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THEDIALOGUE

FEATURED Q&A

Is Mexico Moving Toward Marijuana Legalization?

A ruling last week by the Mexican Supreme Court's criminal chamber could set a precedent for challenging the country's strict anti-drug laws. // File Photo: Miran Rijavec via Creative Commons.

Q The Mexican Supreme Court's criminal chamber ruled on Nov. 4 that individuals should have the right to grow and distribute marijuana for personal use, a move that opens the door to legal challenges to the country's strict substance abuse laws. How will the ruling change the future of Mexico's drug legislation? If the court does legalize the possession of marijuana, how will the change affect drug trafficking and those trying to combat the sale of drugs in Mexico? How likely is it that this change will occur? Would legalizing marijuana cut down on violence in the country? How should the United States, traditionally the primary destination of drugs that come through Mexico, view the potential changes in drug laws?

A Melvyn Levitsky, professor of international policy and practice at the University of Michigan's Gerald R. Ford School of Public Policy and former member of the International Narcotics Control Board: "The ruling by Mexico's Supreme Court does not legalize marijuana. Only the executive and legislative branches could do that. The court's decision appears to be applicable only to the four plaintiffs in the case who disputed the government's right to ban their personal use of marijuana. The court's opinion is complex, even a bit quirky in my view. Basically, it states that the ban on marijuana interferes with the plaintiffs' 'free development of personality,' placing its decision in the realm of human rights, a curious and disturbing formulation. The court goes on to say that the state cannot compel an individual to act in accordance 'with a particular model of virtue.' The court, however, distinguishes between individual use and 'commercial transactions'

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TODAY'S NEWS

POLITICAL

Maduro's Relatives Indicted on Drug Charges

Two relatives of Venezuelan President Nicolás Maduro were charged Thursday with conspiracy to transport cocaine into the United States. The men, who are nephews of Maduro's wife, were ordered held without bond.

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BUSINESS

Pemex, Union Agree to Pension System Reforms

Mexico's Pemex and the country's main oil workers' union have agreed to an overhaul of the company's pension system.

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BUSINESS

Rousseff Slaps Mine With $66 Mn Fine After Disaster

Brazilian President Dilma Rousseff on Thursday announced fines of $66.2 million against Vale and BHP Billiton, the owners of a mine in Minas Gerais state where two dams burst, killing at least nine people and causing environmental damage.

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Rousseff surveyed the damage by helicopter. // Photo: Brazilian Gov't.

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POLITICAL NEWS

Relatives of Maduro Indicted on Drug Charges

Two relatives of Venezuelan President Nicolás Maduro were indicted late Thursday in New York on drug trafficking charges, CNN reported. Efraín Antonio Campo Flores and Francisco Flores de Freitas, who are nephews of Venezuelan First Lady Cilia Flores, were charged with conspiracy to import, manufacture and distribute cocaine into the United States. The

The men, nephews of Venezuela's first lady, are accused of conspiring to transport cocaine into the United States.

two men "participated in meetings in Venezuela, regarding a shipment of cocaine that was to be sent to the United States, via Honduras," the indictment alleges. Campo Flores and Flores de Freitas did not enter pleas during their court appearance Thursday, and the judge in the case ordered them to be held without bail. If convicted, they face a maximum sentence of life in prison, CNN reported, citing the U.S. Attorney's Office for the Southern District of New York. Local authorities in Haiti arrested the men as they were allegedly about to finalize an agreement to transport 800 kilograms of cocaine into the United States, a Drug Enforcement Administration who participated in the men's detention told CNN. The Haitian authorities turned Campo Flores and Flores de Freitas over to DEA agents who flew them to New York. Venezuela's government has not responded to requests by CNN for comment. However, in a posting on Twitter, Maduro said Thursday without referring directly to the arrests that "the fatherland will continue on its path, neither attacks nor imperialist ambushes can derail the people of the Liberators, we have only one destiny and that's to win," BBC News reported. The U.S. Treasury has listed nine Venezuelan officials as "kingpins," saying it considers them suspects in drug trafficking. Earlier this year, The Wall Street Journal reported that Diosdado Cabello, the leader of Venezuela's National Assembly, was under investigation by U.S. authorities for alleged drug trafficking. Cabello has denied wrongdoing and has said there is no proof linking him to any illicit activity.

