

HOT BORDERS: REGIONAL INTEGRATION AND THE NARCO – TRADE

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Introduction

Every day news, so much that its transcendence has become banal, the world increase of narcotics traffic seems an irreversible phenomena. The world demand for conscience altering legal or illegal substances is increasing and makes the appetite for stimulants, tranquilizers, hallucinogens, analgesics and other pharmaceuticals seem insatiable, all consumed with two main objectives: to recover “normality” or avoid it.

Consumers from economically powerful countries pay fortunes for each day more diverse, potent, numerous, of major purity and every time more accessible illegal drugs. The high benefits of this illegal business keep the world's organized crime interest alive, which does not stop before any obstacle or border to do its business. The illegal chain of covered activities involves: production, internal and international traffic, local distribution, consumption and money laundering. Long time ago, each one of this activities were confined on one set of countries, but now, when drug trafficking has become a global phenomena this imply that a country can be at the same time, producer, transit facilitator, consumer, and benefit launderer.

So, in parallel of a growing economic integration, illegal commerce profits borders and markets opening to smuggle and satisfy drug demand, among others, obtaining huge benefits that keep attractive this covered business. In the present work I will try to advance some thoughts on the consequences of the September 11, 2001, attacks over United States targets, from the perspective of drug trafficking issues, and its peculiar policies, in North American borders. Lets see first which was the North American panorama before September 11, 2001.

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I. Two Political Borders, Two Realities Seen from the US View

Irrelevant as it may appear for the ongoing trade globalization process, political borders mean the end of a jurisdictional right of one country facing its neighbor. But also could mean the frontier among two societies, two cultures, two political systems, two socio-economic realities differentiating rich from poor and, of course in the North American case, distinct interest, perspectives and obligations to solve problems.

The changing political agenda among Mexico and United States shows, first, a cyclic recurrence of drug smuggling border incidents, becoming later on a permanent friction around drug trafficking through its frontier line, since the end of the 70's decade. Drug trafficking has revealed as one of the toughest issues to deal with, between two countries with enormous differences, which encompass racial origin, culture, language, and juridical, economical, and social systems.

So, although the Mexican drug perspective before de 70's was a soft one, according to its then little problem, the continuous and pressing US demands about drug trafficking grew as the flow of drug increases towards US. The US toughest ideological stance on these issues affected Mexican drug policy, making it a distorted but hard array of policies, sudden and unplanned operations, almost always in respond to US pressures. Therefore, US War on Drugs view prevails looking to solve this problem making the drugs more expensive, attacking the offer side of the problem by means of culture eradication, captures, seizures and extradition. No matter that, drugs problem increased constantly among neighbor, above all after the NAFTA negotiations and implementation which implies the growing irrelevance of the border on, first of all, but not exclusively, on commerce issues.

Only in North America the more usual drug seizures report a considerable increase of production, traffic, consumption and benefits, although this seizures could just reflect a larger interest and action of police and military in confiscation with different purposes far beyond the War on Drugs.

Drug seizures in North America

Country	Pharmaceutical	1995	1999
Canada	Marijuana	5,500 kg	23,829 kg
	Cocaine	1,544 “	1,116 “
United States	Marijuana	593,386 “	1,094,312 “
	Cocaine	106,186 “	135,386 “
Mexico	Marijuana	780,169 “	1,471,960 “
	Cocaine	22,163 “	34,622 “
Total Region	Marijuana	1,379,05 5 “	2,590,101 “
	Cocaine	129,839”	171,124”

Source: CICDAT, Statistical Summary on Drugs 2000, CICAD/OAE, elaborated by author.

United States, the major drug consumer; implications for its neighbors

For any analyst interested on issues regarding illegal substances, US fascination for drugs, illegal or legal, is evident. In the case of legal drugs, they are source of enormous benefits for the trans-national “Great Pharma” that constantly multiplies the offer of available pharmaceuticals to cure, mitigate or prevent illnesses, of which some are diverted towards the “recreative” illegal consumption.

Considered as a country, the US is the major drug consumer in the world, legal or not; for example, the annual prevailing prohibited substances abuse percentage for members more than 12 years old of its population was in 1998:

US Drug Consumption, 1998

Marijuana	Heroin, morphine, opioids	Cocaine	ATS/Amphetamine Type Substances
12.3%	0.5%	3.2%	0.7%

Source: UN, *World Report 2000*, International Drug Control Programme.

As the data shows, the common drugs of abuse are of natural origin, being marijuana the most popular, followed of cocaine, ATS and heroine. Although the current consumption of ATS (acronym for Amphetamine Type Substances) is yet low, compared with natural origin drugs, the annual increase in the last three years has been more than meaningful.¹

In the United States, as an example of youth drug consumption increase, a study from the Centers for Disease Control and Prevention states that in 1991, 14.7% of the students consumed marijuana and in 1999, the figure increased to 26.7%. Those students who in 1991 had tried marijuana were 31.3%, same that for 1999 were already 47.2%.²

Prohibitionist Regime

US antidrug policy, the longest and unsuccessful war fought by US government, since its origins³ was and is based on the same prohibitionist stance, showing some general traits as: foreign producer oriented, racist, punitive, cyclic, demand negligent, militarized strategies promotion abroad, without credible evaluation and meager or temporary solutions.

With unequal luck, the development of this prohibitionist regime in drug issues involved, in Ethan Nadelman's words, "inter – societal and inter – state interactions, ...security, economic and moral interests", determined by "external pressures and internal political battles...", where the norms of the dominating societies, mainly Europe and the US, are not only internationalized, but also internalized by diverse societies all over the world."⁴

¹ In that respect, the US has reported to the Organization of American States' Inter – American Commission for Drug Abuse Control the following numbers for the year 1999:

Seizures	1995	1999
Ephedrine	-	1 liter
Pseudo – ephedrine	-	115 kg.
Metamphetamines laboratories	327	1,979
Amphetamine laboratories	2	4

Source: CICDAT, Statistical Summary on Drugs 2000, CICAD/OEA, 2000. Author's elaboration

² *The Washington Post online*, Associated Press, "Student Drug Use Rose during 1990s", June 9, 2002, p. A08.

