

The first serious attempt in Mexico to decriminalise the possession of small quantities of marijuana took place in 2006, in response to a wave of violent incidents that year that has claimed hundreds of lives. The House of Representatives and the Senate approved a bill decriminalising consumption of recreational drugs and specifying maximum allowable amounts for personal use: 500mg of cocaine, 5g of marijuana, and 25mg of heroin. It also sought to reform the General Health Law, the Federal Criminal Code and the Federal Criminal Procedures Code. Mexico's president of the time, Vicente Fox, had initially shown support for the bill, but decided at the last minute not to sign it and returned it to Congress with recommendations for changes. Various analysts believe that Fox buckled [under pressure from Washington](#) where the bill had been criticised.

A more moderate version of the bill was presented for debate in 2007. Recently inaugurated President Felipe Calderón was known for taking a much harder line on drugs than his predecessor. He began his six-year term by sending troops into drug-producing and drug-trafficking zones and extraditing several drug kingpins to the United States for trial there. The new bill, which was inspired by recommendations made by Fox, stipulated legally permitted amounts lower than those in the original version. The political camps supporting the bill maintained that decriminalisation of small quantities would free up funds needed to combat drug trafficking. Under this proposal, addicts would not be prosecuted for possessing small quantities.

April 2007: the secretary of the Senate's Public Security Committee Senator René Arce Islas (PRD) presents the "National Accord to Combat Organised Crime", which includes changes to the legislation on drugs that will end prohibition. According to researcher [Jorge Hernández Tinajero](#): "The initiative aims at making the state responsible for regulating all aspects of marijuana sales in Mexico, from production to distribution and including regulated consumption. It denounces the lack of effectiveness of the measures adopted so far to control drug consumption in the country."



October 2007: discussions begin on developing a Plan Mexico similar in style to Plan Colombia. It eventually comes to be known as the [Merida Initiative](#), and includes a package of security and anti-narcotic measures.

The Merida Initiative was also extended to the Central American nations, and was subsequently signed by President Calderón and US President George W. Bush. A high percentage of Mexico's anti-drug aid (61 per cent) went to the armed forces.

This plan designed to combat drug trafficking and organised crime was strongly criticised in both countries. Critics in Mexico focused particularly on the fact that the plan situated the fight against drugs and crime in Mexican territory, something that was seen as reflecting US interference in Mexico and ensuring that the victims would be on Mexican soil.

November 2007 – Congresswoman Elsa Conde Rodríguez presents the [Conde Initiative regarding drug users](#). Its aim is to prevent marijuana users being prosecuted as criminals for the mere fact of using the substance. It also proposes eliminating the legal ambiguities so that users can grow their own marijuana to secure a supply for themselves without coming into contact with criminal networks.

October 2008: President Calderón revives the initiative (which was originally put forth by Vicente Fox) and proposes to Congress the decriminalisation of the consumption of small quantities of drugs. The government wants to differentiate between small-scale sales and drug addicts, so it calls for the decriminalisation of the possession of up to 0.5g of cocaine, 2g of marijuana and opium, 50mg of heroin or 40mg of methamphetamines. The initiative also grants judges the discretion to forego prosecution if the accused can demonstrate that he/she is a drug addict and that the drugs are for personal use.

The war against the drug cartels had intensified by this time, accompanied by large numbers of

fatalities in several areas of the country. This violence influenced the subsequent debate in Mexico on the legalisation of marijuana, as did the growing international scepticism towards the drug policy advanced by Washington D.C.



December 2008: Congresswoman Elsa Conde (Grupo Parlamentario de Alternativa Social Demócrata) introduces the [Initiative for industrial cannabis or hemp](#). It would reform and add several clauses to the General Health Law and Federal Criminal Code, and explicitly highlights the fundamental difference between cultivation of the plant for industrial and recreational purposes. It also points to the incongruence of legislation that allows Mexico to

import and sell hemp products such as paper, fabric, cosmetics, rope or oils from its principal trading partners (NAFTA and EU), but effectively bans their production because the plant is illegal in Mexico. This meant Mexico was missing an opportunity to develop a variety of economic sectors.

August 2009: implementation of the [Small-Scale Trafficking Law](#), which defines maximum limits for drugs exempt from prosecution. It amends the General Health Law, the Federal Criminal Code and the Federal Criminal Procedures Code. Under the new law, a person can possess up to 5g of marijuana for personal consumption. The law also guarantees that only after three detentions can a person be ordered to undergo obligatory treatment.

[TNI's analysis](#) suggests that while this law does represent progress, it also poses substantial risks for the country in the area of drug policy. While the law in theory decriminalises consumption of illegal drugs and establishes two distinct legal universes – one for users and one for traffickers – it has the disadvantage of not being part of an integrated public health policy and not respecting human rights. Other positive aspects of the law include the ending of obligatory treatment for non-addict users, the establishing of guidelines for authorities regarding policies for risk and harm reduction, and the recognition and sanctioning of the use of some substances in ceremonial and cultural contexts. This latter point is essentially an acknowledgement of Mexico's status as a multicultural country.

Among the negative consequences of the law are its criminalisation of an immense group of people who are small-scale vendors, but are not linked to organised crime. Many of them are simply unemployed, and putting them behind bars only increases overcrowding in prisons without reducing the amount of drugs available on the street or improving public security. The legislation does not specify how users may obtain the quantities of drugs specified and the maximum amounts do not correspond to the reality of the drug market on the streets. For a more extensive critical analysis of the law, see the [TNI-WOLA report](#). The [United States](#) once again reacted with concern to the Mexican legislation.