BUSINESS NEWS

Rousseff Slaps Mine With $66 Million Fine After Dams Burst

Brazilian President Dilma Rousseff on Thursday announced $66.2 million in fines against a mine owned by BHP Billiton and Vale, following an environmental disaster in which two dams burst, killing at least nine people on Nov. 5, Reuters reported. Authorities say 19 people are still missing. The fines come as federal prosecutors are investigating possible crimes that may have contributed to the structural instability of the dams. The top government lawyer and Brazil's environmental regulator, IBAMA, are together planning on suing the mine owners for as much as $1 billion for environmental damages. The fines are for river pollution and damages to urban areas and could be followed by other penalties, Rousseff said. "We are determined to hold responsible those who are responsible for this," Rousseff told reporters. She added that the companies are expected to pay for the rescue and cleanup efforts, as well as for compensation for more than 500 people who were displaced after the environmental disaster. Rousseff's moves come after mounting complaints that the national government had done little to respond in the immediate aftermath of the dam bursts, The Wall Street Journal reported. On Wednesday, the chief executives of BHP and Vale held a news conference in which they apologized for the disaster and said they would meet their obligations as the mine's owners.

NEWS BRIEFS

Colombia to Legalize Marijuana for Medical, Scientific Uses

Colombia will legalize the cultivation and sale of marijuana for medical and scientific purposes, officials said Thursday in a surprise change of policy for the longtime U.S. ally in the war on drugs, the Associated Press reported. President Juan Manuel Santos is expected to sign the law as a presidential decree, joining other Latin American countries like Mexico and Chile which have recently debated changes to strict laws on marijuana.

Pemex, Union Agree to Pension System Reforms

Mexican state-owned oil company Pemex and the country's oil workers' union have agreed to an overhaul of the company's pension program, The Wall Street Journal reported Wednesday. After difficult negotiations, the company and the union agreed to increase the retirement age by five years to 60 for employees with fewer than 15 years of service. Also, new Pemex employees will have defined-contribution plans rather than the current defined benefits plan. Pemex has some $90 billion in unfunded pension liabilities, and the pension reform is seen as a lifeline for the state-owned company.

Pope to Visit Three Mexican States, Capital

Pope Francis will visit Mexico's capital and three other states in early 2016, Mexican Foreign Relations Secretary Claudia Ruíz Massieu announced Wednesday, the Associated Press reported. In addition to Mexico City, the pope will visit Chiapas, Chihuahua and Michoacán. During his visit to the latter three states, the pontiff is expected to discuss issues he has emphasized in the past, including poverty, migration and supporting indigenous populations, all of which are issues the states face.

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such as distribution, sale and transfer of the substance. The court refers to the fact that the United States continues to consider marijuana as illegal under federal law, but that the Obama administration has decided not to apply federal law—and international treaty obligations—to states like Colorado and Washington that have legalized it. Since the latest poll in Mexico shows about three quarters of the population against legalization, it's not likely that there will be a groundswell to legalize 'recreational' marijuana for all. In fact, legalizing marijuana would not decrease violence since marijuana is not widely abused in Mexico and is not the largest money earner for the major Mexican criminal organizations. If anything, violence could increase as the cartels fight for a smaller share of the U.S. market where increase in marijuana abuse has spurred the growth of both 'legal' and illegal domestic U.S. production. Given its own self-contradictory position on marijuana and its new doctrine of 'flexible interpretation' of the international drug conventions, the United States will have little standing to complain about Mexican moves toward legalization should that occur."

Arturo Sarukhan, board member of the Inter-American Dialogue and former Mexican ambassador to the United States: "The Supreme Court decision does not entail an across-the-board decriminalization of recreational cannabis. For the moment, it applies only to the group that sought permission to operate as a users' club via a court ruling, but it could eventually lead to full-fledged decriminalization or even legalization. However, there is a flaw in the argumentation articulated by some in the United States and those in Mexico who claim that legalization will impact and defang organized crime and reduce violence; they are smoking too much of the product that they are seeking to legalize. If the road ahead does eventually lead to legalization, it is indeed likely that police corruption, violence and criminality linked to retail purchases by consumers may all diminish, enhancing human security in the process. But unless Mexico seriously commits itself to radically improving the rule of law and strengthening justice institutions, legalization—in a nation like Mexico—will only broaden the horizon for criminality. Transnational criminal organizations operate much like corporations: they seek vertical integration of their businesses and conduct hostile takeovers and mergers and acquisitions. If income from cannabis diminishes, they will muscle their way into other illicit activities, whether it's heroin production or human trafficking, kidnapping and extortion, or siphoned gasoline and pirated DVDs. The decision by the Supreme Court is nonetheless a welcome one, as has been the Obama administration's position so far, underscoring that this is Mexico's call. No global public policy has failed so miserably in the past decades than the prohibition of drugs, particularly of marijuana. We cannot solve the problems we have created with the same thinking we used in creating them. Mexico's Supreme Court ruling last week could be a first step in the right direction. But in taking the next steps, the blinders have to come off, and Mexicans of all persuasions need to understand that there are no shortcuts around the imperious need to revamp the rule of law."

