

**Impact of the North American Free Trade Agreement
On the Royal Canadian Mounted Police in the
Control of International Illegal Drug Trade**

by

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Canada

NAFTA agreement is seen to have created 'new opportunities' for individuals or groups interested in the fortunes to be made by the sale of illicit drugs in North America (Kaihla 1995) and some of these reports suggest that the really important trade is that which uses the Canadian border, or, indeed, particular, targeted parts of the Canadian coastline – for example, in the Maritimes (Aune 1990) – as a route into the massive market in the U.S.A. (Friman 1995) (Jamieson, 1998:265)

The drug trade affects the social stability of states in various ways: first, the related increasing crime and violence exceed the repressive capacities of the law enforcement agencies, and this creates a climate of insecurity; at the same time, the public loses confidence in the law enforcement agencies and resorts to violence to obtain protection; finally, the authorities turn to increasingly violent means of repression, since these seem to be the only methods that work. The ongoing escalation of violence undermines the standards, rules, and laws that guarantee the security of persons. Gradually, a culture of violence takes hold. When the state is unable to control the violence, it becomes a major factor of destabilization (Berthiaume, 1997:17).

Dedication

***To my sisters Isabelle & Rachel, to my brother François Jean,
and my parents, Claude Jean and Marcelle Sirois.***

Abstract

In this research I present important manifestations of the impact of the NAFTA on the RCMP in the control of the international illegal drug trade. The aim of the study is to reveal and to understand the impact of the NAFTA on the RCMP and to see whether the agreement enables or constrains the organization in its role in international drug trade policy.

A qualitative approach is used and a triangulation methodology, including government documentation, unstructured interviews, and participant observation in conferences was utilized to gather the data, to complement each other, and to enhance the validity and reliability of the findings.

The findings indicate that the NAFTA is an enabling factor which enhanced the capacity and scope of the exchange of information between the three countries involved, particularly between Canada and the United States law enforcement agencies. The exchange of information and the cooperation, collaboration, and coordination of efforts by the NAFTA countries are also depicted by the IMLC organizers, as well as by the interviewees, as the most effective approach to fight international illegal drug trade. As well, as mentioned in the findings, the NAFTA induces a pressure for harmonization which impairs the efficacy of the RCMP drug sections in their investigations.

Preface

From May to August 1995 I worked as an office clerk for the Royal Canadian Mounted Police (RCMP) in the Montreal drug section at the headquarter. I returned to the same position in 1996-1997 to work as an administrative assistant. This opportunity to work as an administrative assistant in a drug section and to see the work that was accomplish by the Canadian federal police to control international illicit drug smuggling enhance and strengthen the interest in the topic of illegal drug smuggling, at the international level.

In the summer of 1997 I decided to return to school, at Concordia University, in Sociology, to acquire the skills necessary to effectively conduct research. I completed my undergraduate degree, Honours in Sociology from Concordia University in May 2000. During the summer of 2000, I went back to the headquarter of the RCMP in Montreal to work, again as an office clerk in the Customs & Excise section. While working in this section I developed a new interest: cross-border crimes.

I then went on to do my Master Degree in Sociology at the University of New Brunswick. My choice of this university was based on the courses offered and on the fact that the department of sociology at this university was interested in helping Master students acquire an important balance of theoretical background and practical experience.

I chose my topic for my thesis based on my experience at the RCMP, in both sections, i.e., the Montreal drug section and the Customs & Excise section and, on the socio-political courses that I took at Concordia University and, more importantly, the course I took with my supervisor, Dr. Vanda Rideout, on state theory.

Therefore, this thesis is the fruit of an interest that I cultivated for years that I now have the opportunity to share. I want to gratefully thank the RCMP for giving me the opportunity to work for them, my teachers, my supervisors and my family and friends who always believed in me and pushed me to go forward.

Acknowledgement

This thesis is the apogee of all my years of studying at the university, I would like to dedicate this thesis to the people close to my heart who encouraged and supported me through all these years of studying. I want to specially thanks my sister, Isabelle Jean, for her financial and emotional support. The Nells Anderson fund was another source of financial support which greatly helped me. I also want to thank my brother, François, my sister Rachel, and my parents for their moral support and encouragement. Their continual belief in my ability to succeed helped me to keep a positive and happy disposition which enabled me to complete my graduate work.

I also want to thank my dear friends who have been there for me and who have supported me all the way. Special thanks to Mathieu Jacques, Renée Martel, François Dagenais, Sonia Leblond, Kayo Ishimura, Francine Tremblay, Lisa Gurguen, and Karen Kemp. Thank you also to my classmates Mary Milliken, Michael Fleming and Sandy Harris for their presence and comfort.

I would like to dedicate this thesis to all the teachers I had while doing my bachelor at Concordia University who made my learning experience unforgettable and who gave me knowledge and strength to go write my master thesis. A special thanks to Christine Forsythe (Research Design & Analysis), Dr. Michael Rosenberg (Classical & Contemporary Sociological Theory), Dr. Bill Reimer (Honour Thesis), Dr. S. Nachfolger (Political Science: International Organization) and, Maria Memfredis (Religion of the World, Biblical Studies II: Christian Origins). In addition, I want to thank the secretaries of the department of sociology at the University of New Brunswick, Sharon Cody and

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All those maps are from the UNODCCP's World Drug Report 2000. In the report, they are listed as the maps number 3, 4, 5, 6, and 7 respectively (40, 43, 46, 50, 53). I have not been able to obtain letters of copyright permission for these maps. Therefore, the pages will be removed from the appendices and they will be replaced by a page which explains: the unavailability of copyright permission; what information the material contained; and the original source of the material.

“Not only is it difficult to study the illicit, but norms against corruption and substance abuse make the illicit an unsavoury topic for academics... Most of the time we dismiss it and do not consider the illicit in drawing up our theories and models”
(Burger, 1999:10 in Eden, 1999:6).

Introduction

Illicit drugs pose formidable challenges to all the countries in the Americas. The consumption of synthetic and plant-based drugs is particularly alarming in North America but demand for these narcotics is growing in the rest of the Hemisphere. Drug abuse has deleterious effects on individual consumers and on families. Abuse and production feed off rural poverty, criminality and urban decay; they also aggravate these social problems. Scarce public revenues are diverted from productive activities. Economics are distorted, democracy is threatened, and the relations between states are jeopardized by the frustrations of dealing with this transnational problem (Baranyi, 1998:3).

The international illegal drug trade is an important subject of study because of its impact on Canadian society. Indeed, the study of international crime, such as illegal drug smuggling, has attracted the interest of many disciplines, such as criminology, anthropology and sociology. Throughout those disciplines, different perspectives have evolved in order to explain the reality of this recurrent phenomenon and to answer some of the questions mentioned in chapter three of this thesis. Even though no ‘ultimate’ answer has been provided to fight or control international illegal drug smuggling, one can nonetheless acknowledge the progress that has been made in the field of organized crime.

The Royal Canadian Mounted Police success to control cross-border illegal drug smuggling is of paramount importance for the Canadian society. The United Nations

Office for Drug Control and Crime Prevention (UNODCCP) (2000), in its report titled World Drug Report 2000, express the importance to control international illegal drug trade as follows:

The emergence of failed or failing states also presents enhanced opportunities for organized criminal groupings. Against a backdrop of growing criminalization, the corruption of state institutions will tend to emerge, and the rule of law will be increasingly impaired. Once established, these criminal groups then have a strong vested interest in making sure that strong, effective and legitimate states are not rebuilt. Such criminal organizations are much less likely to be concerned about the basic human rights of the population than states themselves, which are at least subject to international treaty obligations, and can be made subject to the scrutiny of international organizations (11).

The present research looks at the impact of the North American Free Trade Agreement's (NAFTA) on the work of the Royal Canadian Mounted Police (RCMP) in controlling and/or monitoring this particular type of international crime. This research shows that NAFTA has had political, financial and cultural repercussions on the RCMP, as well as on the governments involved, i.e., Canada, the United States and Mexico. The political closeness brought about by NAFTA has influenced the operations of the RCMP drug sections. In addition, the openness of the borders to free trade has created an evident need for conformity and adjustment on the part of law enforcement agencies in all three countries to work in collaboration on cross-border crime, such as international illegal drug trade.

Examples of well known Canadian organized criminal gangs are: the Hells Angles and their acolytes, the Nomads and, their rivals, the Bandidos and the Rock Machine. These gangs are fighting for territory within the Canadian provinces and they are highly involved in international, as well as, cross-border drug trafficking within North American.

The first three chapters locate the topic of this research in relation to the studies already done on the topic. The leading hypothesis of this thesis is that the NAFTA has and has had constraining and restraining consequences on the work of the RCMP drug sections. Indeed, the NAFTA brought about both, positive – such as closer cooperation – and negative outcomes – ease international illegal drug smuggling – which influences the work of the RCMP. Chapter one describes and locates the main areas of this research, i.e., North American Free Trade Agreement (NAFTA), the Royal Canadian Mounted Police (RCMP), and illegal international drug trade within the social and political context that is pertinent to the present research. Chapter one also describes the concerns over the illegal international drug trade that was expressed at the time that the NAFTA was written. As well, this chapter explains the roles and functions of the RCMP in the control of illicit international drug trade within Canada and at the international level.

Chapter two defines, describes and exemplifies the illegal smuggling of drugs in relation to Canada, the North American Free Trade Agreement (NAFTA) effects on the traffic of drugs across borders, and the role of the Royal Canadian Mounted Police in controlling the cross-border smuggling of illicit drugs into Canada. In addition to the description of the role of the RCMP, we find in the third chapter a discussion of the impact that the RCMP, as the Canadian federal law enforcement agency, has at the international level. As well, the need for cooperation, collaboration and exchange of information in the aftermath of the NAFTA is highlighted as some of the main effects of the agreement on the RCMP.

The third chapter underlines the questions that directed this research, such as: Is the NAFTA enabling the RCMP or constraining them? The identification of the main question and sub-questions, the subject and focus of the present study are clarified. As well, the chapter discusses the main presumptions of this research, in terms of the enablement and restriction that the NAFTA has had on the RCMP in controlling and enforcing cross-border illegal drug smuggling.