³ The most salient initial reunions: Shangai International Conference (1909), La Haya Conference, (1911-12), Ginebra (1931).

⁴ Nadelmann, Ethan A., "Global Prohibition Regimes; The Evolution of Norms in International Society", *International Organization*, Autumm, 1999, p.479.

In this respect, America and specially the North American region is a singular one in these matters because of the presence of US government actions, and US constant drug demand conforming the biggest illegal drug market in the world. Historically US had determined the axes of drug trafficking problems for its Southern neighbor, imposing its objectives, direction, means and results of this fruitless policy. This is not the complete case of Canada who stands for a more treatment/prevention oriented version of the prohibition policy. So, each North American country presents diverse expressions of the *narco* stages business and policy, differentiated according to its peculiar domestic dynamic and the place they share in the illegal chain of this process.

The main natural origin drugs trafficked in America are: cocaine (Andean countries), heroine (Colombia, Mexico, Asian and Middle East countries), marijuana (Colombia, Mexico, Central America, Canada and US), and more recently, chemical drugs (Holland, Belgium, Germany, Mexico and Canada) known as “designer drugs”, originally synthesized for therapeutic purposes, now abused in pure, derived, analogous or precursors forms, with more “recreative” than medical purposes.⁵

Incentives created by this prohibition regimen, attracted common delinquency that use the most varied contraband forms to smuggle in and out drugs, conventional and high power weapons, chemical precursors, dollars, spying gadgets, etc. Some had formed highly organized bands, a.k.a. “*carteles*” which fulfill specialized tasks and operations from one end to the other of the illegal chain to smuggle tons of drugs toward the US affluent market.

Hot Borders: Globalization, NAFTA + Narcotics Traffic to the US = Conflict and “Cooperation”

At the end of the Cold War, the accelerated movement of the global economy looked to open frontiers and liberalize local economies to hurry the growth and integration of regional and world markets. This dynamic, without proposing it, at the

⁵ Bayer I., Ghodse H., *The Response: Evolution of International Drug Control 1945 – 1995*, Draft paper for UNDCP, 1996, Fig. 5.2 Increase in the number of drugs and substances under international control (1912 – 1995).

same time facilitated the covered transit of people, diseases, weapons, and of course, psycho – active prohibited substances traffic.

Against the natural direction of this liberalization and opening, illegal exchanges multiplied had demanded of the Nation – State, more and closer vigilance and control of its borders. Both for security and protection reasons, as well for application of national and international laws, whose emphasis is more to persecute and to police, than to prevent or to heal. This is the permanent conflict between globalization and law Enforcement that is lived in the borders, specially on narcotics traffic issues in the North America ones, due to the US presence and with it, the most attractive and affluent growing demand for illegal substances.

In order to grasp the size of the border problem, it is convenient to have in mind, that the U.S. is a country that in 1999 received in its 391 ports of entry 475 million people, 125 million vehicles and 21.4 million import shipments.⁶ US Customs agents have to approve this enormous merchandise, vehicle and person volumes, watching compliance to the more than 400 laws and international treaties, statutes, agreements and conventions, and simultaneously representing 40 federal agencies. Furthermore, the forecasts allow for an estimate that this commerce volume will double in the next twenty years.⁷

The growing volumes of drugs smuggled through North American borders had give foot to the US to influence on (Canada's case), or covered intervention (Mexico's case), to impose compatible antidrug policies on his neighbors. But its application to different milieu and problems, it had scarce effective range, and in Mexico, caused structural and institutional distortions that far from finish with this problem encourages it, while stressing the risks, the stability of north border region and

⁶ Flynn, Stephen E., "Beyond Border Control", *Foreign Affairs*, November – December, 2000. Vol. 79, Number 6, p.57. Only in the Long Beach, California Port, very near the border with Mexico, a million containers arrived in 1999, more than double the 1995 levels, whose legal entry had to be approved by Customs agents at the impossible rate of a container every 20 seconds. *Ibidem*, p.59.

⁷ *Ibidem*, p. 60. One more piece of data that allows to appreciate the permeability of US borders and some legal peculiarities that complicate these tasks: "The current regulations do not require that an importer register a shipment manifest before the US Customs Department until the shipment arrives the port of 'entry'...that could even be in the opposite coast" and the importer is conceded up to 30 transit days in order to make the transcontinental trip from coast to coast, transit during which "the container could be diverted,...much before its contents were even identified as having entered the country." *Ibidem*, p.63

some states governance and rule of law (Such as Sinaloa, Chihuahua, Durango, Michoacán, Guerrero, Oaxaca, among others).

US Federal Law Enforcement Agents

Besides the Armed Forces: Army, Marines, the Navy, Air Force and Coast Guards, for the vigilance, investigation, protection and law enforcement duties, in 1998, the US, according to the Bureau of Justice Statistics Bulletin, counted with 83,000 federal officials authorized to carry weapons and make arrests.

Among the interesting federal agencies to analyze for this work's purposes are the Immigration and Naturalization Service (INS) with 16,552 agents. This figure includes the 7,714 of the Border Patrol, which are in charge of intercepting foreign undocumented persons and the smuggling, even of narcotics; both use the major number of federal officials.

