite: first deliver effective rule of law to areas of production and beyond, build effective deterrence of the law enforcement and justice systems, make significant gains in reducing impunity and corruption; only then will the legalization of drug production reduce violence and criminal control.

## Fentanyl smuggling and production

Increasingly, Mexico and Mexican DTOs play a key role in the distribution of synthetic opioids, mostly fentanyl, in the United States. Although perhaps as much as 90% of fentanyl is produced in China, Mexican DTOs have become a key vector in the fentanyl crisis in the United States and of the drug's spread west of the Mississippi River. So far, they are reliant on the supply of fentanyl and precursor agents from China and India, with only limited production of synthetic opioids in Mexico. Keeping Mexican DTOs from developing robust production capacity in Mexico should be a key objective. This section reviews the state of supply of synthetic drugs from Mexico and existing policies to counter them. It then assesses policy options for different designs of interdiction to counter the production and smuggling of synthetic opioids in and from Mexico, discussing also the emerging abuse of synthetic opioids in Mexico.



## Overview of supply

Mexico has become a major transshipment route for fentanyl from China to the United States. India is an additional dominant supplier of precursor agents for illicit drugs manufactured in Mexico.<sup>50</sup> It is not fully clear what percentage of fentanyl goes through Mexico and what comes directly from China through U.S. sea ports or by mail. But it appears that the extent of fentanyl smuggling through Mexico and via Mexican DTOs has grown significantly — particularly since April 2019 when China imposed controls on all analogues of fentanyl and tightened inspection and monitoring of its postal service to reduce drug trafficking to the United States. The level of fentanyl seizures at the U.S.-Mexico border has been rising steadily: For example, in February 2020 alone, U.S. Customs and Border Patrol seized 225 pounds (102 kilograms) at U.S.-Mexican ports of entry — a number amounting to yearly seizures by Mexican authorities throughout Mexico.<sup>51</sup>

In 2013, Mexico's Federal Police seized less than a kilogram (kg) of fentanyl, while it seized 43 kg in 2015 and 114 kg, along with 33,000 fentanyl-laced pills, in the first half of 2018.<sup>52</sup> Between December 2018 and April 2020, U.S. equipment and training have helped Mexican law enforcement forces to seize a further 293,000 fentanyl pills.<sup>53</sup> In the first half of 2019, U.S. trained dogs specializing in fentanyl detection helped Mexican law enforcement seize 26 kg of fentanyl.<sup>54</sup>

Mexico has 22 maritime ports capable of handling cargo, but three of them — Manzanillo, Lázaro Cárdenas, and Veracruz — account for almost 90% of seizures of fentanyl precursor chemicals NPP and 4aNPP.<sup>55</sup> Precursor agents as well as finished fentanyl are smuggled to Mexico mostly from China, but increasingly also from India.<sup>56</sup> Yet China previously showed little interest in cooperating with Mexico on stopping the flow of precursor agents, with its officials maintaining that this is Mexico's problem and an issue for Mexican customs to deal with, not China.<sup>57</sup>

Those ports have long been known to be key transshipment hubs for all kinds of contraband. They are notorious for being pervaded by DTO-corruption networks, with port officials systematically intimidated by the DTOs, as well as being subject to intense battles among DTOs for control. They are also areas of intense corruption of Mexican political elites and their collusion with Mexican criminal groups and state government officials.

From Mexico, synthetic drugs are smuggled into the United States through the same routes and methods as plant-based drugs hidden among legal cargo. The majority of seizures of fentanyl has taken place at ground legal ports of entry; but fentanyl is also smuggled from Mexico into the United States through postal and parcel services, by sea, by drones, through tunnels under the U.S.-Mexico border, and through holes cut through new sections of the border wall that the Trump administration has erected. Maritime routes from Mexico to the United States can also be easily established and are perhaps already in existence.

