

THE RESURGENCE OF VIOLENCE IN MEXICO

Testimony for the Sub-Committee on Subcommittee on the Western Hemisphere, Civilian Security, and Trade hearing on “Strengthening Security and the Rule of Law in Mexico”
Wednesday, January 15, 2020 in Room 2172, Rayburn House Office Building

by

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Mexico’s Resurgence of Violence

Mexico has experienced elevated levels of violent crime for more than a decade. The number of intentional homicides documented by Mexico’s National Institute of Statistics, Geography, and Information (INEGI) declined significantly under both presidents Ernesto Zedillo (1994-2000) and Vicente Fox (2000-2006), but rose dramatically after 2007, the first year in office for President Felipe Calderón (2006-2012).¹ Over the course of the Calderón administration, more than 120,000 people were killed and the national murder rate rose from 8.1 in 2007 to 22.6 in 2012 (an average more than 55 people per day, or two people every hour). Over that period, no other country in the Western Hemisphere had seen such a large increase either in its homicide rate or in the absolute number of homicides.

After a brief lull from 2012-14, Mexico has seen a dramatic resurgence of violence, with homicides rising to record levels. While final figures are still being tabulated by the Mexican government’s National Public Security System (SNSP), the number of homicide cases reported for 2019 increased to a record 34,000 victims, up from the previous peaks of 33,341 victims in 2018 and the 28,734 in 2017.² As a result, there has been a substantial increase in Mexico’s homicide rate to more than 30 murders per 100,000 in 2018, the last year for which homicide data are available from Mexico’s national statistical agency.³ This means that Mexico’s homicide rate has become higher than “average” for the Americas, now rivaling those last reported by the UNODC for Brazil and Colombia. In 2019, the number of murders rose to nearly 99 per day, or roughly 4 murders per hour.

¹ While homicide is just one indicator of violent crime, it is the most consistently reported and arguably has the greatest societal impact.

² Estimates for 2019 are based on preliminary national data reported by SNSP January through November, with an author’s estimate for December. Final figures will be reported by SNSP in the coming weeks, and a separate dataset will be released in mid-2020 by INEGI, Mexico’s national statistics agency. Other experts estimate the final tally to be in excess of 36,000 homicides. “2019 cerrará con 36,000 homicidios y solo 1 de cada 10 se castiga: reportes,” *Expansión Política*, December 3, 2019.

<https://politica.expansion.mx/mexico/2019/12/03/2019-cerrara-con-36-000-homicidios-y-solo-1-de-cada-10-se-castiga-reportes>

³ By the calculations of the Justice in Mexico program, the homicide rate in 2019 increased to at least

While clearly appalling, such statistics are difficult to comprehend without considering the human toll. Among the most tragic events in Mexico's recent violence was the November 4, 2019 killing of three women and six children with dual U.S.-Mexican citizenship in two ambush attacks by an organized crime group in Northern Mexico.⁴ The victims ranged in age from 8 months to 43 years old. In total, eight children survived the attacks (five with injuries), including infant Faith Marie Johnson, who survived in a car seat her mother appears to have placed on the floor of the vehicle.

Specifically, as possible culprits, Mexican authorities identified two groups. The first is the Sonoran-based criminal organization known as "Los Salazar," a group allegedly founded in the 1990s by Adán Salazar Zamorano and affiliated with the Sinaloa Cartel.⁵ The second is the Chihuahua-based organization known as "La Línea," an enforcer group long associated with the Juárez Cartel and allegedly headed by Roberto "El Mudo/El 32" González Montes.⁶ Working with U.S. law enforcement to investigate the crime, authorities have also made a series of arrests of suspects, including a local police chief.⁷ While initially reported as a case of mistaken identity, it appears that the family was specifically targeted to send a message in a turf war between the two groups.⁸