On the other hand, according to the same source, the U.S. Customs Department, with 10,539 agents, intercept and confiscate smuggling that intends to enter the US through the ground and sea borders. The Federal Bureau of Investigations has around 11,285 agents who possess concurring jurisdiction with the Drug Enforcement Administration (DEA) to also attend crimes related to drugs, according to the Controlled Substances Act. Also, there is the DEA, the head Agency on these issues, with 3,305 agents.⁸

The preoccupation of US authorities for protecting their Southern border is notable, not so their North one; this preoccupation is evident in their agents' assignments. The INS has assigned to its Southern border 66% of its personnel in 3 of the 4 adjoining states with Mexico: California 28%, Arizona 10% and Texas 28%.⁹

Only regarding the Border Patrol, 94% of the total agents in 1998 were situated in Southwest states.¹⁰ In sharp contrast, it is important to highlight that from the

⁸ Reaves, Brian, A. and Timothy C. Hart, "Federal Law Enforcement Officers, 1998", *Bureau of Justice Statistics Bulletin*, U.S. Department of Justice, Office of Justice Programs, March 2000, Washington, p.1. Their functions include, among others, the investigation of major transgressors in controlled substances issues, its manufacturing and distribution, and other duties linked to drug traffic control.

⁹It is convenient to point out that it was between 1993 and June 1998, when the Border Patrol almost doubled its size by increasing the number of its agents. " All this increase occurred in the states with border with Mexico, where the number of Border Patrol agents increased 109%, going from 3,460 to 7,214." *Ibidem*, p.10

¹⁰ *Ibidem*, p.8

remaining 6%, only “close to 4% were in 11 states that share border with Canada.”¹¹ Regarding the DEA, it located in the Southern border 1,421 agents from a total of 3,305, that is, almost half of its forces; of these, it assigned 537 to California, 391 to Texas and 120 to Arizona.¹²

Regarding this, we will highlight that two Border States with Mexico have the major populations in prison, Texas: 220 thousand persons, where it has grown nearly 500% in 25 years, and California: 240 thousand, most of them related to drug crimes.¹³

To end, we will point out the existence and performance of the Special Operations Division (SOD) who coordinates personnel from the Justice and Customs Departments, the FBI, DEA and the Internal Revenue Service acting there.

The uneven attention that US gave to its land borders before September 11, 2001, originated two main effects in Mexico: a forceful “cooperation” of Mexican federal and local authorities, and in the other hand, a growing conflict within Mexico in order to continue trying to govern a restless population and its mounting problems while striving to comply with US demands to fight drugs in US terms. This means: drug cultures eradication, seizures, apprehensions, and extradition, without really coping with the main drug problem: US drug demand.

Southwest Border: Mexico

At the beginning of the 80s, the growing demand for prohibited substances in the United States and its “War on Drugs” had helped maintain the attractiveness of narcotics traffic and had fortified organized crime, the Colombian and Mexican cartels, and other traffickers. Border crossings of people and merchandise were multiplied with NAFTA around 1994, all through the divisional line giving more opportunity to cover prohibited traffic smuggled since the 80's not by kilograms, instead by the ton.

¹¹ *Ibidem*, p. 8

¹² Just as additional data: From the 2 million imprisoned persons in 2001, according to *Human Rights Watch*, almost two thirds of the inmates are black and purge sentences for drug crimes, “although the white drug consumers surpass them for more than 5 to 1.” “The Prison Paradox”, *Newsweek*, November 13, 2000, p. 46.

¹³ *Ibidem*.

In parallel form, another illegal transborder flows, run in opposite way to drugs, entering Mexican territory, bringing, besides chemical drug precursors, thousands of weapons and “black” dollars to be washed. Both, weapons and dollars, were and are responsible for a huge part of the violence, corruption, organized and common crime, that disseminated through the country, *but most of all operating all along the border*, undermining the intentions of some local, state and federal governments to enforce the law and diminish rising insecurity, violence and crime.

This panorama was complicated by sovereignty violation episodes on the border by US undercover agents in *hot pursuits*, and to kidnap assumed delinquents,¹⁴ the later validated by the US Supreme Court on June 15, 1992.

If in a more general framework, integrated by the previous data, War on Drug's failure, the Mexico's irritation by Annual U.S. Certification¹⁵ and by multiple unilateral US actions, we can capture an approximate image of the disaster that until now has campaigned in these issues in our country and most of all on the borders.

Some Mexican intents to cope with American pressures, as the bilateral Grupo de Contacto de Alto Nivel, High Level Contact Group, proved important just to be heard by US authorities and to advance some order and corresponsability on this issues.

And if this was not enough, recently was added the synthetic drug traffic, better known as “designer drugs” or ATS, and its precursors, derivatives and analogues whose flow from Mexico, nevertheless, has thinned because the major number of illegal laboratories to produce it has relocated mainly in the US, avoiding the border crossings.¹⁶

So, Mexico, transit country for cocaine, and marijuana and heroine producer, nowadays has seen its yet low drug consumption double. The figures for Mexico in 1998 were, for ages between 12 and 17: 4.17% had tried drugs at least once in

¹⁴ For instance Dr. Humberto Alvarez Machain in 1990, to take him before US justice.

¹⁵ Since 1986 on.

¹⁶ They are located, for example, in Southern California, in the San Joaquin Valley, Los Angeles, Palo Alto, Stockton, in Orange County and San Bernardino. See Castillo and Usinger, *Op.cit.*, p.296.

their life; 2.59% the last year and 1.71% the last month.¹⁷ Its corruption levels in the frontier region had also increased in the political, military, judicial and police ranks more than in the rest of the country. The main reasons were rooted on economical, political and social afflictions but they were largely promoted by effects of War on Drug policies and drug production, trafficking and consumption impacts of violence, arms traffic, insecurity, institutional weakening, all along the traffic routes, in big cities and in deprived rural areas.

North Border: Canada

Of very similar origins but with very peculiar differences, the Canadian and US populations have transited both ways for family and economic reasons.¹⁸ Long time ago their border was fairly irrelevant. For this reason and in virtue of the fact that the major part of its population is situated in the first 100 kilometers from its border with the US, we consider, for purposes of this paper, that what happens in the country happens in the border.