The fourth chapter discusses the purposes of the study and provides a better understanding of the aim of this research study. As well, it explains why a qualitative approach is best suited to the pursuit of this research. In addition, chapter four describe the type of data analysis I used to analyse the findings. The chapter stresses the validity and reliability associated with the use of these methods. Furthermore, methodological triangulation used in this research is composed of government documentation, unstructured interviews with Canadian officials and participant observation at three pertinent conferences.

The fifth chapter displays and describes my findings. As well, the findings demonstrate supports for the main hypothesis and layout specific answers for the main question, as well as, for the sub-questions.

Finally, the conclusion identifies the implications and the summary of the contributions made by this research. As well, the conclusion includes an overview of the main arguments supporting the thesis. The material presented in the other chapters which substantiate the thesis is also described. Lastly, the conclusion provides suggestions for and stresses the importance of further research on this topic.

Chapter 1

Focus of the Study

Concern over the growth of the international drug trade and its impact within Canada, in all these senses, predated the passage of the North American Free Trade Agreement [NAFTA]. In the aftermath of the North American Free Trade Agreement, however, as we have already seen in other areas, the infrastructure for policing the cross-border trade has been undergoing significant transformation and this is clearly true in respect of the policing of the illegal drug trade. Spokesman for the RCMP and the customs authorities speak of the constant refocusing of their activity – notably through new systems of surveillance and information-gathering – around the changing strategies, and the changing routes adopted by traffickers attempting to move prohibited drugs into Canada (Jamieson et al., 1998:261).

This chapter describes research that has been conducted on the present topic. As it is demonstrated, according to the following authors, that NAFTA does have an impact on the RCMP. More precisely, the NAFTA enables international drug traffickers to traffic across the North American borders, which in turn constrain the RCMP performance in fulfilling their mandate. As well, the NAFTA enables the RCMP, through closer economic relationships and increases common problems and goals to regulate the borders, to increase its cooperation, collaboration and coordination with their American and Mexican counterparts.

In order to clarify the enabling and/or constraining affects of the NAFTA on the RCMP, I want to reiterate that the primary question of this research pertains to uncovering if the NAFTA enables the Canadian drug authorities or constrains them. The present research reveals that the NAFTA is doing both; the NAFTA consequences

involve a combination of both. Indeed, while the NAFTA was designed to enable freer cross-border exchange of legal goods and services, the general opening up of the borders allowed for increased illegal exchanges as well. But, the NAFTA is also an influencing factor toward greater continental integration which enhances Canadian, Mexican and American police forces to coordinate their efforts and to share information. Therefore, NAFTA enables and constraints the work of the RCMP at two different levels: cooperation of North American law enforcement agencies and the increase of illegal drug flow across the borders.

Ruth Jamieson et al. (1998) describes the NAFTA as a constraining factor while she also notices its affect on the reorganization of the Canadian law enforcement agencies. She has produced a research study on the management of Canada-United States cross-border control of illegal trade in the aftermath of the North American Free Trade Agreement (NAFTA). NAFTA was signed by Canada, the United States and Mexico in 1991 (246). Jamieson et al. conducted a series of interviews with Canadian representatives of key agencies across Canada and with some of their equivalents in the United States². Jamieson et al.'s findings also came from official and in house material obtained from Canadian and United States government and non-government agencies (245).

2

Jamieson et al. (1998) did not clearly identified the agencies that were approach for the purpose of their study. However, they mention information in relation to "Health Canada, the Ministry of the Solicitor General (the RCMP, Correctional Service Canada, and the Solicitor General Secretariat), Foreign Affairs and International Trade, Revenue Canada, Customs, Justice Canada, Human Resources Development and Canadian Heritage" (261). They also mention that "the research undertaken in Canada, the U.S.A. and in the U.K., with support from the Institutional Research Programme of the Canadian High Commission" (265).

Jamieson et al. (1998) was interested in understanding the impact of the liberalization of trade on 'the national border' (245). They stressed that North America restructured its economic activity as a result of the North American Free Trade Agreement. This multidisciplinary team of researchers believe that this new free trade environment in the North American economy has also had an impact on 'trans-national criminality.' The trans-national border between Canada and the United States is known as "the 49th parallel – the longest undefended international border in the world" (247). In contrast, the border between the United States and Mexico is highly protected. The degree of control at the two borders is a reflection of the relationship between the United States and both of its NAFTA's partners and neighbours. In particular, Mexico has a problem of corruption and the lack of reciprocal trust between the United States and Mexico.

Jamieson et al. explains that NAFTA aims at the maximization of movement of goods and capital among all three countries. From a Canadian government official's perspective,

Canada's entry into Free Trade agreement was essential in the interest of boosting the country's ability to compete in a changing world and thereby essential for the future well-being of all Canadians (Jamieson et al., 1998:249).

Henceforth, the liberalization of trade with the United States and Mexico was framed in terms of economic benefits.

At the time of the formation of NAFTA, there were many concerns expressed by various lobbying groups. For example, some concerns were expressed over the

“Americanization of Canadian cultural and social life itself” (Jamieson et al., 1998:251).

Trade union and welfare groups were concerned about the affect of open trade on the viability of the Canadian welfare state (251).

We can consider the concerns of these different groups as concerns over protecting the nation state. These issues are maintained, sustained, and protected by the national border. The ‘border’ is of significant importance because it defines limits of jurisdiction for police officials, politicians, and public authorities (254). “But what the economic, legal and political discussions discuss less frequently is the idea that the border constitutes a point of demarcation between cultures” (255).

Cross-border illegal smuggling of drugs has always been an issue for Canada for some time but, with NAFTA, it took on a new dimension. The Canadian government’s conception of the border not only includes:

a demarcation of taxation jurisdictions (which has transmitted into a situation of opportunity for criminal enterprise) but also of the conception of the border as a marker of political sovereignty (expressing the different levels of legitimacy which Canadians and American citizens accord national State authority) (Jamieson et al., 1998:258).

According to Jamieson et al., the Canadian conception of border, however, goes against the underlying demands of enhance border movements embedded in the North American Free Trade Agreement (Jamieson et al., 1998:258). Jamieson et al. (1998) explains that

[t]he intense mobilization of ‘compensatory measures’ at ‘the border’ has been particularly evident in the attempts made by federal and provincial government agencies, police and customs authorities to stem the illegal importation of prohibited drugs (heroin, cocaine, ecstasy, and hashish) into Canada. The attempts to ‘defend’ Canada from such threats also has a significant history – not least in the anxieties over the spread of opium through Chinese immigrants constructing the Canadian Pacific Railway in the 1890s [...], and, more recently, in the 1960s in the anxieties over the spread of

hallucinogens from California and the Far East into Toronto [...] and other Canadian cities (260).

The impact of the illegal drug trade has been of concern and to official policy in Canada since the early 1970s (Jamieson et al. 1998:260). For instance, in 1989, the federal government adopted a National Drug Strategy of the federal government as an initiation to partnerships and collaboration amongst agencies involved in the control and management of drug abuse in Canada (261). "Concern over the growth of the international drug trade and its impact within Canada, in all these senses, predated the passage of the North American Free Trade Agreement" (261). However, in the aftermath of NAFTA, "the infrastructure for policing the cross-border trade has been undergoing significant transformation and this is clearly true in respect of the policing of the illegal trade"(261). In fact, the Royal Canadian Mounted Police (RCMP) and the customs authorities speak of constant refocusing of activities. International agreements and partnerships to look after and control the border and the entry of illicit drugs into Canada is a paramount concern for Canadian government officials (261-262). Canada joined the Inter-American Drug Abuse Control Commission (CIDAD) and the North American Aerospace Agreement (NORAD) in 1991. Canada and the United States agreed to give NORAD "a role in counter-narcotic monitoring and surveillance, especially in respect of radar and satellite communications" (262). Canada's participation in these trans-national organisations demonstrate an awareness of the necessity for international cooperation. Consequently, internal cooperation between Canadian agencies continuously grows. According to Jamieson et al. (1998) the Department of

National Defence, the Canadian Coast Guard, Canada Customs, Revenue Canada and, the RCMP are now cooperating more than ever in relation to illegal drug trade (262).

Jamieson et al. (1998) stress that RCMP officials suggested “that police understanding of the drug trade in Canada is very much framed, as in other jurisdictions in the world, by the theme of ‘organized criminality’” (263). van Duyne’s (1996) empirical work into organized crime suggests that most forms of organized crime are linked with opportunities provided by the formal economy itself (Jamieson et al., 1998:264). Therefore, as Jamieson et al. (1998) state:

[the liberalization of] trade in North America is itself productive of new strategies on the part either of experienced and relatively organized traffickers or, indeed, of new strategies on the part of relatively inexperienced and opportunistic groups, encouraged into such activity by the idea of a liberalized border (265).

Ruggiero’s (2000) also describes the constraining influences that the NAFTA has had on the RCMP. His research reinforces Jamieson’s (1998) findings, stating that the participation of legitimate actors in illegitimate activities is primordial to laundering operations. Without the participation of legitimate individuals, illegitimate laundering operations would be impossible. Indeed, organized crime needs the collaboration of individuals working for different level of governments and various companies to utilize the legal channel of transportation, communication or financial transactions needed to effectively execute their illegal international drug smuggling. Thus, cooperation or encounter between organized crime and the legitimate economy is the result of a natural “relationship between an harmonious entity and a dysfunctional one” (192). Ruggiero (2000) indicates that members of transnational crime benefit and take advantage of

differences in legislation among countries in order to exploit 'normative loopholes' and inconsistencies (194). Therefore, criminal organizations, according to Ruggiero's findings, "spread into sectors where the risk of being arrested and heavily sentenced is relatively low, especially compared to the attractive economic return" (Adamoli et al., 1998:ix in Ruggiero, 2000:195).

Ruggiero (2000), agrees with Jamieson et al. (1998) that new loopholes and inconsistencies encourage cross-border organized criminals. Ruggiero does not argue or depict NAFTA as the only source responsible for cross-border illegal activities.

Opportunities, according to Ruggiero, come from social and technological change.