Previously, Mexican DTOs would mix fentanyl into heroin in Mexico. Increasingly, some reporting contends that Mexican DTOs are deemphasizing smuggling fentanyl-heroin mixtures and increasingly send pure fentanyl, including counterfeit pills, to the United States.<sup>58</sup> That makes sense since a key advantage for traffickers of fentanyl and other synthetic opioids over plant-based drugs is their high potency-to-weight ratio and hence the ease of smuggling: to supply the same amount of drug hits, one needs to deliver many fewer grams of drugs and hence enjoy much more simplified clandestine transport logistics.<sup>59</sup> Nonetheless, this "trend" toward smuggling pure fentanyl has not yet become a dominant pattern as the purity of fentanyl and counterfeit pills seized at the U.S.-Mexico border varies enormously (compounding difficulties for users not to overdose).<sup>60</sup> Still, seizures of fentanyl pressed into



pills as opposed to fentanyl in a powder form have risen from 5% at the San Diego-Tijuana border in 2017 to over 30% in 2018.<sup>61</sup>

Significantly, Mexican DTOs are increasingly pressing opioid pills purported to be OxyContin, for example, or advertised outright as illicitly manufactured drugs such as “Mexican oxy” and aggressively distributing them in U.S. Southwest. This dangerous development is contributing to the breakdown of split in the U.S. opioid market and heralds the dangerous expansion of the fentanyl epidemic west of the Mississippi.

The production of the fentanyl itself, as opposed to pressing fentanyl into pills, has been highly limited in Mexico. In 2017, Mexican authorities found a fentanyl production facility in Culiacán, but destroyed it before U.S. officials could inspect it. In September 2018, Mexican and U.S. counternarcotics officials raided a fentanyl and carfentanyl lab in Baja California, arresting two members of the Sinaloa Cartel and a Bulgarian chemist. In December 2018, a third fentanyl lab was seized by Mexican officials in the northwest sector of Mexico City.<sup>62</sup> None of these labs, however, had the capacity to produce fentanyl without precursor chemicals from abroad.

Mexico’s two dominant drug trafficking groups control the majority of fentanyl smuggling and pill pressing in Mexico – the Cartel Jalisco Nueva Generación and the Sinaloa Cartel. With its long-standing background in methamphetamine smuggling and production, the CJNG was an early and the perhaps first mover into fentanyl smuggling. Moving aggressively into fentanyl provided the CJNG with an opportunity to displace the Sinaloa Cartel from its dominance of wholesale drug smuggling into the United States. Nonetheless, the Sinaloa Cartel rapidly followed suit and also moved into fentanyl distribution. The Sinaloa Cartel not only appears to be the dominant supplier of the U.S. East Coast, it is allegedly also the primary source of fentanyl-laced pills and counterfeit opioid pills in the Southwest. CJNG is believed to have dominant access to the smuggling networks of the ports of Manzanillo, Lázaro Cardenas, and Veracruz, whereas the Sinaloa Cartel controls other Mexican ports. Both DTOs have extensive connections to drug trafficking groups and suppliers in Asia. However – and ominously – smaller Mexican DTOs are now also getting into fentanyl smuggling and pill production. They apparently sell press or at least sell fentanyl-laced pills over the internet while paying tribute to CJNG and the Sinaloa Cartel.<sup>63</sup> The spread of fentanyl smuggling to a large number of Mexican DTOs makes the intelligence picture more opaque and significantly complicates policy options.

## Existing policy

Measures to counter fentanyl and other illicit synthetic opioid supply from Mexico have centered on disrupting supply and consist of the bilateral mechanisms mentioned in the above section of this paper on heroin. In addition, the Drug Enforcement Administration and the Department of State have launched the Clandestine Laboratory Initiative, which specifically focuses on synthetic drugs and delivers training to Mexican law enforcement agencies for disrupting and dismantling drug labs, strengthening law enforcement collection methods, and effectively prosecuting offenders.

Since 2017, the United States has also sought to increase Mexico’s capacity to identify and handle fentanyl, organizing, for example, the first National Forensic Chemist Fentanyl Conference in May 2017 for U.S. and Mexican specialists and law enforcement actors.

Nonetheless, the López Obrador administration has shown little interest in prioritizing countering fentanyl smuggling and production in Mexico. Moreover, it has disavowed going after Mexican drug trafficking groups overall, preferring to focus on other, as yet underdeveloped approaches to reduce violence in Mexico.<sup>64</sup>

## Policy options

Unlike in countries such as Colombia or Afghanistan, the U.S. government has a highly limited presence on the ground in Mexico. Obtaining cooperation from the Mexican government is vital, and the absence of Mexican government cooperation constrains policy options and their effectiveness.

The U.S. can seek to reduce the supply of opioids from Mexico by focusing on interdiction on its own side of the border — alternatively or in addition to interdiction in Mexico. Such measures include increasing detection facilities at U.S. ports of entry, such as field-testing capacities for identifying smuggled drugs. This paper is focused on measures *in* Mexico.