On striking similarity with US-Mexico's border¹⁹, for a long time, some illegal disruptions to and from the Canadian borders have been complementary and cyclical, promoted according to the tobacco, alcohol, or drugs demand and offer on both sides of the border.²⁰

It can be said that of the three North American countries, Canada is the only one that approaches the narcotics problem as one of public health and not from a criminalization angle. It openly rejects the militarization of the War on Drugs and its

¹⁷ See Table 2. Mexican Institute for Psychiatry, *National Survey on Addictions*, Secretary of Health, Mexico, 1998.

¹⁸ Since 1860, the "little Canadas" multiplied in the states of Maine, Vermont, Massachusetts, New Hampshire, Rhode Island, and Connecticut in 1900. Since then the border was fairly irrelevant.

¹⁹ The twin cities of Tijuana - San Diego, Mexicali - Calexico, Ciudad Juárez-El Paso, Nuevo Laredo-Laredo, Piedras Negras-Brownsville, had also accomplished this complementary role.

²⁰ Since 1850 initiates the prohibitionist drift which culminates in 1917 with the prohibition to import, produce and transport beverages with 2.5% alcohol among provinces which ends the next year after the end of the First World War. The Canadian "perfect" solution happens with the creation of government liquor stores, where they were taxed. Decaire, Graeme, 'Mon Pays, mouillé ou sec', *Horizon Canada. Une nouvelle façon de découvrir l'histoire du Canada* (Robert Benoit, directeur, Michael McDonald, Raynald R. Nadeau), Centre d'études en enseignement du Canada, Tour de l'éducation, Université Laval, Quebec, 1987, Vol. 1, p. 134.

anti – narcotics proposal is nearer to the more tolerant European position known as “Harm Reduction”.²¹

Canada is also now days a transit country for Asian opium, South American cocaine, European and Asian precursors for “designed drugs” towards the US; also a producer country of marijuana and ATS, such as *Speed, Ecstasy*, etc., and a consumption territory of these altering mind substances. Canada completes a triangle all the way from South America, Europe or Asia, in order to avoid the long arm of justice. Additionally it is a successful high potency marijuana producer, best known as “B.C. Bud”.²²

Nevertheless, there are Canadian opinions against the low assigned budgets to this anti-drugs policy, and to the insufficient programs offered; the Anti-drugs Strategy is accused of being confusing, partial and incomplete.

In parallel form, the virtual disappearance of penalization for marijuana consumption (Clubs Compassion) exists, it concedes guarantees against unreasonable search and seizure and in several provinces marijuana consumption for medical reason has been legalized.

Important current problems are the adolescent consumption increase, synthetic drug production and the HIV/AIDS transmission by injection among addicts, the higher figures are present in Montreal (20%) and Vancouver (25%).²³

The RMPC estimates marijuana annual production in 800 tons (5 million plants 10% by hydroponic methods) 50% is smuggled to the US.²⁴ Also, synthetic drugs

²¹ This position includes among other traits: pragmatism, drug consumption will always be present in the humanity. The decision to consume is personal and respectable; such decision is not supported and is not condemned, it is accepted as a fact; it is focused on the inherent damages to the problem (consumption, violence and traffic; the necessities are attended in a hierarchy based manner. Includes: syringe interchange, methadone programs, drugs are prescribed according to medical judgment, education programs (voluntary), “tolerance areas” monitored by police, medical supervision. In summary, “it is interested in assuring the humane life quality and integrity, in its horrible complexity.” Riley, Diane, *Drugs and Drug Policy in Canada*, Document prepared for Senator Pierre Claude Nolin, Canadian Foundation for Drug Policy, November 1998.

²² Shannon, Elaine, “The world’s best pot now comes from Vancouver”, *Time*, March 13, 2000, New York, p.66. In contrast, the Royal Canadian Mounted Police only admits a 6% potency or THC (tetrahydrocannabinol), the active ingredient, versus a claimed 30% potency for Canadian marijuana. See *What’s New*, Canadian Foundation for Drug Policy, <http://www.cfdo.ca> Consulted on February 3, 2001, p.5

²³ *Canada’s Drug Strategy*, Minister of Public Works and Government Services Canada, 1998, p.25

²⁴ RCMP, Drug Situation in Canada (1999), Drug Analysis Section, Criminal Analysis Branch, Criminal Intelligence Directorate, Ottawa, March 2000.

are produced for domestic consumption, today more extended, and to smuggle to the US. At least 100 tm of hashish, 15 tm of cocaine and 6 tons of liquid hashish are illegally introduced to the country. Heroine domestic annual consumption is around 2tm.²⁵

It could be inferred that drug traffic, in general, increased in Canada between 1998 and 1999, because the Royal Canadian Mounted Police (RCMP) in 1998 arrested 1,123 traffickers and in 1999 they were 3,241. Notwithstanding, the RCMP states in the public report *Drug Situation in Canada (1999)* that “with the exception of marijuana, confiscation of all types of drugs in 1999 had decreased compared to 1998.”²⁶

It is the federal government who has primary jurisdiction in the interdiction of international drug supply to and from Canada. To that effect, it counts with the RCMP, and its Coast Vigilance Program, administered by this federal police. It has expanded its coverage against maritime drug imports, as well as to Canadian air space.²⁷ It locates and persecutes airships, ships, high risk containers, besides mail and suspicious passengers, follow – up that has driven towards a reduction in the amount of smuggled drugs to Canada.

It is electronically linked to the intelligence sources from the US with whom it shares information and its Customs officers “are strategically located, spread out in the high risk areas along Canada.”²⁸ Nevertheless, the federal government is opposed to the extradition of its citizens due to crimes related to narcotics traffic.²⁹ They share with the US the border bridge between Windsor, Ontario and Detroit, Michigan, the Ambassador Bridge, “the busiest ground border crossing of the world...through which an unprecedented number of 7 thousand freight transports entered the US in just one day of February 2000.” Such transit intensity, driven by

²⁵ *Ibidem*

²⁶ *Ibidem*, p. 5

²⁷ Minister of Public Works and Government Services Canada, *Canada Drug Strategy*, Canada, 1998, p. 11.

