Drug Policies and the State: A Mitigation-of-Risk Policy Appraisal

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This research received funding support from Open Society Foundation within the frame of the Drug Policy Program (DPP) at CIDE. For more information please visit

http://www.politicadedrogas.org/PPD/

We thank a number of researchers and collaborators of the DPP. Their names are kept reserved but the authors take full responsibility for any mistake in the document.

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ABSTRACT

How can we define the illegal-drug problem in a way that exposes the citizenry to the least risk possible? After a long period of studying the consequences of problem definition in producer and drug-trafficking countries, we have found no clear benefits in consumer countries, which in fact assume a huge social and economic cost. While there has been some debate around the need for a different strategy—perhaps a regional approach—no alternative has emerged. Rather, the strategy accorded in the last Special Sessions of the United Nations General Assembly on the World Drug Problem (UNGAS, 2016), has gained political support.

This research attempts to structure a policy definition regarding illegal drugs. This definition discards two key assumptions in the debate: (i) that drugs can be scrapped from the face of earth, and (ii) that certain drugs are inherently bad for individuals and society, and should hence be illegal. We argue that defining a problem based on these assumptions is not only imprecise and incomplete, but has yielded a number of collateral problems that are intrinsically associated with the definition of the problem itself.

In this work, we propose a new drug-problem appraisal with the State serving as a risk-buffer. Indeed, we deconstruct the drug problem in a way that outlines how States can buy-in risk from society at large, borrowing ideas and methodologies from policy-analysis literature in order to develop a theory of change. We began this project by proposing a problem definition and later discussing it in a series of focus groups that gathered experts on various topics. From this exercise, we drew information to complete and develop a more sophisticated proposal and then examined the problem in terms of specific objectives, which has yielded information as to what the State needs to do. As such, we were able to undertake a *mitigation-of-risk* appraisal of illegal drugs.

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INTRODUCTION

How can we define the problem stemming from illegal drugs in a way that exposes the citizenry to the least possible risk? This is the main question we have used to develop an alternative understanding of the drug problem. A fundamental premise in policy studies is that a problem's definition affects subsequent phases of the policy process. The design, implementation, and evaluation of a policy is based on the principles and values posited by those people and groups who have at some point pushed the State to take action against what was once defined as a public problem.

While problems are always social and political constructions (Cobb and Elder 1983, Baumgartner and Jones 1993, Kingdon 1994, and Peters 2005), some are more difficult to define than others. In this research, we start from the idea that drug problems are inherently wicked. "Wicked problems" have no clear solution and therefore lead to no clear policy package (Rittel and Webber 1973, Head and Alford 2015, and Peters 2015). Making this clear has served to avoid one-size-fits-all policies and has helped unveil the challenges that have arisen in tackling the drug problem due to the way it is considered an international phenomenon in which no central authority can address the situation as a whole.

In response to the challenge, we have worked to define an appraisal of the drug problem that considers the characteristics of a wicked problem. We have used a Problem and Solution Tree (P&ST) technique to aid our discussion with many experts in the academic and policy-making field in Mexico. This first exercise has involved an obvious country bias, but we believe the framework is flexible enough to be applied in other countries, especially in the Americas.

In this mitigation-of-risk appraisal to face the drug problem, the State seeks to reduce risks for the citizenry. This perspective is not entirely new for States: there are many

examples in the economic and social policy sectors where the State buys-in risk from private interactions, specifically when private actors cannot be fully controlled (Moss 2002).

The document is structured as follows. First, we briefly explain the context of the policy definition. In this part, we argue that, given the complexity of societies, the State must assume two contradictory functions—becoming increasingly complex and robust in terms of its technical capacity while refraining from completely taking over the natural processes of social change—in order to shift toward reducing risks for all citizens. Subsequently, we discuss the idea of mitigation-of-risk policy appraisal and how this appraisal may help structure the drug problem in a way that guides alternative policy making. We then outline the general research we have used to produce and refine our policy appraisal. Finally, we discuss how this policy framework can guide further policy making. We believe it is flexible enough to accommodate different countries' priorities while providing an underlying notion of the possible role of the State, which can ultimately reduce risks for its citizens.

COMPLEX SOCIETIES

In a complex society, the State must assume two contradictory functions. First off, the State must become increasingly complex and robust in terms of its technical capacity to understand the social processes in which it aims to intervene. To this end, its public-policy processes must be specialized and professionalized. Secondly, the State must give up on completely taking over the natural processes of social change. To achieve this, it must recognize the limits and scope of its interventions and concentrate on reducing risks for citizens. Interventions at their best should be more surgical—aimed at defusing potential catastrophes—but above all, they should aim to protect citizens from the risks that social complexity entails.

In order to begin to understand the above paradigm shift and define the public problem necessitating a drug policy, one must hone in on the very definition of modern society. Modern society is complex and risk filled (Beck 2006 and Thierney 1999). Indeed, risks are inherent to this society's complexity. Modern society is not just divided into the

State, politics, and the market. Rather, modern societies operate a complex structure that is subdivided into multiple dimensions with their own internal logics (Luhmann 1997 and 1992). Not only does the market espouse its own rationality while politics follows its own guidelines. Rather, almost all dimensions are now social, making every dimension of daily life subject to different criteria of operation and rationality. Politics finds new space in the private, while the private is discussed and resolved as a political issue. At the same time, the market logic obeys its own criteria of operation. Meanwhile, sciences, the arts, and medicine embody social systems that are maintained within strict and autonomous criteria.