Ruggiero (2000) also agrees with Jamieson et al. (1998) research findings that transnational organized crime and transnational white collar crime have similar features (195):

it could be suggested that organized criminal groups both teach and learn from their legitimate counterparts in the economic arena. By investing illicit proceeds in the official economy, for example, they learned the techniques and the rationalizations adopted by white collar and corporate offenders, thus being, in a sense, corrupted by the economy rather than corrupting it (192).

Jamieson et al. (1998) was able to clearly and concretely identify the cooperation and collaboration between countries due to transnational organized crime. They stress that:

A key issue for all such law enforcement and customs agencies is how such surveillance can be maintained (and indeed 'enhanced') when the system of border control is in some senses being liberalized. The renewal of the National Drug Strategy in 1992, in particular, confirmed Canada's participation in a range of international agreements and partnerships, particularly within the Americas, aimed at the surveillance and control of the trade illicit drugs into Canada. For the first time, Canada had joined CICAD (the Spanish acronym for the Inter-American Drug Abuse Control

Commission), in which, along with Mexico, it was taking a lead position in reforming the administration of this organization. In a different inter-American forum, the North American Aerospace Agreement, signed in 1991, Canada had already agreed with the U.S.A. to give NORAD a role in counter-narcotic monitoring and surveillance, especially in respect of radar and satellite communications [...]. The Department of National Defence, the Canadian Coast Guard, Canada Customs, Revenue Canada and the RCMP have collaborated internally within Canada, and transnationally with the U.S.A. and other international bodies, in tracking the international movement of 'high risk' aircraft, vessels on the high seas, containers and travellers (262).

[T]he elaborate interagency and international collaboration [...] have grown up in Canada during the 1990s in response to the problems being posed by the increased evidence of availability and abuse of illicit drugs by Canadian citizens (265).

Ruggiero (2000) findings agrees with Jamieson et al. (1998) in that he sees international pieces of legislation and the establishment of joint working groups and cooperation between law enforcement agencies as the most frequent responses to international illegal drug smuggling (195). Therefore, both research recognize the enabling results of the NAFTA in relation to cooperation and collaboration. Ruggiero cites Reuter & Patrie's (1998) statement on this subject:

The development of transnational police co-operation is an increasingly common response strategy to transnational organized crime. Co-operation is framed through high-level bilateral and multilateral assistance treaties with other nations. States may agree to exchange subject-matter experts and investigative expertise and to provide training for police. Treaties set out rules for the sharing of intelligence and other evidence and for determining jurisdiction in specific cases. They establish standards for investigative methods, the extradition of offenders, and the imposition of sanctions. Frequently, they involve the stationing of law enforcement headquarters or training facility in a foreign capital (Reuter & Petrie, 1998:29 in Ruggiero, 2000:195).

In these ways, international police forces coordinate their efforts to contribute to the establishment of various networks of technical and political alliances (Ruggiero, 2000:1995). Eden (1999) also supports the views of Ruggiero and Jamieson et al. as follows:

the liberalization of markets and the intensification of cross-border economic activity have stimulated the expansion of the state's policing powers and law enforcement apparatus and has facilitated and encouraged not only legal but also illegal economic activity (Andreas, 1996 in Eden, 1999:6).

Ruggiero (2000) also views globalization as an accessory for organized criminality (195). His observation is as follows:

[g]lobalization, the opening of borders and economic integration encourage, therefore, the claim for more police resources and enforcement action outside democratic control. [...] Globalization also entails a hierarchy, whereby more powerful countries may increase their right to intervene in the internal affairs of their less powerful counterparts (195).

In order to deal with crimes associated with economic globalization, police forces must be able to move across borders. As they do so, they bring with them rules and norms from their nation of origin, which impacts on their work and interventions. Ruggiero's statements on globalization also reinforce Jamieson et al. (1998) research findings. He states that globalization, enhanced by NAFTA leads to an increase in trans-national police cooperation. Burger's (1999) research on NAFTA confirms Ruggiero's observation. Indeed, Burger goes a step further and identifies a reciprocal reinforcing dynamic in that he "points out the irony that the illegal drug trade is responsible in part for globalization because of many of the anti-narcotic polices are strengthening globalization" (Burger, 1999 in Eden, 1999:7).

Dr. Lorraine Eden (1999), author of Increasing Trade: NAFTA and the North American Drug Flow, points out that, as in Canada, the concern about illegal drugs American law enforcement agencies and the United States political officials is not new. Indeed, long before the enactment of NAFTA, the United States and Mexico were working in collaboration over anti-drug campaigns. Eden also reports a statement from the then United States Attorney General, Janet Reno, which stipulates that even though NAFTA does not include drug control within its text, the mere tightening of the borders' security would not be a successful implement to intercept illegal smuggling of drugs. Reno perceives "cooperative action provided for in NAFTA" as a necessary mechanism to cross-border crimes control (Gross, 1993 in Eden, 1999:4).

Eden (1999) thoroughly describes the enabling factors, i.e., the cooperation and collaboration between the North American law enforcement agencies, brought about by the NAFTA and endorses the findings of both, Jamieson et al. (1998) and Ruggiero (2000). However, Eden (1999) describes the NAFTA not only in terms of an enhancing factor of collaboration and cooperation, but also as an enabling instrument for illegal international drug smuggling. She declares:

It is my proposal that the economic processes of a regional integration agreement such as the North American Free Trade Agreement may unintentionally facilitate and encourage an increase in illegal trade while attempting to enhance legal trade. Lower trade barriers between the United States, Mexico and Canada let down America's defence against the influx of drugs. Three areas contribute to the NAFTA drug problems: the dramatic increase in the amount of cargo that is transported between the countries, the escalating number of individuals crossing the border each day, and more liberal trade policies between the three independent nations. Due to these three problems, the drug needle is increasingly difficult to find in the growing haystack of free trade (2).

Moreover, in December 1994, an article in the Toronto Star reveals that:

the Canadian 1994 National Drug Intelligence Estimate found that Mexican drug lords were looking for ways to exploit the NAFTA deal. Reportedly, smugglers were laundering their profits by sinking them into legitimate businesses, which drastically complicated the task of tracking criminal dollars (Toronto Star, 1994 in Eden, 1999:4).

A similar report by Hays & Allen (1998), titled Drug Trafficking, Commercial Trade and NAFTA, shows that:

drug traffickers were buying factories, warehouse and trucking companies to use in drug smuggling activities. The report concluded that, 'significant increases in commercial trade were being exploited by drug traffickers' (Hays and Allen, 1998). According to the findings, traffickers were using legitimate trade to cloak operations because the increased border crossings have resulted in fewer inspections (Eden, 1999:5).

Tracey Eaton, of The Dallas Morning News, argues that NAFTA opens the door creating opportunities to Mexican traffickers to smuggle drugs into the United States. In his article titled "NAFTA Trade Gives Big Boost To Drug Traffickers, Report Says", Eaton states that his information comes from "a [63 page] confidential report by Operation Alliance, a task force led by the U.S. Customs Service" (Eaton, 1998). Eaton describes the relationship between NAFTA and drug smugglers as follows:

"For Mexico's drug gangs, the NAFTA was a deal made in narco-heaven," said Phil Jordan, a former high-level official with the Drug Enforcement Administration (DEA). "But since both the United States and Mexico are so committed to free trade, no one wants to admit it has helped the drug lords. It's a taboo subject." [...] What they found out is that Mexican drug gangs are more savvy than ever, having learned that they can often get more done with an MBA than an AK-47. The Operation Alliance report says traffickers were so gung-ho about free trade they began studying its intricacies even before NAFTA was approved on Jan. 1, 1994. [...] "If drug traffickers are researching NAFTA, it would be wise for more in the law-enforcement community to do the same," it says. [...] They dispute the suggestion that the trade agreement has boosted drug trafficking. [...] Even before NAFTA, traffickers routinely hid drug loads in commercial shipments. But some

former drug agents say free trade has given smugglers the upper hand. "If you believe NAFTA has not adversely affected the fight against drug traffickers, then you must believe in the tooth fairy," said Tom Cash, a former high-level DEA official" (Eaton, 1998).

These arguments are consistent with the results of Jamieson et al. (1998), Ruggiero (2000), and Eden (1999) and they illustrate the constraining elements that the RCMP has to face due to the increase in freer cross-border trade of legal goods and services.

Perhaps it should not be surprising that international trade enhanced by NAFTA has not been limited to legal activities. However, they simply reinforce the need for further research on NAFTA and its affect on illegal drug smuggling in Canada and its impact on the Royal Canadian Mounted Police (RCMP).

a) Summary and Discussion of the Focus of the Study

Ruggiero (2000), Jamieson et al. (1998) and Eden (1999) expressed, through their research, that they strongly believed that there has actually been an increase in illegal cross-border drug trafficking since the implementation of the NAFTA. As previously mentioned, Ruggiero (2000), agrees with Jamieson et al. (1998) that new loopholes and inconsistencies encourage cross-border organized criminals. However, Ruggiero does not argue or depict NAFTA as the only source responsible for cross-border illegal activities (195). Eden (1999) endorses the findings of both, Jamieson et al. (1998) and Ruggiero (2000) in that she describes the liberalization of trade and the increase of cross-border economic activity as a factor which open new venues for illegal economic activity (Andreas, 1996 in Eden, 1999:6).

An important critic that one could make is that none of this research contains statistics and/or figures to support their findings and/or positions. They support their hypotheses through logical observations and enlightened deductions. Due to the absence of figures and data on other factors, that could have influence the increase in cross-border drug smuggling in North America, it is not possible to know to which extent, the increase is due to the NAFTA.

An important finding, in relation to the impact of the NAFTA on the RCMP, is that the research indicates a consensus concerning the enabling influence toward closer cooperation between the three countries involved in the NAFTA. Indeed, in the aftermath of NAFTA, international agreements and partnerships is a paramount concern for Canadian government officials in order to sustain a control of cross-border illegal drug smuggling. As mentioned by Jamieson et al. (1998), Canada joined CIDAD and NORAD in 1991. As well, Canada's participation in these trans-national organisations demonstrate an awareness of the necessity for international cooperation (262). Ruggiero reinforces Jamieson et al. stressing that globalization, enhanced by NAFTA, leads to an increase in trans-national police cooperation. However, there is no indication on the extent to which the closer cooperation between law enforcement agencies of the three countries is related to the NAFTA rather than to other factors.