²⁸ *Ibidem*

²⁹ Canada in the 80s redefined the Correctional Service mandate, giving priority to reintegrate delinquents to the community as law abiding citizens and not directed to punish people. With this new philosophy, Canada has seen its relapse rate fall to less than half of what it was two decades ago. *What's New*, Canadian Foundation for Drug Policy, <http://www.cfdo.ca> , Consulted on February 3, 2001, p. 5.

the NAFTA, would oblige, if it were possible, US Customs Department agents to approve entrance of a shipment every 12 seconds.³⁰

Street violence due to differences among motorcycle gangs and other drug traffic groups³¹ has reached extremes rarely seen before in Montreal. More recently, Canada has become the base for numerous semi - clandestine laboratories which elaborate “designer drugs” like *Extasis*, *Speed*, besides, derived substances, analogous, or precursors for metamphetamines or ATS, and other synthetic chemical drugs. Methamphetamines are introduced to the country proceeding from Asia and Europe, mainly from Holland and Belgium, in order to locally produce the above-cited tablets, to be trafficked later on to the US or consumed locally. Due to the fact that the necessary precursors are considered legal commerce and even the elaboration is also legal, just before the last step, reason why it is difficult for Canadian authorities to confiscate, even in laboratories. That is maybe why, the RCMP only reports to the CICAD³² short numbers on effected seizures in the main cities.

II. MEXICO/ USA

General View and Differences

The Nation State persists nowadays as the organizing unity for politics, economics and society, still recognizable, recognized and useful in the international milieu. Yet, the State and its National Security, understood as the capacity to survive and prevail, is besieged by the exterior and also the interior. One of the growing menaces inside and outside the State is the multidimensional problem of world drug trafficking.³³

Thus, it cannot be credibly argued that combat against drugs has advanced as War on Drugs promotes, when these are now more potent, purer, cheaper, more accessible and in more variety and quantity, more toxic, and more addictive.

³⁰ Flynn, Stephen E., “Beyond Border Control”, *Foreign Affairs*, November – December, 2002. Vol. 79, Number 6, p.59.

³¹ Among them Rock Machine and Hell's Angels motorcycle gangs, but also Asian (Chinese, Yakuza, Triads) and Eastern Europe (Russian, Tchecs, etc.) gangs.

³² CICDAT, *Resumen Estadístico sobre Drogas 2000*, Sistema Estadístico Uniforme sobre el Área del Control de la Oferta, CICAD/OEA, 2000, Canada section, w/p

³³ See *World Drug Report 2000*, UN Office for/ODCCP, Drug Control and Crime Prevention., Oxford University Press, 2000, first chapter.

Nevertheless, seen this problem from a political angle, we can observe that political slants, in the general and occasional conduction of this anti-drug policy have existed, both in the US as in the countries who participate in this phenomena, among them Mexico. It is today when these slants are more evident and of immediate risk for the National Security of countries like Colombia and Mexico, in the light of new demands of security.

In the United States regarding this bipartisan policy, the efforts and the obtained successes to impulse political careers through discourses against everything that occurs outside, in the drug producing and transit countries have been obvious.³⁴ In our opinion, this sole fact contributes to explain the continuation and enforcement of an unsuccessful policy like the one applied to drug combat.

So, both governments share a theoretic agreement, as are inscribed in a prohibitionist paradigm. "Since drugs are bad, they must be prohibited and enforce the law that makes them illegal." But this stance leads also to empirical differences such as: laterality, mutual distrust, combat orientation to control offer: Mexico inside its borders, US mainly outwards its territory.³⁵

For both of us narcotics issues has been declared a *National Security problem* but this statement has different effects due to the extreme autodefense of American conception, not shared by Mexico. The use of *Armed Forces*, federal and police agencies differs widely, Mexico inwards, US, outwards. *Corruption*: Although Mexican corruption is bigger, US only reluctantly admit it with important nuances. In the US the *associated violence* directly or indirectly are constantly evaluated and cited openly. In Mexico *violence* provoked by drug traffic is more frequent evidenced through numerous episodes in cities and rural towns: gun – shot battles,

³⁴ The political slants in Mexico start since Second World War, and after 1969, the *PRI (Institutional Revolutionary Party)* governments adhered to the US anti-narcotics policy and during many years accomplished the eradication, confiscation and detention tasks demanded by the US. But in the 80s we stress that anti-drug combat model and in 1985 became a National Security issue, due to President Reagan's work, who declares "the more serious problem to the United States National Security". The truth is that the Camarena Case (1985), politically manipulated by the US was the main pretext. As consequence, in 1986 Miguel De la Madrid's government declared narcotics traffic as a National Security problem

³⁵ Due to diverse causes, some of them legal, such as the protection that the civil rights receive in the Constitution, whose eventual suspicion of violation could have undesirable political effects in the ballots.

executions and corpses found in trunks etc. *Weapons traffic*: a big issue for Mexico, not a problem at all for American authorities.

Hence, regardless the convened theoretic agreements, the numerous empirical differences on interpretation, application and results, provoke irreversible damages to the already diminished Mexican National Security. Accordingly I can add the following hypothesis:

Mexico and the United States share the fundamental idea of the prohibitionist paradigm on narcotics traffic combat: drugs are bad and they must be combated because the criminal activities chain that they produce endangers the respective National Security.

Notwithstanding, in practice and in front of the growing complexity of the problem, it is not the narcotics traffic *per se*, but rather the application of the anti-narcotics policy derived from that basic idea, what places serious challenges to the National Security of Mexico. Those policies produce negative effects on a great variety of sectors, strategic, economic, political and social, in a context of weakened institutions, social restlessness and political transition.