It is in this fragmented, social environment that complexity produces uncertainty and risks. First off, uncertainty emanates because perceiving the results of each *societal* sphere becomes very difficult. It is not only impossible to understand how each of these systems will develop in the future, but it is also difficult to intervene in those systems with the certainty of yielding the expected results. Moreover, the fragmentation of society makes it difficult to construct an observation of the whole, as a whole. For a State, which has been recently assigned as the "person" in charge of providing social processes with unity and identity through interventions and policies, the goal is no longer to achieve a vision of unity for the social whole. Risks increase because the State's greater complexity increases contingencies as well as the emergence of the improbable. In this sense, intervening implies increasing the risks, and stronger interventions would strengthen the impact of those risks.

Since the State needs to specialize in specific policies, the professionalization of the policy-making process—from constructing the problem to devising evaluation mechanisms—must encourage institutions to face the complexity of societal spheres. Further, the State must adopt a paradigm shift to take on the role of mitigating risks for citizens.

MITIGATION-OF-RISK POLICY APPRAISAL

Problem definition has been recurrently debated within policy studies (Dery 2000, Peters 2005, Stone 2007), partly because, while some problems are easy to understand and elicit very little social controversy, other topics, such as drugs, are what policy students call ill-defined problems (May 1991) or consider wicked problems (Rittel and Webber 1973, Head and Alford 2013, and Peters 2015). The features of wicked problems are hard to define—they are socially complex and politically contested; they are multi-causal and interconnected with other spheres of life and society; they are often unstable across geography and time; there is no clear solution to them; and there is therefore no clear policy package to address them. If we add the absence of a central authority, such as the United Nations' authority over other countries, and consider that the actors solving the problem may also be causing the problem, just imagine countries where the State has been captured by criminal organizations. In these cases, the problem is considered a super-wicked problem (Peters 2015). Drug problems seem to fit in the super-wicked category well, and it would be hard to conceive a general definition to elicit a one-size-fits-all policy. Therefore, a broader definition is needed to capture the many facets of this problem and consequently call for a different role of the State in mitigating the risks that citizens experience due to drugs. This different approach could yield national and local interventions to address the problem's true heterogeneity.

Public policies are creatures of the State. The whole policy process, from the problem definition to policy evaluation, takes place under the auspices of the State, including the principles and values that forge its organizations as well as the agents allowed to collaborate in it (Evans, Rueschemeyer, and Skocpol 1985). Consequently, policies are somewhat designed according to the politically and socially constructed problem they aim to address (Cobb and Elder 1983, Baumgartner and Jones 1993, Kingdon 1994, Peters 2005, and Subirats et al. 2008). As such, we could change how the drug problem is conceived and therefore open up a search for different policies, such as those aiming to reduce unnecessary risks—including those stemming directly from drug consumption or indirectly from current drug policies.

In the last 60 years, drug policies have been constructed along two basic lines. Both are compatible with, although not exclusive to, the drug-prohibition paradigm. A first type of policy, which is mostly present in developing countries, is security policy. Illegal drug problems are seen as a matter of national security and therefore elicit strategies to repeal this danger, with strategies including the strengthening of the police and other armed forces that can eliminate the market or minimize its size. This type of policy is clearly observable in countries that have historically been considered drug producers or traffickers. Such policies have been implemented within the international cooperation system under UN agencies or bilaterally promoted with the aid of the United States in the region of Latin America, for example.

A second policy type is one often called harm-reduction policy. In many cases, this other policy type lies within the prohibitionist paradigm but does not exclusively belong to it. Harm-reduction policies aim to address drug problems from the perspective of consumer health. Persons who work in the health sector would easily fall under this paradigm, promoting policies that address drug abuse and addiction to diminish inherent risks for users. Drug consumer countries tend to analyze the drug problem through this perspective.

These two policy types do not exclusively lead to a prohibitionist approach. However, we argue that they both focus on a classical notion of a market with well-defined subjects of interventions—such as suppliers and consumers—and therefore neglect other related consequences or externalities affecting society and country development in general. In addition to the latter, these two types of policies being implemented under prohibitionist paradigms have produced additional problems that impose unnecessary risks for both sets of actors: those participating directly in the drug market but also those who do not participate in it.

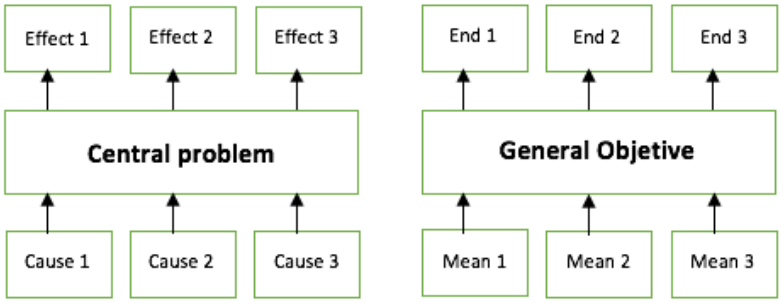
In terms of policy problems, an argument can be made that today's institutional response poses unnecessary risks for the citizenry. In other words, drug consumption and the ways in which States are currently addressing the phenomenon create additional costs and fail to meet even its most basic targets, such as diminishing drug use and problematic consumption.

Thus the need for an alternative view we may call mitigation-of-risk policy appraisal. In perspective, the State and its organizations are called to address the phenomena in a way that considers the effects for the actors in the market but also other related and now very well known consequences that indirectly affect other spheres of society. The next section explains these views and the method used to reach our conclusions.

PROBLEM DEFINITION: THE METHOD

Problem definitions are always a contested sphere. Political and ideological biases intervene in ways that affect what society coins as the problem, its causes, and its consequences (Stone 2007). To work with such nuances, an open but structured method is required. We have decided to organize the collection and analysis of data under the guidance of the Problem and Solution Tree (P&ST). This technique serves to define a problem in terms of both its effects (or consequences) and its causes. The Problem Tree considers several sources, such as available literature and expert insights. A second tree is then logically derived from the problem tree. This second tree is called the Solution Tree, or the Objective Tree. The aim of this exercise is to accrue the key elements of a policy. The main advantage of using the P&ST technique is that its policy-design steps are clearly and logically attached to the definition of the problem.