⁴ The families were members of the LeBarón family and an offshoot of the Mormon Church that had migrated to Mexico decades earlier, and appeared to be victims of criminal organizations operating in the Northern Mexican states of Sonora and Chihuahua. The first attack targeted the vehicle carrying Rhonita Maria Miller (30), who was traveling with four of her children: Howard Jacob Miler (12), Krystal Bellaine Miller (10), and twin babies named Titus Alvin Miller and Tiana Grisel Miller (8 months old). The second attack targeted the vehicle carrying Christina Marie Langford (31) and her daughter Faith Marie Johnson (reportedly 7 or 8 months old), as well as Dawna Ray Langford (43) and her nine children: Trevor Harvey Langford (11), Rogan Jay Langford (2), and seven others. Langford, Johnson, and the two named boys were killed, while the others survived. Ryann Richardson, "They Knew That It Was Women and Children"; Families of Those Involved in Ambush Search for Answers," St. George News, November 5, 2019. <https://www.stgeorgeutah.com/news/archive/2019/11/05/arh-they-knew-that-it-was-women-and-children-families-of-those-involved-in-ambush-search-for-answers/#.XhxIDS3MwWo> (Accessed, January 13, 2019).

⁵ Los Salazar plaza chief Sergio Alberto "El Napoleón" del Villar Suárez was killed in Hermosillo on August 8th, destabilizing the organization and contributing to a wave of violence in the state of Sonora. Maria Alejandra Navarrete Forero, "Narco Funeral Draws Attention to Los Salazar in Mexico," *Insight Crime*, August 20, 2019.

⁶ La Línea is a group initially formed by Ciudad Juárez police officers who held "the line" for the Juárez Cartel. Patricia Vélez Santiago, "Autoridades presumen que ataque a familia LeBarón en México se debió a lucha territorial entre dos grupos delictivos." Univision Noticias, November 6, 2019. <https://www.univision.com/noticias/sucesos/autoridades-presumen-que-ataque-a-familia-lebaron-en-mexico-se-debio-a-lucha-territorial-entre-dos-grupos-delictivos>

⁷ The first arrest was reported on November 6, though the suspect was later deemed unrelated to the crime. On December 1, Secretary Durazo reported the arrest of two brothers, named Héctor Mario Hernández and Luis Manuel Hernández. On December 24, authorities of the federal Fiscalía General de la República arrested Fidel Alejandro Villegas Villegas (known as "El Chiquilín"), for alleged ties to organized crime (possibly the La Línea organization) in the municipality of Janos, Sonora.

⁸ Specifically, Los Salazar reportedly warned the LeBarón family not to purchase fuel from their La Línea rivals in Chihuahua. Thus, the attack against the LeBarón may have been a retaliatory strike by La Línea to assert their territorial claim. Parker Asmann, "How Mexico's 'Small Armies' Came to Commit a Massacre," *Insight Crime*, November 15, 2019, <https://www.insightcrime.org/news/analysis/how-mexico-small-armies-commit-massacre/> (Accessed January 13, 2019).

Tragically, this local turf war resulted in a senseless act of violence that added to the hundreds of thousands that have died over the last decade in Mexico's seemingly unending violence. The November 4 massacre marked a new low point in the drug war in Mexico. It has no bright side and offers little cause for hope, but it does present an opportunity to re-assess the problems that Mexico is currently facing, and the policy options available to the U.S. and Mexican governments to cooperate in combatting organized crime.

Contributing Factors: Systemic and Strategic Considerations

There are numerous, complex factors that have contributed to Mexico's elevated levels of violence over the last decade. Some of these factors have to do with **chronic, macro-level, systemic issues**. The larger issues require careful consideration and have been studied in greater depth and detail than can be provided in this discussion. For example, research suggests that part of the problem has to do with underlying structural factors, including a lack of educational and employment opportunities, as well as social problems like domestic violence and substance abuse.⁹ At the same time, there are institutional factors that contribute to rampant criminal impunity and recidivism—including deeply flawed police, judicial, and penitentiary institutions—which allow the vast majority of crimes to go unsolved, while the few people convicted of crimes are rarely rehabilitated to return as contributing members of society.¹⁰ There are also international factors, including the demand for drugs in the United States and Europe, as well as the ready availability of powerful firearms imported illegally to Mexico by the United States.