Chapter two provides a substantial review of the literature in terms of the North American Free Trade Agreement and, the Royal Canadian Mounted Police and its role in the international drug enforcement are described and explained.

Crime is as old as humankind. Indeed, in the biblical account of our origins, our plight began with illegal traffic of apples. But global crime, the networking of powerful criminal organizations, and their associates, in shared activities throughout the planet, is a new phenomenon that profoundly affects international and national economies, politics, security, and, ultimately, society at large (Castells, 2000:169-170).

Chapter 2

Major Substantive Research in the Field/ Literature Review

a) *International Drug Smuggling*

a.1. Internationalization of Criminal Activities

Manuel Castells (2000) recognizes that illegal drug trafficking is prominent in the worldwide industry of criminal activities (170). Castells supports Jamieson et al. (1998), Ruggiero (2000), and Eden (1999) findings, in that he describes how illegal financial and trade activities are linked to the legal formal economy. This connection, according to Castells, allows the international illegal trade to 'deeply' penetrate legitimate financial markets. This infiltration of criminal activities jeopardizes the stability of 'a fragile global economy.' Castells adds that:

[t]he flexible connection of these criminal activities in international networks constitutes an essential feature of the new global economy, and of the social/political dynamics of the Information Age (170).

Castells states that criminal organizations have evolved to the transnational level within the past two decades linking economic globalization, new communication, and new transportation technologies as fundamental factors for this change (171). Criminals'

locate management and production activities in low risk countries and retail activities in high demand affluent countries. This strategy enables criminals to maximize their profits. Castells stresses that this “is clearly the case for drug cartels” (171).

James G. Stewart (1996) works with the Criminal Intelligence United of British Columbia’s Ministry, Coordinated Law Enforcement. Stewart wrote an article titled “Intelligence Analysis of Transnational Crime: Assessing Canadian Preparedness”. In this article Stewart argues:

[c]hanges in global politics and economics and the further development of the ‘global village’ concept with its increased mobility of populations, rapid growth of international trade and sophisticated world wide financial transactions, not to mention the tremendous demand for goods and services throughout the world, has created many opportunities in abundance for illegitimate business enterprises and their criminal participants (6).

International illegal activities or, as Castells puts it, the ‘globalization of criminal activities’ forces organized crime to form ‘strategic alliances,’ to cooperate, and to form strategic alliances with each other in order to survive at a transnational level. Castells (2000:173) adds that:

enforcement of deals also combines the skilful manipulation of legal procedures and financial systems in each country and internationally, with the selective use of violence, and widespread corruption of government officials, bankers, bureaucrats, and law-enforcement personnel. [...T]heir global networking allows traditional criminal organizations to survive, and prosper, by escaping the controls of a given state at a difficult time (173).

Castells (2000) observes that the corruption of legal officials provides international drug smugglers relative control over the justice and penal systems of management and production associated with countries. Castells specifies that, in terms of international criminal organizations:

[d]rug traffic is the paramount business, to the point that the legalization of drugs is probably the greatest threat that organized crime would have to confront (177).

a.2. Narcotrafic or International Drug Smuggling

Not only has drug trafficking been growing since the 1970s, as Castells states, the drug industry has transformed Latin America's economic and political order. Latin America's narcoindustry is concentrated primarily around "the production, processing, and export of coca and cocaine" (196). Castells also identifies heroin and marijuana as drugs that have regained importance in the 1990s. Marijuana, in particular, is an important source of revenue, according to Castells' findings, especially in Mexico (Ibid).

Castells stresses several major characteristics of what he calls 'narcotrafico's industry' (196). In discussing these features, we can recognize similarities between some aspects of international illegal drug trade and legal business trade of goods and commodities. Castells enumerates the characteristics of 'narcotrafico's industry' as follows:

(1) [i]t is *demand driven and export oriented*. Its original, and still most important, market is the United States. [...] Transportation and distribution costs, and protection of these distribution systems, are obviously linked to its illegality, and to its sustained demand in the United States (196);

(2) *The industry is fully internationalized, with a changing division of labour between different locations*. [T]he main forms of transportation [are ...:] commercial airlines, cargo ships, personal couriers, cocaine hidden in legally exported merchandise (construction materials, glass panels, fruits, cans, clothing, and so on) (197);

(3) *The critical component of the entire drugs industry is the money-laundering system* (198);

(4) The whole set of transactions relies on *enforcement by an extraordinary level of violence* (199);

(5) *The industry needs the corruption and penetration of its institutional environment to operate at all points in the system.* Drug traffickers have to corrupt and/or intimidate local and national authorities, police, customs, judges, politicians, bankers, chemists, transportation workers, journalists, media owners, and businessmen (199).

In addition, Castells describes how the criminal economy has been able to grow through globalization and by taking advantages of international complexity (208).

a.3. **International Illegal Drug Trade Similarities With Other Agricultural Trade**

In some important respects, the characteristics identified by Castells (2000) could be applied to any other agricultural business. For instance, as for illegal business, the legal industry is demand and export oriented. The legal industry also tends to be or aims at becoming fully internationalized and uses the same modes of transportation. Both legal and illegal businesses have economic institutional needs. A major difference between the types of business is drug trafficking depends on money-laundering. Legal businesses, as illegal ones, rely on enforcement, more precisely, law-enforcement agencies or other types of protection from governments or state apparatus. And law-enforcement agencies use a degree of enforcement and legitimate violence when necessary. The legal industry also requires the support of local and national authorities which they obtained through reciprocal favours, arrangements and/or contracts with politicians and, bankers (Castells, 2000:170-208).

The Reform Party of California (1997) expressed its concerns over NAFTA's adverse effects on international illegal drug trade in an article titled "The Impact of NAFTA on Drug Smuggling". The Reform Party (1997) voices the following:

With the advent of NAFTA, the drug gangs expanded into many legitimate businesses which could be used for smuggling. U.S. officials have reported on their purchase of airlines, trucking companies, new and used car dealerships, petroleum transport corporations and others. However, the increasing use of intermediaries as owners have made it almost impossible to trace their activities in detail. Operations of this size could be carried out without at least the passive cooperation of key government agencies. In fact, corruption of the Mexican authorities by the drug cartels is notorious (1).

In this article, the Reform Party of California (1997) presents a view that is consistent with the findings of Castells (2000) that the illegal industry needs the cooperation of key government agencies and authorities. The Reform Party (1997) makes an interesting point in identifying the participation of the key agencies as 'passive,' which means that no action from the part of government authorities is still a mode of action. This article also supports the argument that international illegal drug smugglers are using legitimate businesses to carry on their illegitimate transactions. The infiltration of the illegitimate drug industry in the legitimate economy makes it harder or 'almost impossible,' as the article states, for law-enforcement agencies to trace the activities of illegal drug smugglers 'in detail'.

In "Part 4: The Illicit Drug Industry: Production, Trafficking And Distribution" of the 1997 World Drug Report, for the United Nations International Drug Control Programme (UNDCP)³ describes "the organizational structure and size of the illicit drug industry." Through the description of the structures of the illicit drug industry, the author stresses the resemblance of the drug trade with any other agricultural products. As the report describes:

³Internet source: http://www.undcp.org/adhoc/world_drug_report_1997/CH4/4.0.4.1.pdf. The author name(s) were not indicated.

Crops are cultivated on large and small holdings. The harvested product is sold wholesale in a market place or bought directly from the farmer. The product moves through the various states of processing and manufacturing, either of which may take place on, or near the site of primary cultivation. The product value increases at each phase of supply/production. The production, manufacture and trade of psychoactive drugs also depends on a variety of other goods – equipment and precursor chemicals – which may be provided by those who are either marginally or unknowingly involved in the industry (123).

The UNDCP also mentions that trafficking organizations are divided into upper and lower echelons. The upper echelons consist of “highly centralized management control.” And, the work and labor specializations are at the lower echelons. The illicit drug industry also requires specialized personnel, such as: “chemists, chemical engineers, pilots, communication specialists, money launderers, accountants, lawyers, security guards and ‘hit men’” (123). Vertical integration, the process through which all “stages passes from source to consumer are controlled by the same network,” is also a common feature of drug organizations (123). Illicit drug industries make large profits and they are barely affected by law-enforcement seizures (123). The author explains that:

[t]raffickers have ample incentive to bear the risks and costs of interception, since profits on a mere fraction of the drugs successfully trafficked can cover the costs of the lost cargo (123).

Peter Andreas (1995), the author of “Free Market Reform and Drug Market Prohibition: U.S. Policies at Cross-Purposes in Latin America”, supports Jamieson et al. (1998), Ruggiero (2000), Eden (1999), and the Reform Party of California’s (1997) position. He argues that “legal and illegal markets are often inextricably intertwined”(1). Andreas goes one step further saying that in some countries, the informal drug economy

is not only linked with the legal markets, but that “the informal drug economy is guided by many of the same principles which regulate the formal economy” (1).

Andreas (1995) discusses the situation in Peru and Bolivia to illustrate the adverse effects of the globalization of trade on legal agricultural production of these two countries. He states that “the coca trade has benefited from this adverse impact of market liberalization” (9). Andreas also notes, it is an “uncomfortable reality that the highly-praised economic reform programmes in Peru and Bolivia both feed [into] and feed from the drug trade” (11).

In his conclusion, Andreas (1995) stresses an important point in explaining the situation of Peru and Bolivia. He says that “neoliberal and prohibition policies in Peru and Bolivia work at cross purposes” (11). This is extremely important for the present research since NAFTA and the work of the Royal Canadian Mounted Police (RCMP) drug sections and other law-enforcement agencies in the United States and Mexico, also seems to work at cross-purposes in the case of controlling cross-border trafficking of illicit drugs. Andreas further maintains that:

[t]he problem has been obscured through institutionalised denial, made possible in large part by the compartmentalisation of the policy-making process and the distinct and insular policy frameworks within which those charged with carrying out the two policies operate. Drug control strategists and economic reform strategists clearly respond to different pressures, represent different interests, use different modes of evaluation, operate within different institutional settings and are focussed on different kinds of problems. Consequently, neoliberal and prohibition policies in Peru and Bolivia have shown a remarkable capacity to co-exist – even as they work at cross-purposes (11).