However, one anti-smuggling measure on the U.S. side of the border, which receives little policy attention, *is* worth highlighting: anti-drone defenses. Because of its high-potency, low-bulk characteristics, fentanyl and other synthetic opioids lend themselves to being smuggled by drones far more than other drugs. As payload capacities of even off-the-shelf drones continue to grow rapidly, smuggling synthetic drugs by drones will rapidly move from boutique retail-level distribution (such as to prisons) to wholesale smuggling. U.S. border and counternarcotics authorities increasingly need to plan and prepare for such developments. However, because of the deadly nature of fentanyl even in small amounts, simply shooting down and crashing suspected drones flying fentanyl and other synthetic opioids may be too dangerous. Instead, countermeasures will need to focus on capturing intact (or destroying in the air) suspect drones and on geofencing that prevents the flyover of unauthorized drones. (The electronic signatures of authorized drones, such as those deployed by U.S. law enforcement agencies, would be provided to the jammers and allowed to go through.)

The COVID-19 related shutdown of the U.S.-Mexico border for personal vehicles traveling from Mexico to the United States already produced a significant increase in the number of drones flying from Mexico and carrying illicit drugs,<sup>65</sup> even as other smuggling methods such as through tunnels or holes cut in the pollard board fence built by the Trump administration remain.<sup>66</sup>

Inside Mexico, the principal tool for countering synthetic drug production and flows of synthetic opioids and heroin from Mexico is interdiction. Interdiction is always limited in what percentage of contraband it can capture, particularly when unlimited amounts of contraband can be produced, such as in the case of drugs. Interdiction has not yet proven capable of eliminating drug supply permanently anywhere. At best it has caused two-year disruptions. The inherent limitations of interdiction are compounded by the small bulk of fentanyl and synthetic opioids and hence the ease of hiding them and clandestinely transporting them. Currently, U.S. Customs and Border Protection has the capacity to scan approximately 2% of privately-owned vehicles and 16% of commercial vehicles arriving at the Southwest border ports of entry.<sup>67</sup>

However, the question is whether there are different options for designing interdiction — especially whether interdiction can be designed as not merely a disruption and incapacitation method but also a method to create deterrent effects and induce Mexican criminal groups to reduce smuggling of fentanyl.

### ***Interdiction as disruption and incapacitation***

For a decade and a half now, the interdiction design in Mexico has amounted to essentially ad hoc disruption and incapacitation of Mexican DTOs without strategic prioritization and preplanning. During the administrations of Vicente Fox, Felipe Calderón, and Enrique Peña Nieto, interdiction consisted of opportunistic high-value targeting (HVT) — a problematic policy encouraged by Washington that inflamed the criminal market in Mexico and intensified

violence. The López Obrador administration has rejected HVT, but not identified an alternative law enforcement approach toward drug trafficking and DTOs.<sup>68</sup>

To persuade Mexico to cooperate with the United States in disrupting fentanyl flows, the United States should prioritize getting Mexico to destroy any emerging fentanyl labs. Keeping production as far away from the United States as possible, and limiting the diffusion of technology to a larger set of criminal actors, can reduce the number of smuggling routes and increase the number of possible interdiction points, thus facilitating disruption. Because unlike India, China, or South Africa, Mexico lacks large pharmaceutical and chemical industries, its capacity to produce synthetic opioids remains constrained. Production in clandestine labs is far less efficient than rogue production in large chemical factories. Moreover, Mexican chemists do not yet appear capable of producing precursor chemicals necessary for the production of fentanyl. That gives law enforcement substantial advantages for keeping the illicit production outside of Mexico.

The United States can also encourage Mexico to impose strict controls on and licensing of the purchases of pill presses, prohibiting their unauthorized purchases from the internet, and investigating such purchases. Given the pervasiveness of corruption in Mexico and the capacity of Mexican DTOs to smuggle pill presses from abroad, such regulation would not end illegal pill production, but may provide additional entry points for mounting larger counternarcotics investigations.

To enhance such an effort, it is essentially to expand the mandate of Mexican customs from a revenue generating agency under Mexico's tax collection agency and the Ministry of Finance to a border protection and security agency. Such an expansion of mission and identity would also allow for mounting far more effective anti-smuggling interdiction efforts in Mexican maritime ports and mesh with López Obrador's anti-corruption policy emphasis.