However important, these larger systemic problems do not readily explain sharp variations in the level of violence from month-to-month or place-to-place. The more proximate contributing factors, in this regard, have to do with **recent developments and changes** that affect the strategic incentives, decisions, and actions of criminal actors. Thus, understanding Mexico's recent violence requires attention to changing market conditions for illicit drugs, the unintended effects of law enforcement actions, the resulting strategic dynamics among organized crime groups, and also changes in government personnel and policy following Mexico's 2018 elections.

⁹ Matthew C. Ingram, "The Local Educational and Regional Economic Foundations of Violence: A Subnational, Spatial Analysis of Homicide Rates across Mexico's Municipalities," Working Paper. Mexico Institute, Woodrow Wilson International Center for Scholars, 2014.

https://www.wilsoncenter.org/sites/default/files/mex_hom_analysis_ingram.pdf; Carlos Vilalta & Muggah, Robert, (2016). "What Explains Criminal Violence in Mexico City? A Test of Two Theories of Crime," *Stability: International Journal of Security and Development*. 5(1), p.1. DOI: <http://doi.org/10.5334/sta.433>

¹⁰ Laura Calderón, Kimberly Heinle, Octavio Ferreira Rodríguez, and David A. Shirk. "Organized Crime and Violence in Mexico: Analysis Through 2018." *Justice in Mexico*. April 2019.

- 1) **Market shifts and innovations in the production illicit drugs:** Mexico's criminal organizations are profit-seeking actors that are driven by market incentives. In this sense, they have different strategic motivations from other violent actors, even if they utilize the same—or even more horrifying—tactics employed by insurgents and terrorists. Because organized crime groups are profit seeking actors, market innovations can be highly disruptive, as is the case legitimate industries. However, unlike legitimate businesses, illicit enterprises have no legal recourse to resolve disputes and are more inclined to use violence. Changes in the market for illicit, psychotropic drugs (including the proliferation of synthetic drugs, like methamphetamine and fentanyl), have led to a restructuring of Mexican drug production and trafficking networks, resulting in newfound competition and violence. Recent research shows that the proliferation of fentanyl, for example, has greatly reduced the demand for and price of heroin, leading to an enormous loss in profitability for Mexican heroin producers in states like Guerrero and Nayarit and newfound opportunities for groups trafficking in synthetic drugs, like the Jalisco New Generation Cartel.
- 2) **The unintended consequences of counter-drug measures:** U.S. and Mexican law enforcement actions have had some unintended consequences that have exacerbated violence among Mexican organized crime groups. The policy of targeting high level leaders for arrest, known as the “kingpin strategy,” has long been questioned by security experts because it often fails to dismantle the mid-level organizational structures and ancillary support (including corrupt government officials and shady finance institutions) that allow organized crime groups to thrive in Mexico, and leads to newfound competition and violence. Arguably, the single most relevant example to explain Mexico's current violence was the takedown of Sinaloa Cartel leader Joaquín “El Chapo” Guzmán, which has destabilized major drug trafficking organizations, contributing a cycle of splintering, diversification, competition, and violence among organized crime groups.¹¹
- 3) **Changing strategic dynamics among organized crime groups:** The last few years have seen greater competition, splintering, and diversification among Mexico's major organized crime groups, with various rival drug trafficking organization competing with the once-dominant Sinaloa Cartel. With the splintering of major organized crime groups traditionally dedicated to drug trafficking, there has been greater diversification into other types of illicit activities, as splinter groups and emergent criminal organizations seek profitability through extortion, kidnapping, robbery (including fuel theft), and local drug dealing. Compared to large scale, international drug trafficking operations, these less lucrative, more predatory forms

¹¹ A similar phenomenon happened in the early 2000s, when significant law enforcement blows to the Arellano Felix Organization and the Gulf Cartel (including the extradition of key leaders in each group) and maneuvering by Guzmán against his former allies in the Juárez Cartel and the Beltran Leyva Organization, enabled the Sinaloa Cartel to establish itself as the country's dominant cartel. See: Congressional Research Service, “Mexico: Organized Crime and Drug Trafficking Organizations,” Congressional Research Service, December 20, 2019, <https://fas.org/sgp/crs/row/R41576.pdf>

of organized crime produce a much larger number of casualties, including both criminal actors and ordinary civilians.