Andreas' statement is also true in the case of the NAFTA and the international smuggling of illicit drugs. As he mentions in another article co-written with Kate Doyle, and titled "The Drug War is Dead:"

[i]nternational drug control is presented as merely one piece of a larger foreign policy agenda that includes promoting democracy and free-market economic reforms. [...] U.S.-Latin American trade issues, particularly the negotiations over NAFTA, quickly sidelined the security concerns that had defined relations with the region in the 1980s. [...] Clinton rarely even mentioned drugs since taking office" (1).

In addition, Andreas & Doyle point out that the former Clinton administration argue that the growth of democracy linked with the growth of free-market economies offers "new international control opportunities that did not exist a few years ago" (3). This is certainly true in that the reciprocal relationships of the market economies and politics between the three countries under NAFTA will opened possibilities to new venues for cooperation and collaboration among law-enforcement agencies. But, as Andreas & Doyle underline:

[t]his sounds reasonable enough, but in practice it is not at all clear that liberalizing markets will make it easier to prohibit drug markets. Since licit and illicit markets are intimately intertwined in many of Latin America's drug producing countries, market deregulation may actually have the effect of making it more difficult to regulate the drug trade. Prohibiting the movement of some goods (i.e. drugs) while liberalizing the movement of virtually everything else is a recipe for policy frustration (3).

b) North American Free Trade Agreement (NAFTA)

The further back in time we go, the more difficult it is to imagine that choices made about institutions reflect foresight of their ultimate consequences and the less useful it is to consider the establishment of rules as the first stage in the same game (Mayer, 1998:104).

b.1 NAFTA and Illegal Drug Smuggling

As previously stated, NAFTA is an economic trade agreement that was signed by Canada and the United States, and by Mexico in 1991 (Jamieson et al., 1999:246) which came into effect on January 1, 1994 (Appleton, 1994:1).

Frederick W. Mayer (1998) declares, in his book titled Interpreting NAFTA: The Science and Art of Political Analysis that the decision to negotiate this free trade agreement “must be understood as both domestic and an international phenomenon, a decision made by three national systems interacting in a larger international system” (9). Hence, the challenge in the negotiation of the NAFTA, according to Mayer, was “to coordinate domestic and international bargaining” in order to achieve an international agreement (9). Mayer stresses that:

[t]he decision to negotiate NAFTA was a decision to cooperate in an important realm of international affairs (51).

In addition, during the creation of NAFTA, the concerns of drug smuggling were brushed aside by heads of state. The three heads of state involved in the early stages of negotiating the NAFTA were Carlos Salinas de Gortari, president of Mexico, George Bush (senior), president of the United States and, the Canadian Prime Minister Brian

Mulroney (Mayer, 1998:1-2). The signatories were Carlos Salinas de Gortari, president of Mexico, Bill Clinton, president of the United States and, Canadian Prime Minister Jean Chrétien.

As Mayer (1998) points out, the Bush administration largely ignored the voices of concern over illegal drug trade (46). He states, for example, the comment that Charles Rangel, Democrat, N.Y., made on June 14, 1991, at a House Ways and Means Committee hearing:

urged that Mexico improve its drug enforcement before the United States negotiated free trade. "The [cocaine] epidemic is a threat to our national security" (46).

The concerns over the drug flow were not the only concerns. For instance, Mayer (1998) describes what was happening during the hearings in February 1991, as follows:

[a]t hearings in both houses, witnesses representing an extraordinary spectrum of American political institutions gave members an earful as they spoke of their concerns about NAFTA's potential impacts on the environment, labor, rights, workplace safety, human rights, drugs, and immigration – in addition to more traditional concerns about economic impacts (78).

The concerns over these issues were frequently expressed and the effects of NAFTA on each of these spheres of society were unknown or unaddressed (Mayer, 1998:220-221). Mayer (1998) explains that Carla Hills, the United States Trade Representative (USTR) recognized, in her statement before the Ways and Means Committee:

that the administration was willing to consider bilateral social issues 'relating to the environment, drug enforcement, standards in the workplace, and immigration,' and that it was currently studying how to deal with these issues, 'whether that be in the trade agreement or in a separate document' (81).

However, as the public debate about these issues continued, Mayer (1998) reports the following:

NAFTA also stood accused of making it easier for the drug cartels to transport contraband across the border, thereby contributing to the U.S. drug problem. The reasoned case for this proposition rested on the presumption that a greater drug flow of goods from Mexico would make it more difficult for customs agents to carry out their duties. This argument presumed that current interdiction efforts were effective deterrents that would be significantly impaired by NAFTA. Customs officials countered that increased numbers of inspectors and greater cooperation with Mexican authorities would more than compensate for the dangers posed by increased flow of goods. (They did not argue that their current efforts were ineffective anyway.) Although the drug issue could not be completely dismissed, the likely effects of NAFTA on U.S. drug consumption were minimal (222-223).

Mayer's statement contradicts the previous literature described up to this point.

One reason might be that Mayer (1998) calculates the increase of illegal drug flow through the borders in relation to the United States drug consumption. At this point, it seems that Mayer is not considering illicit drug industry taking into account the production, trafficking, and distribution process which would entail that the flow of drugs through the Mexico-United States borders might not simply be measured in terms of consumption but also in terms of manufacturing, transformation and, storage.

Nonetheless, Mayer's (1998) book discusses a front-page headline titled "Free-Trade Treaty May Widen Traffic in Drugs, U.S. Says," published on May 24, 1993 in the New York Times. The text of the article is as follows:

Cocaine smugglers working with Colombian drug cartels are starting to set up factories, warehouses, and trucking companies in Mexico to exploit the flood of cross-border commerce expected under the North American Free Trade Agreement, United States intelligence and law-enforcement officials say (244).

This article represents the type of advertisements and 'stories' that were present during the negotiations of the NAFTA. There were proponents and opponents of this depiction of the NAFTA's residual effects on the illicit drug trade. Mayer (1998) is not clear in his analysis why he dismissed these claims against the NAFTA.

Mayer refers to another news event. He states the following:

[t]hen, on June 3, less than a week later [referring to the New York Times front-page article], U.S. drug agents discovered a nearly completed tunnel under the U.S.-Mexican border, apparently intended for drug smuggling. 'It's pretty mind-boggling, said Jack Hook of the Drug Enforcement Administration (DEA) office in San Diego. 'Law enforcement is lucky that it was caught at this point. They could have gotten tons through there without us knowing anything about it' (245).

Cockburn et al.'s (1999) book titled Whiteout: CIA, Drugs, and the Press supports Mayer (1998) and Andreas & Doyle's assertion that international drug control was not a priority for the Clinton administration. Cockburn et al. note:

[t]he Clinton administration did everything in its power to conceal the criminality saturating the Mexican state apparatus. In October 1996, the Clinton White House invoked executive privilege to keep from turning over to Congress an April 1995 memo written by FBI director Louis Freeh and DEA administrator Thomas Constantine. The memo excoriated the administration's drug policy, particularly regarding Mexico. According to a report in the New York Times, Freeh and Constantine charged that the Clinton drug policy was 'adrift,' lacked any true leadership, and was being sabotaged by competing agencies, including the CIA, the Department of Commerce and the NSC. [...] An internal State Department memo written two years after the passage of NAFTA reached similar conclusions. It identifies Mexico as 'one of the most important money laundering centers in the Western Hemisphere' and cited it as the 'principal transit route for cocaine entering the United States' (362-363).

Jim Crockcroft, the author of Mexico Hopes (1998) and of "Mexico Background on NAFTA, Immigration, and Human Rights" (1998), supports Cockburn et al. (1999), Mayer (1998), and Andreas & Doyle, as well as all the previous sources assertion that NAFTA, the increase in trade, facilitates the international illegal drug smuggling. Crockcroft (1998) states that the NAFTA has had an adverse affect on international illegal drug trade. His statement goes as follows:

[m]oreover, several reports indicated that NAFTA boosted narcotics trafficking because of drug traffickers' purchasing maquiladoras or using maquiladoras warehouses. Customs officials gave favored treatment to maquiladoras shipments. Increased trade also facilitated increased smuggling. As importantly, NAFTA's liberalization of capital flows greatly facilitated drug money laundering by banks, much in need of quick cast to cover overextended loan portfolios and bad loans (7).

Mayer (1998) uses the concepts of 'rational ignorance' and the market for 'entertainment' to explain the misconceptions and the disparities between the reality of the NAFTA and the beliefs held by citizens about the agreement and its possible effects (261). He stresses that:

[t]he concepts of rational ignorance and of entertainment information can explain why there might not be congruence between the reality of NAFTA and the beliefs held about it (Ibid).

b.2. NAFTA and Canada

Based on the previous research literature, NAFTA has had an important influence on the RCMP's work in tracking the illegal flow of drugs both domestically and internationally. Jamieson et al. (1998) observed the following:

NAFTA agreement is seen to have created 'new opportunities' for individuals or groups interested in the fortunes to be made by the sale of illicit drugs in North America (Kaihla, 1995) and some of these reports suggest that the really important trade is that which uses the Canadian border, or, indeed,

particular, targeted parts of the Canadian coastline [...] [There is, as a response to this, an] elaborate interagency and international collaborations that have grown up in Canada during the 1990s (265).

Canada's participation "into a free trade agreement was [seen as] essential in the interest of boosting the country's ability to compete in a changing world" (249).

However, NAFTA not only brought about economic benefits, it also enhanced the likelihood of "illegal immigration, environmental damage and increased drug trade" (Eden, 1999:1; Jamieson et al., 1998:245). Indeed, NAFTA has "unintentionally facilitate[d] and encourage[d] an increase in illegal trade while attempting to enhance legal trade" (Eden, 1999:2). In lowering the trade barriers between Canada, the United States, and Mexico, the agreement exposes these countries to an increase in the influx of illicit narcotics. As mentioned above, Dr. Lorraine Eden identifies three factors that contribute to the NAFTA drug trade problem: an increase in the amount of cargo transported between countries; an increase in the number of individuals crossing the border; and the more liberal trade policies between those three countries (2).