III. September 11, 2001 attacks and War on Terrorism

The physical tragedy occurred in New York and Washington, but the attacks hit the American and world's conscience, blowing away the previous American sense of confident domestic security, shared for almost any American. The complete sets of consequences are nor yet clear today, when it has reached nearly every aspect of American life and so of many world sectors. A number of laws, mandatory terms, restrictions, demands, precautions, searches, secrecy, delation, are transforming internal life and also international day by day, underlined with fear, suspicions, and stress.

The ensuing statement of a long War on Terrorism was linked since the beginning of the war in Afghanistan with narcotics traffic and with the War on Drugs, for being an income source that nourishes terrorism³⁶ through the operations of organized

³⁶ *Terrorist*: under any of the forms understood today, according to the current US definition: insurgent groups, national liberation movements, guerrillas, organized crime gangs (whatever that means), "white collar" money launders, etc. W. Bush mingles good and bad fellows, don't he?

crime.³⁷ But the term “organized crime gangs”, although originated from the idea of a structured delinquency motivated fundamentally by economic reasons, is confuse and misleads the current abuse of this term oversimplifying to serve mainly to disguise differences and misdirect law application. And in any event, whose law?

In my opinion, by means of this unique fact, the union of *terrorism* and *narcotics traffic*, has a relevant meaning that could precipitate undesirable outcomes. W. Bush could extend its anti-terrorism crusade to any place, under any pretext, against any person or group, and with the most extreme means, to serve purposes much distant from those of the alliance,³⁸ formed by Great Britain, France, Germany and others, that today is running far away from being unconditional.

On the other hand, this wider application of the new conceptualization sees a danger for much of the Latin American countries, for instance: above all of today’s Colombia, and potentially Mexico, Chile, Peru, Bolivia Venezuela, Central America and Caribbean countries.

Somewhat debilitated domestically (ENRON scandal, economic recession and electoral year), but reinforced with his version of the War on Terrorism, W. Bush looks to maintain himself at the front of the military crusade, furnishing it with resources and the discourse to advance uncontainable against the targets that only Bush determines. (Axis of evil: Iran, Iraq, and North Korea) This is an evidence of his penchant to Republican Party ideology.

His idea of national and domestic security “demand it”, he says. He creates the Zar of domestic security (Tom Ridge) without clear attributions, or hierarchical lines, or legal justification, his only active is the closeness to the president,³⁹ which already

³⁷ This idea is not a new one. (If only the agencies would paid attention...) In 1999, the Presidential Decision Directive 42, against international crime prescribing to the US Executive branch agencies "To increase the priority and resources devoted for the immediate and straight menace that international crime puts forwards to the American National Security, to work closer with other governments to develop a global response to this threat, and to use creative and aggressively all the legal means at hand to fight international crime." H.R. 3164, An Act to provide for the imposition of economic sanctions on certain foreign persons engaging in, or otherwise involved in, international narcotics trafficking, Sec. 2, Findings and Policy (a)(1), approved on September 2nd, 1999, 106th Congress, 1st Session, p. 2.

³⁸ Any doubt of this slant will be clarified going to Donald Rumsfeld's piece "Transforming the Military", *Foreign Affairs*, May - June 2002, pp. 20-32.

³⁹ “Access to the president does not confer power automatically”, Bettelheim, Adriel, “Does Ridge Have the Clout to Carry It Off?” *Congressional Quarterly Weekly*, November 3, 2001, p. 2588.

seems insufficient to the high US bureaucracy who watches its space of power and budget. This is clear with his new proposal for a Homeland Security Department, of cabinet range, which has now to wrangle through the Congress in order to convince.

Notwithstanding, one of Ridge's first missions is to fortify border security, which has exposed the lack of coordination, information and clear responsibilities in border affairs; these involve from 46 to 151 federal agencies, depending on the way they are counted.⁴⁰

Thus, more border control, vigilance, supervision, etc., which goes against the natural direction of NAFTA and globalization, is demanded of neighbors. There is talk on *perimetrical* security of which it is not known if it will include Mexico or not and how, when, and up to what point and who it will defend, and from what or whom. And don't dare ask because, it is also restricted information.

Also, more information, coordination and homogenization of asylum, migration, intelligence, defense (military role increases) policies and, of course, anti-narcotics, anti-terrorism, anti-guerrilla, anti- everything policies are solicited.

Feasible political environment for Canada

It is feasible then that the US take advantage of the occasion (long, due to a long war) to impose greater homogenization in narcotics traffic affairs, procuring an assimilation of the lax, tolerant and humane Canadian anti-drug policy with one as restrictive as their War on Drugs, regardless of its evident failure. Or could make of the link Terrorism/Narcotics Traffic an exterior policy instrument that ignores the Canadian policy laxness, in exchange for obtaining from them other priority concessions for W. Bush's government.

Therefore, in the future of Canadian anti-drug policy influence:

International Factors

⁴⁰ "Nasty, Brutish, and Long: America's War on Terrorism", *Current History*, December 2001, p.406.

- a) Regarding Canada, the United States has finally realized how unprotected it had left its North border⁴¹ and, meanwhile, has sent 600 members of the National Guard and helicopters to “aid the patrolling of the 4,000 miles of the demarcation line, the longest non militarized border of the world”.⁴² The idea, they say, is not to militarize the common border because the guards “would not function as troops”, rather will only assist the immigration and Customs officials, “giving time to the US to contract more of those officials for the border.”⁴³
- b) They have signed a declaration (30 Point “Smart Border” Declaration) to approach the diverse affairs pertaining to their common border administration and create an anti-terrorist barrier around the United States and Canada.⁴⁴ And Mexico?