- 4) **Changes in Mexican government and policy:** The recent governmental transition in Mexico has had disruptive effects on existing organized crime and corruption networks that often leads to greater violence. This often results in a violent rebalancing of power between groups and settling of scores, as changes in administration may prove disadvantageous to formerly-favored organized crime groups, and more advantageous to new ones. For example, recent U.S. prosecutorial allegations suggest that Mexico's top law enforcement official from 2006-2012 was criminal asset of the Sinaloa Cartel, facilitating a power grab that resulted in a period of protracted and intense violence. More recently, the realignment of electoral schedules put an unprecedented number of Mexican federal, state, and local offices up for grabs in 2018, resulting in the largest turnover in public office in Mexico's modern history later that year.¹² At the subnational level, this resulted in an unprecedented number of political assassinations targeting candidates for public office in the lead up to the election.¹³ This is a clear indication of the enormous pressure on elected officials to bend to the will of organized crime groups. At the federal level, the change in power has led to a significant shift in counter-drug policy, with a greater emphasis on addressing the structural factors contributing to crime. Mexican President Andres Manuel López Obrador is being widely criticized for lacking a clear security strategy, and for allowing drug cartels to continue to operate with impunity.

Of course, every violent act is unique, and there are innumerable contextual factors that may contribute in any specific case: intrafamilial conflict, romantic relationships gone wrong, professional jealousy, etc. However, the underlying, macro-level factors and the more proximate strategic considerations affecting the behavior of Mexican organized crime groups have the greatest explanatory power for understanding the generally elevated levels of violence Mexico has experienced for more than a decade, and why we have seen such a distressing resurgence of violence in recent years.

With regard to recent governmental changes, it bears note that Mexican President López Obrador took office in December 2018 with the highest violent crime rate in recent history, making public security an area of urgent concern. On the campaign trail, in direct criticism of the militarized strategies employed by his predecessors, López Obrador promised a new, more benevolent approach that would invoke "hugs, not gunfights" ("*abrazos, no balazos*"). Notably, he pledged to abandon the "kingpin strategy" of targeting top organized crime figures, which many experts agree has contributed to splintering, infighting, and violence among Mexico's major organized crime groups.

¹² Not coincidentally, the 2018 election also saw an unprecedented number of political assassinations targeting candidates for public office.

¹³ Paulina Villegas and Kirk Semple, "Criminal Groups Seek to Decide Outcome in Many Mexican Races," *New York Times*, July 1, 2018. <https://www.nytimes.com/2018/07/01/world/americas/mexico-election-assassinations.html> (Accessed January 13, 2020).

Unfortunately, recent developments suggest that the López Obrador government's security efforts are thus far inadequate. Notably, in October 2019, there were a series of shootouts between organized crime groups and Mexican security forces in the states of Sinaloa, Michoacán, and Guerrero. The first incident was a cartel ambush that killed 13 police officers on October 14 in Aguililla, Michoacán, the cradle of Mexican drug trafficking and hometown of CJNG leader Ruben "Nemesio" Oseguera Cervantes. The next day, 14 civilians and one Mexican military soldier were killed in the town of Tepochica in the municipality of Iguala, Michoacán, where 43 students were killed by an organized crime group at the behest of corrupt local Mexican government officials (and with federal police involvement) in 2014.

Just a few days later, López Obrador's response to a series of events on October 17 demonstrated his government's limited willingness and capacity to confront organized crime groups directly. After the surprise capture of Ovidio Guzmán, one of the sons of Joaquín "El Chapo" Guzmán, Sinaloa cartel gunmen took to the streets of Culiacán in protest and killed 13 people. Authorities capitulated to their demands, releasing Ovidio Guzmán to prevent further bloodshed. The government's evident surrender to pressure from organized crime contributed to growing criticism of the López Obrador administration's security strategy.