As previously mentioned, Canada's preoccupation with illicit drug smuggling is not a recent phenomenon; it predated the passage of the NAFTA. After NAFTA was implemented, the concern over drug smuggling increased in the United States. Indeed, pressure groups, in the United States, such as environmental groups and others tried, and are still trying, to make it clear that NAFTA is an open door to criminality. They argue that the United States government should abolish the agreement for the safety of the

United States. In Canada, similar groups request the abolishment of the NAFTA for the well being of all Canadians. These pressure groups are now using an Internet posting with the following advertisements:

- 1) Mexican drug cartels park more of their laundered drug money in American banks than they do in Mexican banks.
- 2) As a unified Europe has reduced border inspections for drugs in Europe, the new NAFTA laws have reduced border inspections for drugs along the Mexican-American border and the Canadian-American border.
- 3) Jeff Romero, the District Attorney in Albuquerque, says that it is Mexicans forcing drugs onto Americans that is causing America's drug problem. That's absolute BS" It's the wealthy Americans with the demand that the Mexican cartels are catering.
- 4) NAFTA is a good example of how the power of the states have been reduced due to the global economy. The tremendous increase of trade between Mexico and the United States has resulted in an opportunity for international narcotics traffickers to smuggle increased amounts of illegal drugs into the U.S. This has led to increased drug-related crime in the border states who are powerless to interfere with the importation of goods from Mexico. The states' historic ability to provide health and safety of their residents has been diminished⁴.

This may not be taken seriously because of the source and the paranoia that emanates from these writings. However, Frederick W. Mayer (1998), a scholar at Duke University who wrote Interpreting NAFTA: The Science and Art of Political Analysis indicates in his analysis of the history of NAFTA that there was strong opposition to the agreement, and that such comments and concerns were exposed by this opposition. There is still opposition to the free trade agreement in the United States.

4

Andrew (Notes: Comments on this webpage (are apparently) from a retired researcher with the CIA) 1999-12-22. NAFTA, Drugs, & International Conspiracy. <http://starheart.net/nafta.html> .Pp 4

There was, and still are, similar concerns coming from Canadians. Canadian strategies to cope with drug abuse was "to initiate partnerships and collaboration amongst all agencies"(Jamieson et al., 1998:261). Jamieson et al. (1998) describes the establishment of these partnerships and collaborations as follows:

During the first 5-year period of the National Drug Strategy, relationship of collaboration has been established on a formal basis between Health Canada, the Ministry of the Solicitor General (the RCMP, Correctional Service Canada, and the Solicitor General Secretariat), Foreign Affairs and International Trade, Revenue Canada, Customs, Justice Canada, Human Resources Development Canada and Canadian Heritage (261).

An article titled "NAFTA Drug Link Probed RCMP Eyes Impact of Freer Trade on Money Laundering," published in The Toronto Star, (Dec. 19, 1994, A12), expressed Canadian concerns over drug smuggling. The author of the article mentions the following:

South American drug lords are looking for ways to exploit the North American Free trade Deal to launder their illegal profits, an RCMP intelligence report says. [...] [N]ational police force admits it's not sure what kind of impact the North American Free Trade Deal (NAFTA) has had on drug trafficking. NAFTA is making it harder for police to track drug - money laundering operations, said Inspector Jim Killam of the anti-drug profiteering squad. [...] The other problem presented by freer trade is that the volume of business crossing borders goes up. [...] NAFTA had earlier raised concerns among police that freer trade would mean an increase in drug shipments coming into Canada over land (1).

This article demonstrates that the concerns of the Canadian law enforcement agency, the Royal Canadian Mounted Police (RCMP), are similar to American concerns.

c) *Mandates of the Royal Canadian Mounted Police Drug Sections and International Illegal Drug Trade*

International drug trafficking has had a substantial impact on the Canadian federal and provincial governments. According to Castells (2000), organized crime has been transformed and empowered by the “technological and organizational opportunity to set up global networks” (207). The drug trade also brings about informal and illegal economic activities (Berthiaume, 1997:13), drug-related corruptions which undermine the institutions of the state, and political instability (“narco-democracy”) (Ibid:5). Berthiaume (1997) explains that to reduce the impact of drug trade on their State the provincial, national, international organizations and governments develop strategies to neutralize the drug smuggling at each stages of its marketing⁵ (Ibid:19). The implementation of the strategies is carried out by different judicial, political, legal, and financial systems across Canada. The Royal Canadian Mounted Police is recognized around the world as the Canadian federal law enforcement agency dealing with international crimes, including international illegal drug smuggling. In 1990, the Auditor General of Canada expressed the public perception of the RCMP as follows:

To much of the world, the Royal Canadian Mounted Police (RMCP) represents what is inherently Canadian. The RCMP tradition goes back to 1873 and, since that time, the RCMP has become essential to maintaining the Canadian ideal of ‘peace, order and good government’ (Auditor General of Canada, 1990:1).

5

As Berthiaume stresses, “to reduce the impact of the drug trade on their economy, political systems, and society in general, many governments are trying to control the illegal drug trade. Provincial, national and international organizations and governments around the world have developed strategies to neutralize each stage of the drug marketing cycle: cultivation, processing, transportation and distribution, financing and consumption” (Berthiaume, 1997:19).

The Royal Canadian Mounted Police (RCMP) was formed in the late 19th century. It functions under the authority of the Canadian Department of Justice. In Canada, it is the RCMP that has special powers to enforce drug laws. The RCMP is also one of the two national bodies responsible for gathering and analysing criminal intelligence data. The other agency is the Canadian Security Intelligence Service (CSIS) (Stewart, 1996:5). However, the RCMP "is the most important force with assignments international in scope" (Deflem, 2000:10). Dave Haans (1994) describes the RCMP's goals and orientation as follows:

The RCMP's 'raison d'etre' soon became the enforcement of drug laws, and was a great influence on the Narcotics Division, which found little resistance when requesting special powers be given to the RCMP to penalize drug users and traffickers (5).

The special powers assigned to the RCMP included:

to search dwellings without a warrant, the onus on the defendant to prove s/he had no knowledge, consent, or authority in possession cases, and the police being able to prosecute doctors who were prescribing maintenance doses to addicts⁶ (Haans, 1994:5).

In addition, the RCMP's spokesmen and the customs authorities stress constant refocusing of their activities. For example, they mention the installation of "new systems of surveillance and information-gathering" as new measures to adapt to "the changing strategies, and the changing routes, adopted by traffickers attempting" to smuggle illicit drugs into Canada (Jamieson et al., 1998:261). Surveillance and the system of border control involve the collaboration of many departments and organizations. For example:

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It is important to mention that some of these 'special powers' have now been revoked or replaced.

[t]he Department of National Defense, the Canadian Coast Guard, Canada Customs, Revenue Canada and the RCMP [... As well, Canada is involved] transnationally with the U.S.A. and other international bodies, in tracking the international movement of 'high risk' aircraft, vessels on the high seas, containers and travellers (Jamieson et al., 1998:262).

At the international level, the RCMP engages in a broad variety of policing tasks.

The policing tasks in which the RCMP are involved at the international level include the following:

- 1) a system of liaison officers attached to Canadian embassies or high commissions abroad;
- 2) work as part of bilateral agreements, including Canadian representation in Interpol;
- 3) foreign police missions for special assignments; and
- 4) as with most other national police agencies, some tasks of the RCMP concern international crimes, including an Immigration, Passport and Citizenship Program and a Customs and Excise Program (Deflem, 2000:11).

The Royal Canadian Mounted Police (RCMP) is one of the principal participants in the control of the international drug trade. Indeed, in 1997 the House of Commons granted the RCMP greater power in conducting narcotics-related investigations⁷.

However, "[t]he international law enforcement community has been critical of Canada's apparent inability to effectively combat organized crime" (MacAulay, 1998-1999:4).

Many aspects of international drug control have been affected by the implementation of the North American Free Trade Agreement (NAFTA) and the RCMP is no exception. Some of its sectors have been transformed or reorganized. For example,

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"International Narcotics Control Strategy Report, 1996 Released by the Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State Washington, DC, March 1997." Internet source.
http://www.state.gov/www/global/na..._law/1996_narc_report/camex96.html. 28 sept. 2000:4 of 26.

the RCMP's "strategic intelligence on criminal acts, individual criminals and criminal organizations," physical surveillance, information technologies, legislative instruments (such as Criminal Code), financial resources (e.g., duties, taxes), public education and information, and human resources (RCMP's members and other international agencies' members) (MacAulay, 1998-1999:16). The cooperation between countries in terms of coordination of personnel, its exchange of information among Canadian police officials and the exchange of information between countries, the dedication of RCMP staff, and the follow-up on different investigations are also aspects that have been, or might have been, affected by the implementation of the NAFTA. The participation of RCMP staff in public events and the restrictions placed on the organization are some additional aspects that can have an influence, either directly or indirectly by the NAFTA. The identification of these different indicators is based on the researcher's personal professional knowledge while working for the RCMP, and on reports produced by the organization.

Deflem (2000) stresses that the United States and Canada are doing "more and more collaborative work on organized crime and money-laundering activities" (12).

Concerning illegal drug smuggling, Deflem (2000) mentions the following:

The drug flow mostly used to go from the U.S. into Canada, but now it has reversed. Possibly diverted from heightened control at the U.S.-Mexican border, drugs are now imported more and more into Canada, from South America and Asia, destined for the United States. Since March 1995, Canada and the U.S. mutually share proceeds of seized assets in cases that involved cooperation. The RCMP is the chief Canadian agency responsible for drug work, but it receives assistance from the Canada Customs Border Service, the Canadian Coast Guard and the Canadian Navy (which has been asked to step up patrol at sea) (12).

Deflem (2000) also underlines that the American and the Canadian federal police have shared database information. Indeed, the American Immigration and Naturalization Service (INS) "has access to the Canadian Police Information Services" (CPIC) (12). The cooperation between the U.S. and Canada also entails non-operational work such as police training (12).

In his article, Deflem (2000) stresses that Canadian law enforcement authorities have encountered various challenges while cooperating at the international level. Deflem's (2000) observations include the following:

The problems Canadian law enforcement authorities have faced with international cooperation concern past errors and technical deficiencies in international police work and additionally relate to differences in legal systems on two sides of the U.S.-Canadian border (13).