It is expected that in June (in Kananaskis, Alberta) a limited pilot project on auto - parts commerce will be ready, because it is of vital importance for the dependent Canadian economy to maintain a fluid border.

Even though drug traffic has not been mentioned directly, yet, it is obvious that it will be affected by the new measures on border security and against Terrorism linked to narcotics traffic. This, in my opinion, will only achieve that drugs become more expensive, because increasing risks will also make prices rise.

Internal Factors

Bureaucratic: The recent changes in J. Chretien’s cabinet announce a good defense line:

⁴¹ Only 512 US officials and 350 Canadian manage the 130 border crossing ports. Dosman, Ed and Hepsibah Muñoz, *La Tercera frontera: Narcotráfico en la Agenda México – Canadá*, mimeo, July, 2001, p.3

⁴² Brown, DeNeen, L., *The Washington Post Foreign Service*, December 4, 2001, p. A16.

⁴³ Ibidem

⁴⁴ For example, they will elaborate a conjunct list of the countries whose citizens must obtain visas before entering any of the two countries, end “asylum shopping”, and avoid being used as entrance by terrorists disguised as refugees. The intention is to adopt the same standards for asylum concession in both countries. Customs officials from both countries will be sent to the “exterior” to authorize or not, from there, the entrances to any of these countries. The US also suggests to do follow up on the visitors; Canada does not want it.

- ◆ John Manly, (Deputy), Vice Prime - Minister, former chancellor, to who now compete the new assigned duties: border security improvement, federal agencies removed from other ministries' supervision.
- ◆ Bill Graham, Foreign Affairs Minister, the best-prepared chancellor in international affairs.
- ◆ Also inherited in this new phase of Chretien's government, a dispute between Anne McLellan, former Justice Minister, now Health Minister (anti-drug prevention and rehabilitation programs, among her new assignments) and Elinor Caplan, Immigration and Citizenship Minister, tough Canadian migration policy advocate.

IV. Consequences for Canada

Social:

- ◆ Major role of community participation in the border zone, as a result of a major regional integration due to more commerce and interaction with US border population, both in search for improving and making border crossings more expedite. Their activism may interfere in US wishes for achieving a more controlled border.
- ◆ Internal group's pressure, ngos and institutions, more favorable towards the de-penalization, legalization and "harm reduction" so abhorred by the U.S.

What is more important for the purposes of this paper is how this framework of international and national events will affect the Canadian anti-drug policy, regarding particularly its domestic slope, but will have consequences on its bilateral relation with the U.S., and it also could affect international peacekeeping strategy and actions.

Production: Will penalization for marijuana cultivation and ATS production be increased? And if the answer is affirmative, production will diminish or increase due to more attractive prices for traffickers? Precursor ATS substances sale and disposition, today yet free, will be controlled?

Internal traffic: Will marijuana consumption sanctions, including personal consumption, be elevated? Persecution and punishment to narcotics traffic gangs be hardened? Will penalization of drug related crimes be hardened?

Consumption: Will internal consumption increase due to a restrictive economics panorama (recession plus terrorism expenditures)? Will the *de facto* legalization of marijuana consumption for medical purposes be nullified?

Prevention and rehabilitation: Will “Harm Reduction” programs now applied on the law margin and not sanctioned, be reversed? In view of the major governmental funds demand to attend the war on terrorism, will they be diverted from those destined to the anti-drug strategy, prevention and treatment included?

Money laundering: Will major control on accounts, investments, stock exchange instruments disposition, currency exchange business, etc. be demanded (how much)?

It might be early to appreciate the scope and profoundness of the proposed measures, and that precisely, is what makes Canadian anti-drug policy future look uncertain.

V. Challenges for Mexican National Security after September 11, 2001

The challenges to face include how to reorder, control and render accounts of:

- ♦ *Interagency and bureaucratic struggles.* Federal organisms jurisdiction delimitation such as, for example: UEDO, FEADS,⁴⁵ PGR dependent; the PFP, SSPF dependent, CENDRO, CISEN who collide among them regarding narcotics traffic (federal crime), and with the Secretary of Defense⁴⁶ (SEDENA, acronym in Spanish), the Navy⁴⁷, the Health and Public Finances

⁴⁵ “Habrá un fiscal para cada cartel” “There will be a Public Prosecutor for each cartel”, *Universal* newspaper, August 8, 2001, p.A15.

⁴⁶ “La guerra al narco, asunto militar en AL por presión de Estados Unidos” “The war on narco, a military issue in Latin America due to US pressure”, *La Jornada* newspaper, August 5, 2001.

⁴⁷ “Busca Marina fortalecer Fuerza Naval del Pacífico” “Navy looks to fortify Pacific Naval Force”, *Reforma* newspaper, July 5, 2001, p.2A. Also see “ Crean en Manzanillo flota contra el narco” “Fleet Against Narco is Created in Manzanillo”, *Reforma* newspaper, July 20, 2001, first page.

Secretariats,⁴⁸ to which are summed other state and local government instances, police⁴⁹, health⁵⁰ public prosecutors, etc.⁵¹

- ◆ *Sovereignty*. The signed pacts and the necessary vigilance for the respect of sovereign limits of each Nation, regarding the operation of numerous governmental instances involved in international cooperation. Will our negotiation capabilities achieve a restriction for W. Bush and Rumsfeld crusade?
- ◆ *Technological*. The satellite monitoring vigilance performed by the US.⁵²
- ◆ *Accountability*. In regard to the money and/or equipment donations given by other governments due to our scarce or wasted, or inappropriate equipment, how and by whom will this donations be administered and controlled? How were they agreed upon? Will Congress be informed, and if not, when will it know? Which are the conditions? Will there be some kind of control from the US part? Will our Congress authorize it? Are they tied? To what?⁵³
- ◆ *Transparency*. Now then, as an interested public, will we have to find out this and other related information only through the newspapers, as before de

⁴⁸ "Ofrece EU a México 'cheque' antinarco" "US offers Mexico an anti – narcotics 'check'", *Reforma* newspaper, July 22, 2001, first page.