Figure 1. Problem and objectives tree



Source: Compiled by the authors

We have not yet reached the point-policy design process, but we have accrued a set of indicators to understand how the problem affects several countries in America. For the purpose of this paper, we will only present the theoretical discussion.

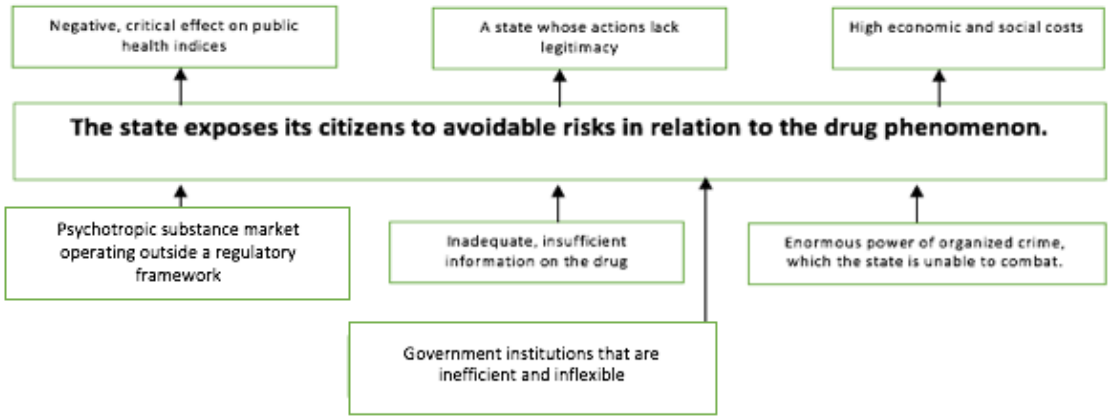
We have worked with the P&ST technique in three phases. During the first phase, we grouped a small number of academic experts in different areas and disciplines to discuss the question "What is the problem with the phenomenon of illegal drugs?" Several discussion sessions took place until we had a first draft of the problem tree. During the second phase, each academic expert was asked to explain which theoretical mechanisms existed to tie the causes to the central problem, and the problem to its consequences. A short paper was produced with the available empirical evidence. The third phase involved testing this problem tree. Twelve focus groups were organized around the topics yielded under the previous exercise: health, violence, delegitimized State, market regulation, and social costs. In the focus groups, and for each subject, the discussion revolved around three topics: 1) the construction of a conceptual framework for the public problem, 2) policy objectives, and 3) the selection of monitoring indicators. In this phase, using purposive sampling was crucial for the selection of the 54 participants. Purposive sampling is designed to select participants based on expertise and experience. In this case, we aimed to ensure the highest possible number of points of view on the selected topics. The focus groups were designed to have a maximum length of 120 minutes and were conducted during the months of April and July of 2016.

Once the focus groups concluded, a small core team of researchers analyzed the data under the first problem tree draft. This helped refine our arguments and fill in possible theoretical or empirical voids. The subsequent sections provide the results of the process as a whole.

TESTING THE MITIGATION-OF-RISK POLICY APPRAISAL

We define the problem as an institutional arrangement that currently exposes the citizenry to avoidable risks. We first provide evidence of the effects on the public, followed by a description of the reasons why the State fails to provide a more appropriate institutional framework.

Figure 2. Problem Tree



Source: Compiled by the author

The Effects of an Institutional Arrangement that Harms Citizens

The current institutional arrangement in the field of illegal drugs exposes citizens to avoidable risks. As a result of the situation, effects are observed in at least three dimensions:

a) Public health
b) A delegitimized State
c) Social and economic costs

Each of these is reviewed below.

a) A Negative, Critical Effect on Public Health Indicators

The institutional arrangement that States enact in response to the drug phenomenon is shaped by a prohibitionist perspective. One effect associated with this view is that the State systematically fails to deal with risks that are entirely avoidable. Some of these effects are inherent to the use of illegal substances, as with any other substance that alters the normal parameters of reality. However, unlike legal substances, which we allow as a society, the effects of illegal substances are not controlled by the State. There is no expectation for the State to deal with these effects; rather, there is a strong incentive for government and security institutions to undertake actions that increase citizens' vulnerability.

Inaction is part of the prohibitionist policy, with negative effects and costs for society. For example, within the current framework of institutions, the supply of illegal drugs is subtracted for profit only, while the State fails to provide mechanisms to reduce the risks of using illicit substances. The State is totally incapable of maintaining a market that offers sufficient information for users and establishes basic rules for the production and distribution of these substances. The State systematically avoids issues related to production processes and quality control. This increases health risks for users, since there is no information in the market on the dosage or potency of substances. It is currently impossible to determine the impact of illicit substance abuse on health, since many problems are associated more with low safety levels than with the use of the product as such.

Instead of addressing these issues, the State criminalizes actors in the illegal drug market. This puts consumers in an extremely vulnerable situation, along with producers and all other sectors of the market, creating a chain of social costs that are difficult to quantify and are usually hidden from the eyes of the State and society as a whole. For example, the State does not distinguish problematic users who require specialized care from alleged criminals, who should be taken to the state prosecutor's office. Nor does it distinguish between types of consumers and the kinds of treatments they require according to the type of substance they use. This means that overdose deaths are latent in the population using

illegal drugs, which is an avoidable risk. In the United States, for example, in 2010 alone, 16,651 opioid overdose deaths and 3,036 deaths from heroin overdose were reported.