The RCMP, according to the 1990 Report of the Auditor General of Canada, has also encountered a certain level of difficulty in cooperating with other Canadian departments. The overlap in jurisdiction and responsibilities of the different departments and law enforcement agencies also brought about important challenges to fight organized crime. As mentioned, criminal organizations form alliances and respect no border. Therefore, in order to be effective the RCMP drug sections require a level of openness. RCMP's partnership, cooperation and collaboration with other Canadian federal, provincial, and local departments, as well as, with U.S. federal law enforcement agencies is important for both governments to be successful in controlling and monitoring international illegal drug trade.

The 1990 Report of the Auditor General of Canada expresses the following:

[t]he overlap in responsibilities and changes in regulatory programs and enforcement strategies [...] have opened the door for conflicts between the RCMP and departments. To minimize the opportunities for these conflicts to occur, the RCMP needs to promote co-operation and co-ordination between itself and its 'clients' departments (3). [...]

At border points, the RCMP and the Department of National Revenue-Customs (Canada Customs) work together to combat the importation of illegal drugs into Canada. However, since 1984, there have been a number of areas of conflict between them. [...] After Canada Customs introduced its drug teams at major ports of entry in 1984, the two agencies began to negotiate an agreement specifically covering their drug enforcement activities. [...] These conflicts concerning roles and responsibilities occur on a number of fronts: information sharing, intelligence gathering, co-operation at ports of entry, inland investigation, international liaison, and public recognition of drug seizures. These problems bear directly on the effectiveness of drug enforcement in Canada (5).

Information sharing, intelligence gathering and, co-operation between the RCMP drug sections and Canada Customs or any other department and/or international law enforcement agencies, is of primordial importance for the success and effectiveness of RCMP controlling and monitoring international illegal drug trade. Without a sharing of information between departments and agencies, there will be a duplication of work done within the different agencies and this will slow down the pace of investigation on drug lords and criminal organizations which, in turn, will be counterproductive for all parties involved.

The internationalization of criminal activities calls for the internationalization of law enforcement agencies. The same is true for any other agency or departments that deal with international crime, such as money-laundering. It is impossible for law enforcement agencies to be effective while staying in their 'Ivory Tower.' Information gathered from

a department must be shared and interdepartmental and inter-agencies borders must breakdown in order for any agency, particularly the RCMP, to be effective in controlling and monitoring the illegal drug trade.

My research demonstrates the strenuous efforts that this exchange of information exerts on RCMP drug sections, and on other drug enforcement agencies (whether they are American, Canadian, or Mexican). The study also demonstrates that some of the difficulties of gathering and exchanging of information is due to the desire of these agencies and governments to maintain and to ensure their monopoly of authoritative resources and, thereby, the control of information required to carry out their activities.

Within the Canadian agencies there is a tendency for each department to keep and preserve their "Ivory Tower." This is to say that there is a fierce desire to keep the status quo which is to preserve the information gathered by the member of the agency, e.g. RCMP drug sections, within the RCMP drug sections. However, with the internationalization of drug trafficking this a notion that has to change if drug enforcement agencies in Canada, the United States, and Mexico are to fulfil their tasks, of controlling and restraining illicit drug smuggling within and between each of the countries.

Deflem (2000) details the covenant made between the American and the Canadian heads of state as follow:

Clinton and Chretien promised to collaborate on a whole series of customs, migration, and police-cooperation efforts in order to make the U.S.-Canadian border more user-friendly for ordinary citizens while cracking down on criminals. Specifically, the statesmen agreed to set up automated checkpoints at the border, a joint Canada-U.S. customs and immigration point, and an enhanced information exchange system (among local and federal authorities)

to curb transborder kidnappings involving children. [Similar to] Mexico, then, Canada appears to have entered a more stable phase of police cooperation with the United States on the basis of signs of goodwill on the part of the countries' political leaders (17).

Deflem (2000) stresses that police cooperation in North America leads to an "Americanization of international policing" (17). Deflem (2000) cites Ethan Nadelmann (1993:189-249) as his source. He describes Nadelmann's (1993) argument as follow:

an Americanization of international policing occurs at various levels: institutionally (e.g., in providing help in creating specialized drug units); operationally (e.g., training of foreign police and aiding in detective work); as well as legally (e.g., influencing the legalization of certain police techniques). Importantly, these three domains operate simultaneously and reinforce one another. And, furthermore, the flow of assistance is clearly not reciprocally mutual, but moves from center (United States) to periphery (Mexico, Canada) (17).

In terms of my research, the formation of organization and the formation of ideology are related. Canadian, Mexican, and American drug enforcement agencies are shaped and embody ideology and ways of thinking and acting operationally that are vastly different. The system of disciplinary power and the formation and enactment of the hegemony of each country in controlling, dealing, and enforcing drug control vary from one country to another. For instance, the American law enforcement agencies focus on the supply side of the illegal drug trade, in comparison with the Canadian law enforcement agencies and governments which emphasize their intervention on the demand side of the drug problems in Canada. Of course, both countries are working on ameliorating the situation of both, i.e., to reduce the demand and to intercept the supply in each respective country; it is the focus of their activities and priorities that differ.

These differences emphasize the challenge of cooperation that drug enforcement agencies, such as the RCMP, face under NAFTA.

Patricia Erickson, a senior scientist working with the Addiction Research Foundation in Toronto, Ontario, also mentions the effect of the United States on Canada in relation to the illegal drug problem. In her article titled "Recent Trends in Canadian Drug Politics: The Decline and Resurgence of Prohibitionism," Erickson (1992) states that American media have had a paramount social influence on the Canadian "renewal of prohibitionsim" (6). Erickson (1992) findings are the following:

This 'second hand' or 'borrowed' drug panic about cocaine and crack was imported from the United States as part of a larger cultural infiltration with its highly negative evaluations of illicit drug use and users (6).

Erickson (1992) exemplifies the Americanization of the Canadian Drug policy as follows:

The Solicitor General highlighted specific funding of \$33 million for three new units to specialize in the enforcement of the Proceeds of crime laws. He confirmed plans for the RCMP and the Department of National Defense to extend their cooperative arrangement to include both coastal surveillance and assistance on land. Also included was a plan to share forfeited crime profits with the provinces, an apparent victory for those who have argued that these funds should return to local coffers rather than go into general federal revenues. The involvement of the military and the return of seized drug assets to police characterize current American practices. The Strategy's emphasis on demand-side measures focussed on continuing and strengthening the police role in drug education: 'It's no exaggeration to say that now, Canadian police forces lead the western world in the police-delivery of the drug abuse awareness, the drug prevention message to youth' (17).

In her article titled "Smugglers Lose When West Coast Border Agencies Team Up," Joanna Kerr (1999) describes the Integrated Border Enforcement Team (IBET). IBET is a project that was launched in 1997 by RCMP Inspector Pete Thompson and his customs and excise teams. That year, Inspector Thompson established contact with his future partners. Kerr (1999) describes the strengths of IBET as follows:

[t]he Integrated Border Enforcement Team (IBET) takes a united stand against smuggling by combining the human and technological resources of the RCMP's customs and excise, drug enforcement and immigration and passport sections along with Canada Customs, the U.S. Border Patrol, U.S. Customs Service, the federal Drug Enforcement Agency and municipal police on both side of the border (1).

Based on the success of IBET, a new East Coast team will be designed, announced by the then United States Attorney General Janet Reno and the Solicitor General of Canada, Lawrence MacAulay. This announcement was made on June 9th, 2000, in a news release titled "U.S. Attorney General and Solicitor General of Canada Announce New Measures to Tighten Border Security," to control the Canada-U.S. East Coast border. The new team, like its predecessor, IBET, is shaped as follows:

[it will be] a multi-agency law enforcement team with United States and Canadian, immigration and customs officials working together on a daily basis with local, state and provincial agencies (1).

The press release also mentions that IBET and this new East Coast team of law enforcement agencies have been made in respect to the following:

the three guiding principles for strengthening Canada-U.S. border cooperation endorsed by Prime Minister Chrétien and President Clinton in October 1999: To harmonize border policies and management, expand cooperation to increase efficiencies at and beyond the border, and collaborate on common threats from outside Canada and the U.S. (1).

The cooperation and cross-border operations between Canada and the United States is perceived by both, the U.S. Attorney General and the Solicitor General of Canada as “a model for the future of cross-border law enforcement cooperation” (1). The benefits of cooperation between both countries’ law enforcement are described as follows in the news release:

[t]he agreement, between the RCMP’s Canadian Police Research Centre and the National Institute of Justice of the U.S. Department of Justice, allows both agencies to share the latest information on development such as videotape enhancement, explosives detection, security systems, fingerprint detection and protective equipment for police (1).

c.1. RCMP’s Drug Law Enforcement Role

In order to counter international crimes which continues to threaten the safety and security of all Canadian and of all nations, the Honourable Lawrence Macaulay, Solicitor General of Canada declared the following, on June 17th, 1999 at the Canada-U.S. Cross Border Crime Forum:

[...W]e are increasing the presence of the RCMP members at Canada’s three largest international airports, in Montreal, Toronto and Vancouver. The RCMP will receive approximately 15 million dollars per year to place 100 additional RCMP members at those airports.

This will enhance the RCMP’s role in the enforcement of federal laws, including illegal drug importation, illegal immigration and intelligence-gathering in relation to national security and organized criminal activities. The additional officers will be used to target organized criminals who use these major airports as entry points into Canada. This step is just one in a series of measures the federal government is undertaking to fight organized crime.

Another step is with our Anti-Smuggling Initiative. It is an example of an alliance that works to improve safety on both side of the Canada-U.S. border. The ASI started five years ago, since then, RCMP and Customs officers have seized over 4.2 billion dollars worth of contraband products. Over 17,000

charges have been laid, resulting in fines in excess of 113 million dollars, and 118 million dollars in evaded taxes and duties has been identified (2).