Through its first year and a half, the López Obrador administration has remained intransigent in its refusal to strengthen law enforcement in Mexico and target drug trafficking groups. This intransigence has persisted despite a set of major security debacles for the administration, including brazen murders of Mexican police officials in Michoacán, the burning down of a casino in Veracruz in which 27 people died, the dramatic murders of the LeBaron family, the violent war-like response of the Sinaloa Cartel to the capture of one of its leaders, Ovidio Guzmán López, the son of Joaquín "El Chapo" Guzmán — which led the Mexican military to release Ovidio back to the cartel — and a dramatic attack on Mexico City's secretary of public security Omar García Harfuch in an affluent neighborhood in Mexico's capital.<sup>69</sup> Any one of these disasters should have been sufficient to motivate the López Obrador administration to focus on resurrecting the deterrence capacities of its law enforcement agencies and to start strongly targeting the DTOs, but that has not been the case.

To overcome López Obrador's reluctance to go after the cartels, Washington can use the threat of designating Mexican DTOs as foreign terrorist groups to induce compliance. As argued above, such a designation, if carried through, would be counterproductive to U.S. policy. Nonetheless, now that the Trump administration has unleashed the threat, the United States can condition not designating Mexican DTOs as terrorist groups on the strong cooperation of the Mexican government with U.S. anti-fentanyl smuggling objectives. But if the Trump administration does go ahead and officially designate Mexican DTOs as terrorist groups, this key leverage will be eliminated. Moreover, such a designation would also critically undermine other dimensions of U.S.-Mexican cooperation.

Another source of leverage is the Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries (which for Fiscal Year 2021 will likely be made in August 2020).

Unless the U.S. Department of State assesses Mexico to be cooperating with U.S. counternarcotics objectives, the U.S. can apply extensive sanctions.

Nonetheless, the existing pressure, including the threat of designation Mexican criminal groups as FTOs, yielded some results in early 2020 before COVID-19 disrupted daily life and law enforcement operations in Mexico and the United States, with the López Obrador administration agreeing to increase extradition of alleged drug traffickers to the United States and some resurrection of counterproductive HVT.<sup>70</sup> But neither has had a significant impact on the production of fentanyl in Mexico and flow of fentanyl from there to the United States.

To reduce violence in the Mexican criminal market, the United States can also encourage Mexico to focus on capturing the middle-operational layer of Mexican DTOs, ideally in one swoop to limit their regeneration. Although very demanding on intelligence, such a policy could indeed limit the regeneration capacity of Mexican DTOs and their splintering, thus removing some of the key sources of violence in the Mexican criminal market. Switching to middle layer targeting would thus reduce the severity of the tradeoff between countering drug flows *from* Mexico and violence *in* Mexico. Such a policy would also allow López Obrador to save face and not return to HVT, which he has repeatedly publicly rejected.

The United States can emphasize cleansing corruption networks from Mexico's key ports to disrupt precursor and fentanyl smuggling from Asia. Unlike the eradication of poppy crops, such a policy generates few political costs to the López Obrador administration and is highly consistent with the Mexican president's emphasis on countering corruption. Since reducing corruption in the ports would also increase revenue generation for the Mexican government, much of which is currently lost through unpaid customs and untaxed goods, focusing on cleansing the ports is a win-win: The administration can show progress on one vital element of its national agenda, while generating greater revenues for another — poverty-reduction measures. The U.S. would see a disruption of precursor and fentanyl flows to Mexico, though over time traffickers would develop new routes.

Changes in illicit drug consumption in Mexico may become a further incentive for the López Obrador administration to cooperate with the United States in prioritizing countering fentanyl production and trafficking. Mexico is already experiencing the onset of fentanyl use. In Tijuana, for example, most of the consumed "heroin" is, in fact, fentanyl.<sup>71</sup> It took about two decades of cocaine smuggling through Mexico before Mexico experienced a significant increase in cocaine abuse. It took about a decade of methamphetamine production in Mexico for Mexico to experience significant expansion of internal abuse. Significantly, it took only three years of a fentanyl crisis in the United States for fentanyl abuse to begin spreading in Mexico. Given the poor quality and capacities of drug treatment centers in Mexico, the spread of drug abuse will coincide with significant decrease in public health and increase in the deadly rate overdose. If fentanyl abuse spreads through Mexico, the López Obrador administration may recognize the need to move beyond merely seeking to reorient U.S. Merida Initiative support funds towards public health in Mexico, but also to reinvigorate efforts to counter fentanyl production and trafficking.