Indeed, while President López Obrador views the strategy of leadership disruption and massive military force deployments that was employed by Calderón as counter-productive, his administration has produced no clearly articulated alternative plan of action. In the breach, violence continues unabated and there are growing apprehensions about the absence of an adequate state response to the brazen tactics of Mexican organized crime groups. The renewed sense of urgency about the crisis provides an opening for various actors—Mexican civil society, international organizations, and the U.S. government—to engage the López Obrador administration in a constructive dialogue about the possible policy options that can help to develop a more clearly articulated security strategy.

Concluding Observations and Recommendations

Arguably, now more than ever, Mexico needs the continued support and cooperation of the United States to help address these issues. However, there is also clearly a need to re-think current policy, and address some of the long-standing, politically-difficult obstacles to the rule of law and security in Mexico. Indeed, as I recommended to Congress in 2011, I believe that the United States should develop and implement a coordinated, national interagency strategy for identifying, investigating, and disrupting the U.S. financial facilitators and arms distributors that support Mexican DTOs. Specifically, U.S. authorities should:

1) Promote better monitoring and analysis of Mexico's rule of law challenges: There are several organizations that are working actively to try to trace and analyze the problem of organized crime and violence in Mexico, often with little or no coordination across efforts. As a result, there is a high degree of duplication of effort and there are lost opportunities for sharing of information. Financial assistance from the U.S. and Mexican governments, as well as private foundations and non-profit organizations, is needed to support these efforts and bolster greater coordination to allow for more robust monitoring and analysis of Mexico's rule of law challenges, particularly that which is associated with organized crime. Unfortunately, even as Mexico's security crisis has worsened recently, major donors have scaled back or turned away entirely from supporting work focused on addressing Mexico's rule of law challenges.

2) Assist Mexico in enhancing police and prosecutorial agencies: One of Mexico's challenges is to identify more effective ways for law enforcement to address the problem of organized crime. While the kingpin strategy has had serious problems, allowing violent actors—like Sinaloa cartel leader Joaquín Guzmán or CJNG head Ruben Oseguera—to operate with impunity is clearly not a desirable option. Experts have long advocated bolstering the capacity of Mexican law enforcement. What is clearly needed are better long-term, comprehensive criminal investigations to ensure successful prosecutions targeting not only drug kingpins, but all levels and branches of a criminal enterprise, including corrupt politicians and private sector money laundering operations. Doing so would help to address the problem of splinter groups vying for succession when a major kingpin is removed. International organizations and bilateral assistance programs should work closely Mexico to help train police and prosecutors to conduct more effective and wide-reaching criminal investigations and prosecutions of criminal enterprises.

3) Aiding Mexico's fight against corruption: Over the past two decades, Mexico has seen a dramatic increase in transparency, but the mechanisms of accountability have remained weak. The Mexican public is regularly alerted to abuses of power and acts of corruption by public officials who go largely unpunished for their misdeeds. Mexican civic organizations, international agencies, and foreign governments can help Mexico crackdown on corruption. For example, foreign governments can investigate corruption claims and, where appropriate, deny travel privileges or freeze the assets of Mexican nationals wanted on corruption charges. The U.S. government, international foundations and non-governmental organizations can partner with Mexican anti-corruption agencies and organizations to provide much needed funding, technical assistance, and cooperation to increase transparency and accountability.

4) Strengthen controls to prevent illegal exports of firearms to Mexico: introducing registration requirements for large-volume ammunition purchases and unassembled assault weapons kit imports; strengthening reporting requirements for multiple long arms sales (similar to those for multiple handgun sales); increasing ATF capacity for the investigation of straw-purchases and trafficking conspiracies; enforcing the federal ban on imports of assault rifles not intended for sporting purposes; and removing obstacles to

information sharing among law enforcement agencies and greater transparency in the public reporting of aggregate data on gun crimes.