⁴⁹ "Tendrá Sinaloa grupos de elite" "Sinaloa will have elite groups", *Reforma* newspaper, August 18, 2001, p.A16.

⁵⁰ "Procuradores elaborarán diagnóstico nacional de la delincuencia por entidad" "Public prosecutors will elaborate national diagnostic of delinquency per federative entity", *La Jornada* newspaper, August 5, 2001, p.10.

⁵¹ Another example: the lack of communication even among the Secretaries of the Interior and Foreign Relations regarding the "Plan Sur" announced by the first "for fortifying the vigilance in the region" and about which, the Under – Secretary of Population, Migration and Religious Affairs from the Secretary of Interior, Javier Moctezuma Barragan "pointed that since illicit registered as narcotics – traffic 'are very active in the Army and the Navy' in the southern part of the Republic"; the Secretary of the Interior had declared before that this Plan "would include troops from the Army and Navy, as well as agents from federal police corporations, to the South border to contain the undocumented flow towards the US:" ("Castañeda, sin 'la menor idea?' del 'Plan Sur'" "Castañeda, 'without a clue? Of the 'Plan Sur'", *El Financiero*, June 20, 2001, p.36.) So what is it finally? Narcotic traffickers or migrants?

⁵² "Vigilancia satelital antidrogas" "Satellite anti – narcotics vigilance", *Universal* newspaper, August 8, 2001, p.A15.

⁵³ For example, Cash donations were received from the US Department of State to combat narcotics traffic; it is money 17 millions in this case, directed specifically by US to Mexican governmental instances, according to Mexican proposal: 8 million dollars for the Federal Judicial Police; 4.1 million dollars to the CENDRO, 1.15 million for the UEDO, among others, and only 225 thousand dollars for the Secretary of Health which attends the growing problems of addictions in Mexico. "Crece la adicción infantil en México" "Enfant addiction is growing in Mexico", *El Financiero* newspaper, June 20, 2001, p.44.

Democratic era? And if not, when, how, through which means, with which timing will the population know the content of what was agreed upon?

- ♦ *Expenses.* The purchase of weapons and equipment, the contracts with US Military for specialized training of policemen, intelligence agents and militaries.
- ♦ *International negotiations and accords.* Regarding international cooperation, for example, which are the limits for the arrangements?⁵⁴

Among the possible consequences, there are some of systemic range: very possibly, NAFTA and Mexico's success as US's second commercial partner will be threatened, because in Mexico it would be enough to cancel some critical imports – exports transactions, in which today rests the major part of employment generation, its conservation and growth. And maybe chained damage would be produced touching other key economic sectors of happy figures but with manifest fragility. For instance: maquila or *in - bond* industry and Tourism. This could impact negatively employment, and other already stressed economic and social issues, contributing to a more difficult environment, currently linked to illegal behavior such as drug trafficking, drug consumption, violence, crime, and so on.

Conclusions

This sudden Realism comeback has taken us all by surprise. United States is under huge tensions but stretching at maximum its newly recovered capabilities, but without making account of its neighbor's necessities, wishes, or its inability to cooperate, without even consulting them about what they may, if they want.

Although Canada is in better shape and disposition to cooperate because he has a long history of doing so, he has internal obligations to his society, that come first of US plans. I imagine that it will be a painful negotiation for him to show his society that it's necessary *again* to protect the giant. Although, Canada may deal with US demands.

This unprecedented situation is a very difficult one for Mexico, the option of not cooperate is risky, as it is to cooperate. Mexico is not economically, politically, and socially, fitted to endorse full cooperation, his internal afflictions are demanding

complete attention. It is obvious that Mexico may not be able to participate in military terms outside its borders, due to the overwhelming military and economic asymmetry of our country before the biggest military world force. "They haven't ask for, and Mexico hasn't offer it" said Chancellor Castañeda.

On the other hand, the military has already been accorded with new and ample responsibilities, for instance, as heads of new police groups, having in mind our mounting problems and the inefficacy, corruption and unpreparedness of several police corps. But in parallel had also advanced humane right violations because the order to military and polices is to deliver results. And they did it.

Until now, Bush had forget his recent promises for a new immigration accord, and his demands presumably come from the security front, to watch on its North and South border crossings, airports, land transportation, and coastal vigilance.

It is convenient to have in mind the influence of a careless US intervention may have systemic consequences because of the precarious equilibrium of Mexico's present. These systemic consequences, by means of the interdependence and growing economic integration, would hit him also. A restless Mexico is not convenient for US National Security, above all in our very hot borders.

One of the newest internal factors of central interest and transcendence for us Mexicans, is the Democratic alternative, which opens the door to unknown but desired political changes, some of them of the first importance and very ambitious as a new National Security conceptualization. The new Mexican orientation of this concept involves not just defensive and military tasks, but economic and sociological ones, of internal impact, looking to work out some of the most pressing internal national difficulties: unemployment, ignorance, sickness, environment protection, water, woods, etc.

But Mexico's National Security remains to be defined, we continue on indefiniton grounds, and defenseless facing huge world challenges. Our first and brand new project of National Security law is waiting to be approved by the Congress since the elimination of the Fox's National Security Coordination, which felt victim of a covered "coup de cabinet" and lack of Presidential support.

⁵⁴ "Se unen ante narco México y Colombia" " Mexico and Colombia come together to face narco",

Is urgent to begin with restructuring and modernization of the Mexican Intelligence, Armed Forces and police services, because they may deliver results, in order to restrain US negatives actions and open intervention.

The paradoxical issue is that this results may come from the Mexican War on Drugs activities, according to US conception, but this will mean not only the continuation, but intensification of this prolonged failure.