September 2009: Mexico's Supreme Court issues a judicial ruling concerning the treatment of addicts under the small-scale trafficking law. The court states that they should be treated not as criminals, but as patients. This decision strikes down [Article 199](#) of the Federal Criminal Code, a clause that discriminates against those deemed to be addicts caught with personal amounts of drugs – those not deemed to be addicts are released on the understanding that they will seek rehabilitation. The court says that right of people who are ill comes before criminalisation.



February 2010: The Conde Initiative for medicinal marijuana. The initiative proposes the right to safe and legal access for people who have health conditions that require marijuana use. The state is responsible for meeting this need through the special production of cannabis.

February 2010: The UNODC recommends that the Mexican government implement a national system of drug courts. Under

this system, drug addicts who commit minor crimes would receive treatment for rehabilitation instead of being tried and sent to prison. These courts operate with normal legal procedures against an alleged offender, but such hearings are suspended before the sentence is handed down, “and the accused is told that the court has demonstrated guilt, but offers an alternative to be treated as someone who is sick.”

The system, which is often used in the United States and other Latin American countries, is being applied in the city of Ciudad Juárez and Nuevo León under the Mérida Initiative, but it could be extended to the states of Baja California, Querétaro and Chihuahua, which also have legislation that would allow for application of the system. Some Mexican observers believe that adaptation of this [typical US model](#) might not be right for Mexico because:

“Drug consumption is permitted in Mexico ... by letting these courts offer a ‘suspension’ of a jail sentence for treatment, abstinence or anti-drug testing, the system makes drugs and not the crime the object of control, creating extenuating circumstances for the committing of crimes and aggravating circumstances for consumption of drugs.”

April 2010: Congressman Víctor Hugo Círigo (Convergencia) presents [legislation to legalise medicinal and therapeutic use of marijuana](#), which would mean reforms to the General Health Law and Federal Criminal Code. This bill would allow marijuana to be used as a local anaesthetic and to treat multiple sclerosis, glaucoma and joint inflammation, as well as providing other medical benefits. The bill states that an individual would be permitted to buy 5g dosages of marijuana at a time – up to a monthly maximum of 40g – of cannabis sativa, indica and americana, or their resin. In special cases with a doctor’s prescription, patients could obtain larger quantities, but the limit would be 100 grams per month. It would be illegal to possess more than 25 grams for personal use, consume in public, sell marijuana in unauthorised shops, import or export it, or advertise it, unless this is done by the government. The federal government would be in charge of regulating cannabis cultivation, as well as the production and distribution of medications based on the plant. [Congressman Círigo’s proposal](#) “denounces the lack of effectiveness of the current system of control and proposes measures for risk and harm reduction for cannabis users by regulating consumption.”



May 2010: US President Barack Obama’s administration announces changes to the Mérida Initiative. Funds are earmarked principally to combat police corruption, pushing the armed fight to a second tier.

August 2010: Mexican and international press highlight a large number of assassinations caused by the war on drugs in Mexico. This sparks debate on the effectiveness of the war on the cartels launched in 2006 and widens discussion on the decriminalisation of drugs. For the first time, President Calderón publicly accepts that legalisation is an option for dealing with organised crime.

A year later, after a massive attack in Monterrey that killed 52 people, President Calderón would talk about “market alternatives,” which was interpreted as a euphemism for “legalisation.” Calderón said that “while people in the United States continue to consume drugs, the violence in Mexico generated by drug trafficking would be much harder to stop.”

September 2010: the Supreme Court rules in favour of the recent reform to the General Health Law that includes a table establishing the quantities of drugs considered legal for personal consumption and for which a person cannot not be brought to trial. This table is included in [Article 479 of the small-scale drug law](#).

April 2011: the Federal District approves several reforms to the [Organic Law of the Superior Court](#),

the Criminal Procedures Code and the Health Law. One consequence is that cases involving the sale of small quantities of drugs can now be dealt with by courts and local district attorneys' offices. The Attorney General's Office reports a dramatic proliferation of points where drugs are sold in the Valley of Mexico. Concerning the reforms, the legislative proposal added a paragraph to Article 51 of the Organic Law of Superior Court of the Federal District that called for courts for minors to recognise this crime. The Federal District government began applying [measures against small-scale sale of drugs](#) in August 2012.

July 2012: after being confirmed as Mexico's president-elect, Enrique Peña Nieto signals that he is open to a debate on legalisation and regulation of marijuana in order to wipe out the industry's economic benefits for the drugs cartels. He makes it clear, however, that he does not believe such legalisation is an alternative for Mexico.

October 2012: after originally being introduced for debate by Congress in August 2010, President Calderón signs the Federal Law for Prevention and Identification of Resources from Illicit Origin, or the '[law against money laundering](#)' as it is more popularly known. This controversial law's objective is to combat and weaken organised crime. Strongly criticised when first proposed, it draws fire particularly from notary publics who claim that it would expose them to revenge attacks by criminals. According to researcher [Edgardo Buscaglia](#):

“this law is incomplete, because it does not comply with diverse recommendations from the Financial Action Task Force and is noteworthy because it was published at the end of a government that witnessed an exponential expansion of criminal groups.”