5) Establish better controls on money laundering and DTO financial operations: The United States should provide more resources, training, and coordination mechanisms for state and local law enforcement agencies to better target, seize, and trace the proceeds of illicit drug sales. The United States should aggressively enforce the Foreign Investment and National Security Act of 2007 to track the investments of Mexican drug traffickers in the United States. Additionally, the United States should establish joint operations to share data and intelligence on possible drug money laundering in Mexican and third-country financial institutions. Ultimately, the United States needs greater coordination and stronger initiatives from the U.S. Securities and Exchange Commission (SEC), Treasury Department, and Federal Deposit Insurance Corporation (FDIC) to conduct careful searches for financial patterns consistent with drug money laundering. If these institutions cannot do so, then the United States should create a new agency that will.

6) Strengthen cross-border cooperation and liaison mechanisms: The executive branch should establish stronger mechanisms to coordinate U.S. responses to Mexico's security crisis domestically and abroad. For example, the United States and Mexico should re-activate the Bilateral Commission meetings of cabinet-level personnel to ensure that bi-national cooperation progresses on other fronts that are important beyond security. At the state level, the federal government should support collaboration among the U.S.-Mexico border governors, border legislators, and border mayors. Along the border, the United States should dedicate greater staff and resources to bi-national border liaison mechanisms (BLMs), as well as multiagency task forces and international liaison units within U.S. law enforcement agencies.

7) Prevent blowback from U.S. deportations of criminal aliens: U.S. law enforcement, prison, and immigration authorities should work more closely with their foreign counterparts to prevent repatriated criminal aliens from becoming new recruits for organized crime groups in Mexico and Central America. Preventive strategies should include educational and rehabilitative programs for foreign nationals in U.S. prisons (such as working with Mexico's education ministry to provide the equivalent of a general education degree to Mexican criminal aliens during their incarceration in the United States). In addition, U.S. immigration authorities should be required to work with Mexican and Central American authorities to develop better bilateral protocols for managing the reentry of aliens to their home country.

8) Allow Mexico to focus its scarce law enforcement resources on domestic security: As part of its efforts to partner with the United States on preventing Central American migration, the Mexican government has diverted thousands of its National Guard members to patrol Mexico's southern border. While this has helped to stem the northbound flow of Central American migrants to the United States, it has also hobbled Mexico's national security institutions from focusing on the existential threat of organized

crime (for which the National Guard was originally created). The United States can help Mexico by identifying other longer term measures that can help to reduce the flow of Central American migrants, such as development aid and job creation programs for migrant sending communities.

9) Develop explicit performance measures for the fight against organized crime: I can say from my experience as an INL grantee that all Mérida Initiative programs are now being required to develop better performance-based measures. Still, other U.S. agencies working with Mexico should establish explicit baseline indicators, performance measures, benchmarks, targets, and timelines for progress toward their strategic objectives of dismantling organized crime, strengthening rule of law, reducing illicit flows, and building stronger communities. Assessment efforts will require dedicated funding for both congressional oversight and nongovernmental monitoring efforts, and should go beyond typical “output” measures (e.g., arrests, trainings, seizures, and program activities) to evaluate “outcomes.” Specifically, the U.S. Congress should require the Department of Homeland Security to provide regular reports and greater detail—including information and statistics on activities, seizures, apprehensions, and aggregate value—for current border security initiatives and programs intended to facilitate interagency collaboration in combating drug trafficking, money laundering, and firearms trafficking in border communities. In addition, the U.S. Government Accountability Office should carefully assess the corrupting influences of transnational organized crime networks on U.S. border security and law enforcement, and ensure that there are adequate resources to address possible vulnerabilities and breaches in integrity.

10) Evaluate alternatives to current counter-drug policy: Given the proliferation of new state-level laws and policies allowing medicinal and recreational use of certain Schedule I psychotropic substances, the U.S. Congress should commission an independent advisory group to examine the fiscal and social impacts of drug legalization as well as other alternative approaches to the war on drugs. The commission should be provided adequate funding—at least \$2 million—to provide a comprehensive review of existing policies and develop realistic, clearly defined, and achievable policy recommendations for reducing the harms caused by drug consumption and abuse. The United States should simultaneously take a leading role in the international dialogue on the future of drug policy by collaborating directly with other countries in the Americas to develop alternative policy approaches to reduce the harm caused by drugs.