With a policy based exclusively on the prohibitionist approach, appropriate care for those with frequent or problematic drug use is restricted. Within this market, the use of therapies and practices that have proved effective in countries where there is a regulatory framework is either limited or restricted (Madrazo and Zwitser, undated), with the dissemination of safer practices (harm reduction) likewise avoided. Both the World Health Organization (WHO) and the Joint United Nations Program on HIV/AIDS (UNAIDS) note that there is a strong causal link between injectable drug use and the prevalence of infections such as HIV, hepatitis B, and hepatitis C as a result of high-risk practices among users of this type of substance. Practices such as those implemented in Canada and the Netherlands, to cite two examples, involving care and assistance centers with information on risk reduction for people who use drugs via parenteral, are limited by the way the phenomenon of illicit drugs is currently defined.

b) A State Whose Actions Lack Legitimacy

The State is facing a crossroads regarding illegal drugs. The international regime's decisions in regards to the phenomenon of illicit drugs have elicited counterproductive results, while proving extremely expensive for the State's performance. A recent report drafted by the International Drug Policy Consortium suggests that the drug war has largely kept us from reaching the Millennium Development Goals (IDPC 2010). Accordingly, the new 2030 Agenda incorporates a new objective to promote peace, justice, and inclusion while strengthening government institutions (UN Resolution 70). Institutions currently designed to combat drug use have achieved precisely the opposite: more violence, less peace, less justice, more exclusion, and the imminent delegitimization of the State. This means that there is an even more urgent need to heed the call Ban Ki-moon once made: "Our work to achieve the Millennium Development Goals and to combat drugs must go hand in hand" (June 22, 2010, Vienna).

The fight against drugs as we know it today has weakened the State in at least two ways. Contrary to its stated objectives, it has triggered more violence, and State agencies

have succumbed to the complex networks of the de facto powers. Prohibition has created black markets whose revenues are counted by the thousands percent (Chambliss 1992, Nexos 2010, Caulkins 2014, and Atuesta 2016b). In Mexico, the market value of the drug trade, as estimated by González-Ruiz (2001), is $25 billion USD,[1] or 6 percent of the country's gross domestic product. Markets with this level of earnings provide advantages to criminal groups in strategic areas of the State, which are infringed upon through coercion. Whereas, in conventional markets, companies influence State policies legally through lobbying, which is generally regulated and monitored through accountability mechanisms, criminal organizations' campaigns of influence have no regulatory framework. Since they are not mandated by legal proceedings, they constitute acts of corruption with a significant cost for governance. This goes beyond the buying of consciences or the acquisition of parts of the State at the service of organized crime, as happens with the police and the military (Dijk and Buscaglia 2003, 11; Castillo and Valencia 2011; Morris 2013, 198; and Vertiz 2015), but also involves coercion through psychological techniques, such as fear or threats, and physical techniques, such as murder and kidnapping, among many others (Morris 2013, 196).

Second, the State works with limited public resources and different policy areas that technically compete for this funding. A resource earmarked for a specific sector or issue involves opportunity costs that are sometimes difficult to calculate. The particular case of the prohibitionist strategy based on law enforcement implies that the State has channeled funds into activities to combat organized groups in the drug-production, transport, and sales chains (Melis and Nougier 2010). Calculations on the spending in this sector vary widely according to the consulted source. On the one hand, it is estimated that spending in Mexico during the five years of Felipe Calderón's presidency was equivalent to 533 percent

[1] The quote mentions $25 trillion USD, but the discrepancy in numbers stems from the difference between the Anglo-Saxon and Latin system for counting these figures. *Un billón* means one million million, which is one trillion in English.

of the expenditures on science and technology in 2011 (Flores 2011). Other data shows that this figure may hover around $9 billion USD (Atuesta 2016).

c) High Economic and Social Costs

The current prohibitionist policy associated with illicit drugs has created a range of problems with a considerable social and economic impact. In the Mexican case alone, there is a growing trend in the perception of insecurity among citizens in their most immediate spheres, such as their municipality and neighborhood, where rates of 65.1 and 45.4 percent, respectively, have been reported. Meanwhile, at the State level, this perception reaches 72.4 percent (INEGI 2016). This is partly due to confrontations with organized crime and a security strategy that favors the use of physical violence and firearms to stop or contain illegal activities. A useful indicator in this respect is the figure of 32.4 civilians killed for every soldier, suggesting a high degree of lethality and excessive use of force (Perez-Correa et al. 2012). The increase in crime rates can partly be explained by criminal organizations' efforts toward economic diversification as a financial strategy. According to estimates by Global Financial Integrity (2011), cited in the news outlet *Animal Político* (2016), it is estimated that criminal organizations' main activities are drug trafficking ($320 billion USD), immigration-document forgery ($250 billion USD), human trafficking ($31.6 billion USD), illegal oil sales ($10.8 billion USD), and wildlife trafficking ($10 billion USD). Moreover, due to criminal acts and the prohibitionist policy itself, which treats those carrying even small amounts of illicit drugs as criminals, the prison population has grown at an unsustainable rate. In the United States alone, the prison population has increased by 46 percent in the State system and by 50 percent in the federal system now that the law imposes penalties on drug carriers and users (Human Rights Watch 2015). The damage that families sustain due to imprisonment has far outstripped the alleged damage inherent to drug use or possession.

As a result of the growing market for illicit drugs and its ensuing violence, a reduction in life expectancy of over 2.23 years has been observed in the case of Colombia (Soares 2006), whereas in the case of Latin America, the loss is 0.6 years, according to the same

source.[2] This is largely due to the turf wars between criminal gangs and clashes with the police or military forces seeking to eliminate production and distribution channels. In this context, young people constitute one of the most vulnerable groups. Criminal groups implement recruitment programs that systematically target youths, who are then forced to take part in the drug business. For example, young people are actively involved in drug distribution at the micro level (schools, neighborhoods, bars, markets), leading them to leave school to devote themselves to these activities full time, thereby significantly exposing themselves. Moreover, surveys of Latin American countries show that the age of first drug use among young people has fallen from 15 to 12 (CICAD 2015).