### ***Interdiction as deterrence and shaper of behavior***

Interdiction can also be designed with the goal of shaping the behavior of criminal groups — in this case, discouraging them from smuggling fentanyl, a drug far more dangerous than cocaine or heroin. Rather than disrupting the supply of all drugs per se, the objective of interdiction would be to discourage the supply of the most dangerous drug to the United States. In a sense, interdiction would seek to rewind the clock to when Mexican DTOs smuggled heroin, cocaine, and methamphetamines, but not fentanyl. In order to achieve that, interdiction would have to

target traffickers of fentanyl and other synthetic opioids and penalize the smuggling of those drugs more intensely.

Unfortunately, a key earlier opportunity was missed and multiple obstacles exist today to orient interdiction in Mexico toward such a focus.

It would have been easier when CJNG was the sole actor in smuggling fentanyl to the United States and Mexican and U.S. law enforcement could have been focused against it on those grounds. Now that the Sinaloa Cartel has also become fully involved in synthetic opioid smuggling, interdiction hits against one or the other just compound the complexities or violence-stimulating reverberation of their bipolar war. The fact that smaller Mexican DTOs have also become involved in synthetic opioid smuggling and pill production further weakens the capacity of interdiction to discourage the cartels from fentanyl smuggling.

Focused-deterrence strategies are inherently very intelligence demanding as they would have to be able to determine, for example, which groups are smuggling more fentanyl than their rivals in order to prioritize which of them (including their subsidiaries and allies) to dismantle. Although the United States enjoys extensive signal-intelligence capacity in Mexico, it would not find it easy to generate such intelligence now that fentanyl smuggling has been diffused beyond CJNG. Already, U.S. law enforcement agencies report that the complexity of the criminal market in Mexico and the large number of drug trafficking groups makes it difficult to focus U.S. and Mexican efforts solely on illicit synthetic opioids.<sup>72</sup>

Furthermore, after the arrest of El Chapo and his extradition to the United States, the Sinaloa Cartel has become less restrained in its behavior. Although El Chapo has unleashed waves of wars of aggression against rival DTOs since the late 1980s, he never resorted to so brazenly and violently challenging the Mexican state as the CJNG has. Instead, he sought to build up political capital both with local populations and the state. However, his sons who took over leadership after his extradition are known for their proclivity toward violence. Even before the Culiacán shootout, influential members of the Sinaloa leadership, in particular Ismael “El Mayo” Zambada, were dismayed by Los Chapitos’ (as Guzmán’s sons are known) proclivity toward unrestrained and risky violence.

Crucially, the failure of the López Obrador administration to effectively respond to the security incidents has further hollowed out the weak deterrence capacity of Mexico’s law enforcement. The message the administration has been inadvertently delivering is that shooting up a city and taking military personal hostage, as happened during the Culiacán operation, will cause the Mexican military to back down; that shooting up police officials and stations en masse will go unpunished; and slaughtering 27 civilians in a casino will not generate a vigorous response. And even before these debacles exposed the holes in López Obrador’s security policy, the deterrence capacity of Mexican law enforcement was very low. Prioritizing the targeting of the violent cartel<sup>73</sup> La Familia Michoacana did not discourage other groups, such as the Zetas, from adopting even more unrestrained violence and launching aggressive drug wars. Nor did the targeting and dismantling of the Zetas prevent the rise of the equally violent CJNG or discourage it from similar violence and aggression.

In short, the credibility of both identifying the appropriate targets for focused deterrence to dissuade them from fentanyl smuggling and of delivering intense punishment to them are lacking in Mexico. Although attempting to dissuade Mexican DTOs from smuggling fentanyl through prioritized targeting in Mexico can be attempted, it is unlikely to generate significant payoffs. The effectiveness of such focused deterrence efforts could potentially be increased if they were coupled with efforts to particularly and intensely target *in* the United States those Mexican DTOs that smuggle fentanyl and synthetic opioids, and penalize them more severely for their smuggling of fentanyl than for smuggling heroin or cocaine.<sup>74</sup>



## Conclusion and recommendations

The capacity of the United States to eliminate the supply of illicit opioids from Mexico to the United States is highly limited. A lasting elimination of such supply or even substantial reduction in supply are unrealistic goals unless the U.S. drug market experiences a new radical shift away from opioids in the future.