Roderic Ai Camp, professor of government at Claremont McKenna College: "Mexico's Supreme Court decision to allow ordinary citizens to grow marijuana for personal use is notable for two reasons. In general legal terms, it points once again to the court taking the initiative to set in motion important legislative action linked to civil rights, which in turn strengthens the court's institutional prerogative in Mexican governance. The specific decision is linked to early legislation passed by Mexico's Congress in 2009 to decriminalize personal

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Head of Bradesco's Insurance Unit Killed in Plane Crash

Marco Antonio Rossi, the head of Banco Bradesco's insurance unit, was among four people killed earlier this week in a plane crash, the bank said Wednesday in a statement, Reuters reported. Rossi, 54, was traveling from Brasília back to São Paulo in the bank-owned Cessna Citation VII when the plane went down late

Rossi // File Photo: Banco Bradesco.

Tuesday. Rossi had been in the Brazilian capital to meet with several government officials on Tuesday, sources told Reuters. Lúcio Flávio de Oliveira, the leader of Bradesco Seguros' life insurance and retirement business, and the two pilots were also killed in the crash, Bradesco said in the statement. "They were recognized for their talent, competence and enthusiasm at work, fraternal relations with their teams and total dedication to their families, having carried out brilliant careers," the bank said. The Cessna vanished from radar near the border dividing Goias and Minas Gerais states and likely crashed at about 8 p.m. local time, according to Brazil's Air Force. Rossi had been seen as a likely successor to Luiz Carlos Trabuco, Bradesco's chief executive officer, Reuters reported. Rossi succeeded Trabuco as head of Bradesco's insurance unit in 2009 when Trabuco became CEO. The bank requires its executives to retire at age 65, and Trabuco reaches that age next October. Rossi, who had worked for the bank for 34 years, had been working on a possible sale of Bradesco's high-risk insurance portfolio, sources told Reuters. He is survived by his wife and four children.

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consumption of many illegal drugs, including marijuana, in specific, small quantities. A national survey of consumption last year indicated that 17 percent of Mexicans smoked marijuana while 9 percent used other drugs.

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> **— Roderic Ai Camp**

Approximately a third of Mexicans believed drug policies should be treated as an issue of public security while an equal number believed it to be a public health issue. Two weeks ago, eight out of 10 Mexicans opposed legalizing recreational marijuana, and only 4 percent claimed they would use it if legalized. However, an equally large number favored legalizing it for medicinal use. The impact on criminal violence, if such legislation were to be passed, is likely to be minimal in the foreseeable future because the overwhelming percentage of violence is linked to United States', not Mexico's, demand, and criminal organizations have focused their attention in Mexico on other, equally economically attractive crimes at lower risks, such as kidnapping and extortion. While the U.S. government has strongly opposed such legislation in the past, it can hardly make a convincing argument today in light of our individual state legislation legalizing recreational marijuana leading the way."

José Antonio Crespo, professor and researcher of political science at CIDE in Mexico City: "The approach the Supreme Court took toward legalizing marijuana was from a human rights perspective. The perspective is based on the liberal stance that, as long as you are not causing harm to others, one can decide what to consume, even if it causes damage to one's own health, as is the case with any number of legal products circulating in today's market that, when consumed in excess, can cause harm and even death. This is relevant because many believe that decriminalization of marijuana should be a majority decision made by a plebiscite or by the Congress. But let us remember that when it comes to human rights, sometimes the majority does not make the best decisions. The idea falls into the same stance that the patriarchal state should not decide what we can or cannot consume. But then, why should the majority then make this decision, especially since most are probably not in favor of the substance? The court is not a legislative body, this is true, but it does defend human rights against the tyranny of the majority. The majority can be prejudiced, intolerant and ignorant, as it has been in the past over race, social status, customs, sexual orientation and other issues. When dealing with human rights, as is the case in this instance, it is best to let the courts decide. The Congress, certainly, should also approve the legislation apart from the court, at least once there is jurisprudence on the subject."

> **"The approach the Supreme Court took toward legalizing marijuana was from a human rights perspective."**
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> **— José Antonio Crespo**

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