The economic costs of the drug problem have several implications, some of which are direct, given the effects of organized crime, while others are indirect, as part of the negative perception of organized crime's activities, which is reflected in preventive actions. For example, in 2010, 42.8 percent of large firms in the Mexican private sector earmarked approximately 2.2 percent of their profits for private security (IFC and WB 2012). Small businesses, mainly those located in the northern states of Mexico, have been the victims of extortion, which has discouraged the setting up of new businesses (Correa-Cabrera 2011). The INEGI victimization survey (2011) estimates that victims of crimes such as kidnapping or extortion, which are often related to organized crime, have suffered losses of nearly $12.9 billion USD, while company production value fell by about 3.6 percent due to theft and vandalism.

At the same time, the excessive violence stemming from taking on various forms of armed combat against organized crime leads to economic and investment losses, higher spending on security, and tangible material losses. Other less tangible costs that have a great impact on development include the loss of quality of life, the social anguish caused by a violent environment, the loss of confidence in institutions, and the cost in human and social capital (Robles Calderón and Magaloni 2013). Violence in this case inhibits development, economic growth (Melis and Nougier 2010, 4), and social cohesion (Schedler

[2] The author's calculation is based on the statistics compiled by the World Health Organization for the 1990s.

2014) in that it jeopardizes the government's efforts to achieve greater development (Byrd and Ward 2004 and Guzman et al. 2014) and even the objectives of the Millennium Development Goals (Melis and Nougier 2010).

Violence has escalated to levels similar to those of an internal armed conflict ("Organized crime and violence" focus group, CIDE Santa Fe, June 13, 2016). According to the Global Peace Index (2016), the estimated cost of violence is equivalent to 13.3 percent of world GDP. In Latin America and the Caribbean, the distribution of the total cost of violence in the region mainly falls under violent crime, accounting for over 50 percent, with domestic security issues being responsible for 30 percent.

The use of public resources to support the militarized strategy to combat organized crime, and the hijacking of State institutions by criminal groups, are the main factors behind the growing decline in citizens' confidence in State institutions (World Value Survey 2014 and Latinobarómetro 2015). The government's inability to respond to acts of torture, cases of enforced disappearances, and rising crime and homicide rates ultimately increases distrust.

Although the risks associated with the criminalized market of psychoactive substances behave differently in each world region (whether producers, transit regions, or users), their intrinsic effects can be observed in the three dimensions identified here. The new institutional arrangement must therefore promote three goals to reduce these risks, namely: 1) low social and economic costs, 2) improved public health indicators, and 3) a State that upholds high levels of legitimacy.

Why the State Fails to Protect its Citizens

In order to identify the reasons why a State fails to protect its citizens, a large group of experts convened for an in-depth discussion[3] of the public problem linked to deregulated psychoactive substance markets after conducting a review of the literature. These analytical exercises made it possible to identify four reasons:

[3] The focus groups participant's profiles are available in the appendix.

1) The psychotropic substance market operates outside a regulatory framework that ensures State control;
2) There is inadequate and insufficient information on the drug phenomenon;
3) The enormous power of organized crime, which the State is unable to combat;
4) Government institutions are inefficient and inflexible in response to the drug phenomenon.

1) Substance Markets Operating Outside An Appropriate Regulatory Framework.

Insisting on maintaining markets whose regimes focus exclusively on prohibition is one of the main factors that increase vulnerability, as explained in the previous section. The way a large segment of society has traditionally reacted to the issue of drug regulation, from the point of view of public policy, has paradoxically gone against public interest. "Deregulated" markets cause violence and create a complex system in which uncertainty and chaos prevail (Focus Group "Deregulated Markets Part 3" CIDE Santa Fe, July 11, 2016).

Some examples of this are the constant turf wars between organized crime and the abuse to which drug users are subject on the authorities' behalf as a result of being precategorized as criminals. From the logic of a market with inelastic goods—namely, when demand does not depend on price—as is often the case with drugs, greater repression produces worse results than if drugs were regulated and taxed (Becker, Murphy, and Grossman 2004). In other words, the economic logic surrounding the black market for drugs behaves in a way that is often difficult to predict for the purposes of public policy. This makes one wonder whether the prohibitionist arrangement will ever enable the State to earn revenue and at least marginally control production, distribution, and consumption. Without the above, society as a whole becomes more vulnerable.

At the international level, a series of institutional reforms have been implemented for certain drugs, such as marijuana. This is the case of several states in the United States, and Uruguay as a country, that have recently approved the recreational use of marijuana. The trend toward legalizing this drug in certain parts of the Americas is an important aspect to consider in the reformulation of the official discourse on drugs. In this respect, the existence of a regulatory framework should be assessed from the perspective of its ability to protect the human rights of users and of society as a whole.

2) Inadequate and Insufficient Information on the Drug Phenomenon.

The quality and quantity of information available on the market and on effects of drugs are insufficient to make strategic decisions and design evidence-based policies. In other words, in order for governments to implement public interventions to solve drug-related problems (addiction, overdose, insecurity, etc.), basic inputs providing information and data are essential.

Despite the efforts of scientists and various organized groups, scientific information on the effects of illicit drugs is currently limited and insufficient when it comes to generating the minimal knowledge base required to address the problem more objectively.