Until such a shift happens, the United States should focus on reducing the most dangerous forms of drug trafficking from Mexico. Such a formulation of objectives is two-fold: to minimize the supply of dangerous fentanyl and synthetic drugs from Mexico and to adopt drug suppression measures in Mexico that mitigate, instead of inflame, violence in Mexico.

In its policy design, the United States must also recognize the interactive effects of heroin and fentanyl production in Mexico and tradeoffs of policies to mitigate them. Because of the high potential for overdose, fentanyl abuse is far more dangerous than heroin abuse. The reduction of opium poppy cultivation in Mexico appears to take place at least in part due to the reorientation of Mexico DTOs to trafficking fentanyl. Efforts to suppress heroin supply from Mexico may inadvertently further increase the proclivity of Mexico DTOs to traffic fentanyl to the United States, a most undesirable outcome. In fact, the United States should want to see the reverse: far less fentanyl use. However, both because the smuggling of fentanyl is far easier than the smuggling heroin and because designing interdiction in Mexico as a shaping strategy to dissuade Mexican DTOs from smuggling fentanyl is very difficult in the current context, a return to a situation where smuggling from Mexico is dominated by heroin and features little no fentanyl is most unlikely.

Still, the U.S. would benefit from pushing fentanyl production as far from its borders as possible to increase the number of possible interdiction points. It should thus seek to prevent the spread of fentanyl production in Mexico. However, even though it serves U.S. public health interests, the severe downside of illicit production further from the U.S. demand market is that trafficking is likely to generate at least some violence and corruption in transshipment countries, unless transshipment can take place predominantly by sea or direct parcel service.

## Recommendations

- With respect to heroin supply from Mexico, the United States should prioritize alternative livelihoods efforts and interdiction. Until the security situation in poppy-producing regions of Mexico improves, it and the United States should center alternative livelihood efforts on establishing value-added chains and microcredit and titling facilities.
- With respect to fentanyl production and smuggling, Mexico should prioritize the prevention of widespread establishment of production facilities by diligently dismantling them.
- The United States should encourage Mexico to impose strict controls on and regulation of the purchase of pill presses, prohibiting their unauthorized acquisition from the internet.
- The United States should also preemptively develop anti-drone technologies at the U.S. border that can capture fentanyl-smuggling drones, instead of dangerously destroying them in the air. The United States should also deploy geofencing at the U.S. border to prevent unauthorized drones from reaching the United States.
- To motivate the López Obrador administration to collaborate effectively with the United States in disrupting fentanyl supply from Mexico to the United States, Washington can link not designating Mexican DTOs as terrorist groups, a designation



- the López Obrador administration seeks to avoid, to Mexico mounting strong anti-fentanyl efforts. It can also invoke the Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries and the threat of extensive sanctions that the U.S. could apply if the Department of State does not certify Mexico as cooperating with U.S. counternarcotics policies.
- To avoid the negative side effects of interdiction increasing criminal violence in Mexico, the United States and Mexico should move away from high-value targeting and target instead the middle-operational layer of Mexican DTOs, ideally in one swoop to limit their regeneration.
  - The United States should encourage Mexico to mount efforts to cleanse corruption networks from Mexico's key ports so as to disrupt precursor and fentanyl smuggling from Asia. Such a focus should be highly appealing to the López Obrador administration as it embraces the Mexican president's anti-corruption focus and promises to increase revenues for the government. To enable better enforcement in ports, accelerate and complete the transition of Mexican customs from a revenue generating agency under Mexico's tax collection and the Ministry of Finance to a border protection and security agency as well.
  - The United States should emphasize to the López Obrador administration the grave dangers of the spread of fentanyl abuse in Mexico, an already alarming trend, to help motivate the Mexican government to prioritize the suppression of fentanyl smuggling and production. It should also help the Mexican government to adopt effective treatment and public health responses.
  - In collaboration with the government of Mexico, the United States could attempt to prioritize targeting most intensely and with the strongest penalties the DTOs that most aggressively smuggle fentanyl to the United States to dissuade them such practices. However, given how inauspicious the conditions are in Mexico for such a focused deterrence strategy, the United States should not expect significant success here — though it can attempt to increase the effectiveness of such a policy by simultaneously prioritizing the targeting of Mexican fentanyl distributors in the United States.

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