Given the dominant paradigm of prohibition and eradication, users without information are exposed to health risks due to the short-, medium-, and long-term effects of drug use. Similarly, because this is a highly stigmatized issue in society, prevention campaigns often fall short, since they fail to provide a deep understanding of the subject. According to the European Monitoring Centre for Drugs and Drug Addiction (2014), in recent years, a trend has been recorded in the emergence of new psychoactive substances (NPS). The NPS market has increased because of the high costs of illicit drugs coupled with users' need to find substances with similar effects at a lower price, exposing users and increasing health risks. However, little is known of their effects and composition. Without sufficient, adequate information, and without the will to generate more objective knowledge, it is impossible to mitigate the risks society will experience by being exposed to a market that currently makes decisions based on high doses of prejudice and stigma coupled with low amounts of evidence.

3) The State is Unable to Reckon With the Force of Organized Crime

Organized crime, particularly drug trafficking in the Mexican case, is closely linked to violence. Violence performs various functions. For example, it can be considered a means for economic purposes, but it can also be a channel for asserting power and even defining an identity in relation to other groups (Williams 2009). For the purposes of this document, Galtung's meaning of violence (1968) is adopted: violence is any act exercised by other people or organizations that limits the physical and somatic potential of people. The

capacity for violence among criminal organizations increases as a result of their operating structures and capital flows, which in turn provide strategic advantages over the State, which competes with them for hegemony over entire regions. In Mexico, for example, the market value of drug trafficking is equivalent to 6 percent of the country's GDP (Gonzalez-Ruiz 2001) and estimated at approximately 1.5 percent of world GDP (UNODC 2009). To put this in perspective, according to data from the World Drug Report (UNODC 2016), global coca cultivation amounted to 132,000 hectares, with average annual growth of 10 percent, while the marijuana market (resin and grass) amounts to 7,267 tons, with average annual growth at 6 percent. The problem becomes even more complex if we consider that these groups have acquired transnational dimensions. Despite the lack of official data from international organizations, according to journalists and independent media sources, it is estimated that nine organized crime groups, with 37 allied criminal cells, operate in Mexico (*Animal Político* 2016), although recent outburst of information estimates the number have grown since the beginning of the so-called War on Drugs. The number amounts are around 200 organized groups operating in the Mexican territory (Atuesta, 2016a)

Accordingly, police and military forces have failed to dismantle organized crime groups, since this requires skills and tools they lack (UNODC 2012). Organized crime is therefore both a cause[4] and an effect, and in the sense of public policies designed to reduce risks, it is essential to address the enormous power of organized crime as one of the causes that inflict damage on society and the State.

4) Inefficient and Inflexible Government Institutions

In the annual allocation of public resources for military spending, mainly in developing countries, States channel resources into addressing the fight against organized crime without providing revenue, since this is not considered a public investment (Meza, undated). This is no small matter. Combating organized crime, which is often regarded as a national security issue, encourages the discretionary spending of resources under the guise

[4] Understanding organized crime as a cause and effect involves going back in history in order to understand these groups' trajectories and the way their roles have evolved over time.

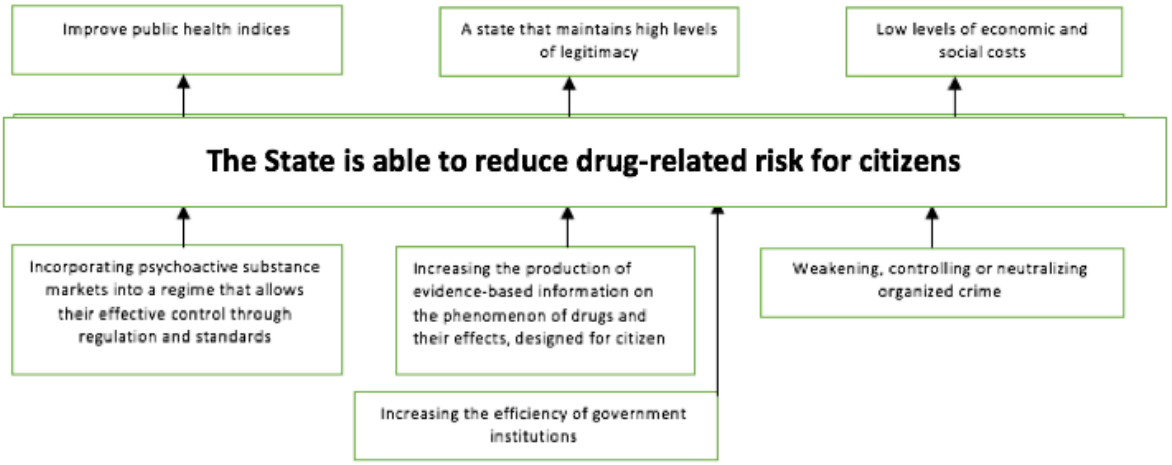
of a "State secret." As such, its results often evade public scrutiny. The lack of accountability in terms of results and transparency (availability of information) has led to widespread civil unrest, increasing the perception of corruption in State institutions. In the Corruption Perception Index, countries with acute organized crime such as Colombia, Mexico, Afghanistan, Turkey and Iran, to name a few, get low scores (Transparency International 2015). Another indicator showing the ineffectiveness of government institutions is the unsentenced prison population. In Mexico, for example, 39 percent of prisoners under local jurisdiction have not been tried, and in areas falling under federal jurisdiction, which includes most offenses linked to organized crime, this figure rises to 50.2 percent (México Evalúa 2013). Likewise, in the rest of Latin America, law enforcement is similar to Mexico's. According to the World Justice Project's Rule of Law Index (2015), only Costa Rica, Chile, and Uruguay have scores of between 0.55 and 0.58[5] in terms of criminal justice (similar to European countries such as Hungary and Romania).

A POLICY AGENDA TO MITIGATE RISKS

The current drug problem definition and its policies expose citizens to avoidable risks. In order to design a set of actions and policies whereby the State could reduce these risks, the definition of the problem described earlier needs to take on a new shape. The objectives tree (see Figure 3) depicts the phenomenon from a proactive perspective that can guide the State's actions. In this case, the main objective is to build a State that can reduce the risks incurred by citizens as a result of the drug phenomenon.

[5] According to the methodology used, the closer the value is to 1, the more satisfactorily the factors comprising the dimension are qualitatively and quantitatively evaluated.

Figure 3. Objective Tree



Source: Compiled by the author

According to the definition of the problem, this type of State is built by attempting to achieve four more specific objectives, namely 1) incorporating psychoactive substance markets into a regime that allows their effective control through regulation and standards; 2) increasing the production of evidence-based information on the phenomenon of drugs and their effects, designed for citizens; 3) weakening, controlling, or neutralizing organized crime; and 4) increasing the efficiency of government institutions. These four components are needed to build a State that reduces risks.

The following two tables describe the ends and means, as well as the components involved in the definition or work for each dimension. This exercise breaking down each component has been instrumental in providing the most accurate definition of the indicators that could contribute to building a system to monitor countries' performances regarding the risks their citizens face as a result of the drug phenomenon and the institutional arrangements their States provide.

Table 2. Ends

End 1: Improve public health indicators	**Directly related:** Direct impact on the health of illegal drug users, which would pose a health risk in the event of an upward trend.
	Indirectly related: Conditions that pose a potential risk to individuals' health in the absence of State interventions for harm reduction.
End 2: Low levels of social and economic costs	**Acts of violence:** Acts that affect public safety and personal peace exerted in a violent way (physical or mental) and/or lead to death.
	Social costs: Collective costs include (1) those that affect the construction of social reality regarding the drug phenomenon and (2) the impact of a drug policy that criminalizes citizens. At the individual level, this includes life expectancy as per the inherent risks of the drug phenomenon.
	Economic costs: These include (1) the costs of the violence generated (in part) by the fight against organized crime and (2) the costs to productivity and competitiveness in labor markets.
End 3: A State that maintains high levels of legitimacy	**Perception of legitimacy:** The social support that exists for government actions exerted within a democratic regime.
	Acts that undermine trust: acts that reflect the State's inability to uphold safety in society.

Source: Compiled by the authors

Table 1. Means

Means	Components
Objective 1: Incorporate psychoactive substance markets into a regime that permits their effective control through regulation and guidelines	**Appropriate regulation:** A public debate on the topic of psychoactive drugs and decision making based on scientific evidence on the subject could promote the adjustment of countries' regulatory frameworks.
	Institutions: Having appropriate regulation is expected to include economic, social, and political considerations within each country's institutions.
	Fiscal use: Generally, this refers to tax collection. Specifically, this involves evidence of revenue and its use. This is derived from the regulation of drugs previously classified as illegal.
Objective 2: Increase the production of evidence-based information on the drug phenomenon and its effects for the use of citizens	**Social Communication:** the way society is informed on the use and effects of drugs largely shapes public opinion and perceptions on them. Campaigns must therefore be based on objective scientific evidence.
	Perception: This involves general societal impressions on drug users, regardless of whether their use is problematic, experimental, or recreational. There is currently a negative stigma, but the more scientific, evidence-based information there is, the less users will be stigmatized.
	Judicial institutions: The proper regulation of psychoactive drugs would reduce the population imprisoned for possession of small amounts, which currently accounts for a significant portion of prison inmates.
Objective 3: Weaken, control, or neutralize organized crime	**Illegal flows of resources:** One of the expected effects of the proper regulation of psychoactive drugs is the weakening of organized crime, since this would considerably decrease the revenue generated by the sale of psychoactive drugs. Another expected effect that is not directly related to proper regulation is the increase in the number of weapons seizures and the dismantling of infrastructure as part state intelligence operations.
	Organization: The existence of a large number of criminal organizations poses a greater risk to peace. Proper regulation and the consolidation of a system of institutions are expected to lead to the disappearance of some of these groups.

	Accordingly, the widespread perception of the de facto power of these groups would also decline.
Objective 4: Increase the effectiveness of government institutions	**Accountability:** Acts and networks of corruption are often linked to organized crime. Although not all corruption in public life can be attributed to organized crime, observing a decline in them would increase the credibility and effectiveness of government institutions.
	Government institutions: The effectiveness of government institutions determines the quality of government administration. As for drug policy, effectiveness can be observed in the compilation of court records and the enforcement of justice.
	Use of resources: A change in drug policy (laws, institutions) would assign a portion of the funds earmarked for security to other issues (e.g. health and education) to comprehensively address the drug phenomenon.

Source: Compiled by the authors

CONCLUSION

In modern societies, the role of the State in regulating drug policies should be considered as a paradox. On the one hand, the State must increase its capabilities to design, implement, and evaluate public policy based on evidence. On the other hand, the State must reduce the scope of its interference in social processes and become a risk-reduction agent instead. The former argument is highly significant in the field of illegal-drug issues, where the definition of the public problem faces multidimensionality and multicausality, besides the fact that the issue is politically contested and socially controversial. To date, the drug problem has been viewed as a wicked problem in a complex and risky society. In this sense, the methodologies for designing public policies should be reconsidered at every phase.

The method that has been used so far has produced more problems than solutions. The prohibitionist paradigm has brought several consequences: 1) a psychotropic substance market operating outside a regulatory framework; 2) inadequate and insufficient information on drugs effects and consequences; 3) the enormous power of organized crime, which the State is unable to combat; and 4) government institutions that are inefficient and inflexible in responding to drug-related violence. Considering the above, the State is not accomplishing its main goal of providing security in its three realms: public security, legal security, and asset security. Quite the contrary: it has produced a negative, critical effect on public health indicators; a State whose actions lack legitimacy; and high economic and social costs. In other words, the State exposes its citizens to avoidable drug-related risks.

Therefore, the way we describe and understand the problem should be reappraised. Using the Problem & Solution Tree (P&ST) technique and organizing focus groups with many experts in the academic and policy-making field has provided a suitable framework for this task. This approach has not only allowed us to avoid the main tensions between different conceptions of drugs policies, such as prohibitionist and harm reduction paradigms, but has also been fruitful in generating links among these opposite positions and other pro-regulation initiatives.

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Appendix – Focus groups participants

Affiliation	Organization/ Agency	Profile	Focus group
Director of coordination in national addiction programs	Health Secretariat	Civil servant	Pilot test
Directorate General of Coordination, Bonding, Prevention and International Cooperation	National Commission against Addictions (CONADIC)	Civil servant	Pilot test
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Pilot test
Former Director General	Institute for the Prevention and Treatment of Addictions (IAPA)	Civil servant	Pilot test
Risk and Damage Prevention	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Pilot test
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Pilot test
Coordinator of the Latin American Program for Drug Policy Reform	Mexico United Against Crime	Civil Society	Public health
Former Director General	Institute for the Prevention and Treatment of Addictions (IAPA)	Civil servant	Public health
Congressman	Mexican Congress	Civil servant	Public health
Deputy Director of Research	Institute for the Prevention and Treatment of Addictions (IAPA)	Civil servant	Public health
Congresswoman	Mexican Congress	Civil servant	Public health
Local delegate	Jalisco Congress	Civil servant	Public Health
Risk and Damage Prevention	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Public Health
Consultant	Independent	Civil Society	Public health
	National Institute of Public Health	Civil servant	Public health
Congresswoman	Mexican Congress	Civil servant	Social costs 1
Journalist		Civil Society	Social costs 1
Senator	Senate	Civil servant	Social costs 1
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Social costs 1
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Social costs 1
Conacyt Chair	Center for Economic Research and Teaching (CIDE)	Academic	Social costs 1
Institutional Coordinator	Drug Policy Program	Academic	Social costs 2
Director	Citizen Security and Peace	Civil Society	Social costs 2
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Social costs 2
Director of operational coordination	General Secretariat of Government - Est. Mexico	Civil servant	Social costs 2
Research fellow	Center for Advanced Research and Studies in Social Anthropology (CIESAS)	Academic	Social costs 2

Conacyt Chair	Center for Economic Research and Teaching (CIDE)	Academic	Social costs 2
Director	National Criminal Stoplight	Civil Society	Deregulated Markets 1
Consultant	Foundation for due process	Civil Society	Deregulated Markets 1
Lawyer	Sánchez Curiel, Conesa and Garcia Office	Private enterprise	Deregulated Markets 1
Senator	Senate	Civil servant	Deregulated Markets 1
Secretariat	Global Commission on Drug Policy	Civil Society	Deregulated Markets 1
Director	National Criminal Stoplight	Civil Society	Deregulated Markets 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Deregulated Markets 2
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Deregulated Markets 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Deregulated Markets 2
Representative-Mexico	Friedrich Ebert Foundation	Civil Society	Deregulated Markets 2
Director-General	National Institute of Public Health	Civil servant	Deregulated Markets 3
Head of Department of Research on Tobacco	National Institute of Public Health	Civil servant	Deregulated Markets 3
Secretariat	Global Commission on Drug Policy	International Organization	Deregulated Markets 3
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Deregulated Markets 3
Head of Department of Research on Tobacco	National Institute of Public Health	Civil servant	Deregulated Markets 3
	Collective for an Integral Drug Policy (CUPIHD)	Civil Society	Deregulated Markets 3
Consultant	Lantia Consultores	Private enterprise	Delegitimized state 1
General and political	Former governor of Morelos	Civil servant	Delegitimized state 1
Research fellow	Instituto Tecnológico y de Estudios Superiores de Occidente	Academic	Delegitimized state 1
Regional Advisor on Democratic Governance and Citizen Security	United Nations Development Program Latin America and the Caribbean	International Organizations	Delegitimized state 1
Consultant	Foundation for due process	Civil Society	Delegitimized state 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Delegitimized state 2
Consultant	Lantia Consultores	Private enterprise	Delegitimized state 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Delegitimized state 2
Regional Advisor on Democratic Governance and Citizen Security	United Nations Development Program Latin America and the Caribbean	International Organizations	Delegitimized state 2
Co-founder	Mexico United Against Crime	Civil Society	Delegitimized state 2
Treasurer	Mexico United Against Crime	Civil Society	Delegitimized state 2
General and political	Former governor of Morelos	Civil servant	Delegitimized state 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Delegitimized state 3
	México Evalúa	Civil Society	Delegitimized state 3
	National Institute of Statistics and Geography (INEGI)	Public organization	Delegitimized state 3

	National Institute of Statistics and Geography (INEGI)	Public organization	Delegitimized state 3
Regional Advisor on Democratic Governance and Citizen Security	United Nations Development Program Latin America and the Caribbean	International Organization	Delegitimized state 3
Research fellow	Center for Advanced Research and Studies in Social Anthropology (CIESAS)	Academic	Organized crime
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Organized crime
Conacyt Chair	Center for Economic Research and Teaching (CIDE)	Academic	Organized crime
Journalist		Civil Society	Organized crime
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Social costs 1
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Social costs 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Deregulated Markets 2
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Pilot test
Congressman	Chamber of Deputies.	Civil servant	Pilot test
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Deregulated Markets 1
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Public health
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Deregulated Markets 3
Research fellow	Center for Economic Research and Teaching (CIDE)	Academic	Delegitimized state 3