Further cooperation and a more detailed understanding of the role and cooperation of the RCMP with the United States, was developed and announced at the Forum held in Charlottetown in 1999 (2000). The RCMP involvement is described as follows:

Recent agreement between the RCMP and the U.S. law enforcement agencies to provide reciprocal direct access to each other's criminal data based [was an important objective of the Forum].

[As well, i]n June 1999, the federal government injected another \$78 million over the next four years to combat smuggling. The Anti-Smuggling Initiative introduced in 1994, provided resources for the RCMP, Justice and Revenue Canada to target smuggling and distribution networks at the border, in our ports, and across the country. This initiative was renewed in 1997 (2).

The RCMP will receive substantial budget increases totalling \$584 million over the next three years. The increased founding means the RCMP will be able to better fight organized crime and cross-border public safety threats, modernize its computer and radio system, and maintain and improve its National Police Services, which provide technical services to the Canadian law enforcement community (3).

The Canadian government efforts to control cross-border smuggling of illicit narcotics has, however, been undermined by court decisions. The International Narcotics Control Strategy Report, 1999 (2000) conclusion goes as follows:

While the RCMP has mounted effective operations against narcotics and other criminal organizations, the impact of the efforts have been undermined in numerous cases by court decisions. Canadian courts have been reluctant to impose tough prison sentences, often opting for fines, reflecting the widespread view that drugs are a "victimless" crime or simply a health issue, not a criminal or public safety concern (7).

We need theory to guide inquiry. Empirical questions cannot profitably be addressed, indeed cannot even be asked, without some structuring assumptions that direct our attention to what is important, connect causes and effects, and enable us to discern patterns in the otherwise inchoate mass of data (Mayer, 1998:6).

Chapter 3

Research Questions, Purposes, Type of Analysis, and Method of Data Collection: Triangulation

a) Research Questions

The main question that the thesis addresses is: How does NAFTA impact on the RCMP in relation to the illegal smuggling of drugs, both inside and outside Canada? The secondary research questions are 'descriptive' in character, in that they are intended to find out what happened in terms of observable events or behaviour (Maxwell, 1996:59). In practical terms, these general questions pertain to finding out how NAFTA has had an effect, positive or negative, on the work of the RCMP concerning illicit smuggling of drugs at the international level. These sub-questions include: Has there actually been an increase in illegal cross-border drug trafficking since the implementation of the NAFTA? What are the facts and figures? If there has been an increase, how would we know that it is due to the NAFTA and not other factors? What is the evidence? Has there actually been closer cooperation between Canadian, American, and Mexican police forces since the NAFTA? In what ways? To what extent is this closer cooperation related to the free trade agreement, rather than to other factors? If there has been an increase in drug trafficking and there has been more cooperation, what has been the impact on Canadian

society? What does this mean for Canadian drug laws and their enforcement? For instance, is there any evidence of harmonization? In what sense? Are Canadian laws or enforcement practices becoming more like America's (or Mexico's) or is the influence running in the other direction? Does this make the job of the RCMP easier or more difficult? How so?

The questions that guided my interviews and my general research study are: How does NAFTA impact on the RCMP in relation to the illegal smuggling of drugs in and outside Canada? What were the particular changes arising from NAFTA that brought about an impact on the RCMP work in controlling the drug trade? What is different now, with NAFTA in place, in the international drug flow that was not present before? How did NAFTA impact on the resources of the RCMP? Did NAFTA introduce new instruments or 'rules' that the RCMP can use in their control of illegal drug trade? Each of these questions, while not asking directly the main research questions provided a very good, concise and direct approach to my topic. In addition, those questions were easily understood by the interviewees and directly link to the topic at hand, while giving the interviewees enough flexibility to answer and to provide the information that they believed could be useful to enhance the quality of the research findings.

Moreover, since this research includes human subjects (face-to-face interviews), I have considered the ethical implications that this suggest. All the information pertaining to these considerations are described in depth in my ethic form, which complies with the University of New Brunswick Tri-Council Policy Statement "Ethical Conduct for

Research Involving Humans⁸.” The consent was obtain through signed consent forms and/or oral consent. As well, I transcribed myself the interviews that were done in French into English.

The previous review of the literature on the NAFTA and international illegal drug smuggling lead me to identify the possible aspects of the RCMP affected by the implementation of the NAFTA as constraining – increase difficulty of the RCMP to control the international illegal drug trade due to the augmentation in legal trade of goods and services – and enabling – cooperation and coordination of resources within Canada and between the other member countries of the NAFTA: United States and Mexico. I coded the interviews accordingly.

b) Purposes

The specific intent of this qualitative study is to develop an understanding of the effect of the NAFTA, as well as, to reveal how the Agreement impacts on the RCMP’s involvement in the control of international illicit drug trade. The aim of this research is to understand the impact of the NAFTA on the RCMP and to investigate whether the Agreement enables or constraints the organization in its role in international drug trade policy. As well, this study will provides a better understanding of the NAFTA and its effect on the Canadian government organization, more specifically, the RCMP, in terms of managing illegal drug activities. Indeed, very little research has been produced on the impact of the NAFTA on the illegal drug trade in Canada.

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A copy of the questions used to guide the interview, as well as, all the relevant information pertaining to ethic, anonymity, consent and confidentiality is available in the first appendix of this thesis, titled: Appendix I: Ethic Form, Informed Consent Form & Letter of Introduction

A qualitative approach is used, in this study, in order to achieve and enhance the validity and reliability of the findings. The topic at hand is a very sensitive one and some officials may be tempted either to promote or to suppress the effect of NAFTA as having a role or some consequences on the work of the RCMP in the control of international smuggling of illicit drugs across the borders.

Maxwell (1996) identifies five specific research purposes for which qualitative research are best suited (17). These purposes coincide with the objectives of this research. They include the following:

1. Understanding the *meaning*, for participants in the study, of the events, situations, and actions they are involved with [...]. [H]ow the participants in your study make sense of this and how their understandings influence their behavior [...].
2. Understanding the particular *context* within which the participants act, and the influence that this context has on their actions. Qualitative researchers typically study a relatively small number of individuals or situations [...] (17).
3. Identifying *unanticipated* phenomena and influences, and generating new grounded theories about the latter [...].
4. Understanding the *process* by which events and actions take place [...](19).
5. Developing *causal explanations* [...](20).

For this research I interviewed a small sample of Canadian government officials, working for different federal government agencies. Importance was placed on “understanding the meaning, for participants in the study” and “understanding the particular context within which the participants act, and the influence that this context has on their actions” (Maxwell, 1996:17). It will also help to understand the process by which NAFTA has had unintended consequences on the international illegal drug trade

and, as a consequence, it has had an unintended impact on the work of RCMP's drug sections staff.

The use of qualitative research in this study research also brings 'three practical purposes,' identified by Maxwell (1996) as follows:

1. Generating results and theories that are understandable and experientially credible, both to the people you are studying and to others [...].
2. Conducting formative evaluations, ones that are intended to help improve existing practice rather than to simply assess the value of the program or product being evaluated (Scriven, 1967, 1991). In such evaluations, it is more important to understand the process by which things happen in a particular situation than to rigorously compare this with other situations [...].
3. Engaging in collaborative or action research with practitioners or research participants [...] (21).

The results of this research fulfills these practical purposes in that it provides understandable and credible results for the participants in this research and for others. It also supplies a formative evaluation of the situation of the RCMP's involvement in the control of international illegal drug trade in the aftermath of the NAFTA.

c) Type of Analysis

c.1. Prior Research on My Topic : Justification for My Research

As previously mentioned, this research fills an important gap in the literature on the affect of NAFTA on law enforcement agencies and, more importantly, on the Royal Canadian Mounted Police's (RCMP) intent to control and monitor the illegal international drug smuggling across the Canada-United States border. It is imperative to mention that research has been done on this topic, however, it does not focus attention on the RCMP as a potential law enforcement agency being affected.

c.2. Logic of the Conduct

I use a triangulation methodology consisting of three different methods of data gathering, i.e., government documentation, unstructured interviews and participant observation in conferences, which not only complement each other but, enhance the validity of the findings of this research. I draw on each of these sources of information from different perspectives (government documentation from various countries, different Canadian governmental agencies officials, as well as three different conferences on different topics) and this provides a basis of comparison or of verification for the validity and reliability of my data.

c.2.a. Methods of Data Collection: Triangulation

Yet, the phenomenon [global criminal economy] is largely ignored by social scientists, when it comes to understanding economies and societies, with the arguments that the data are not truly reliable, and that sensationalism taints interpretation. He take exception to these views. If a phenomenon is acknowledged as a fundamental dimension of our societies, indeed of the new globalized system, we must use whatever evidence is available to explore the connection between these criminal activities and societies and economies at large (Castells, 2000:171).

I agree with Castells' quote, that illegal smuggling of drugs in Canada must be researched and studied with the means available. In order to overcome the common believe of the "unreliability of data" available on international illegal drug smuggling chosen was triangulation as my method of data collection. Moreover, in social sciences, methodological triangulation refers, according to Hinds & Young (1987), to the following:

[t]riangulation combines independent yet complementary research method to: enhance the description of a process or processes under study; identify a chronology of events; provide evidence for internal validity estimates; serve as

a corroborating or validating process for study findings. Thus, an expanded understanding and contextual representation of the studies phenomena result (195, in Bowen, 1996:2).

Therefore, the use of different methods of data collection, such as the ones used in this research (document review, unstructured interviews and observation/information gathering), "could be viewed as compensatory, as the limitations of one are offset by the strengths of the other" (Bowen, 1996:4). The review of documents, in the present is used to counterbalance and verify the possible bias contained in the unstructured interviews and in the research observation done at the conferences. And, the unstructured interview questions address issues that were found in the government documents. The answers to my questions are then compared with the content of these government documents and what was said at the conferences. In turn, the conferences provide a third opportunity to check the interviewees' responses and the conferences spokespersons' speech (Bowen, 1996:4).

Kathryn A. Bowen (1996), a PhD student at Cornell University, concludes the following concerning the use of triangulation of methods:

Methodological triangulation is not the panacea for every social science research project. We as social science researchers should be mindful however, that one methodology can narrow a researcher's perspective and can deprive him/her of the benefits of building on the strengths inherent in a variety of research methodologies. Triangulation can maximize the strengths and minimize the weakness of each individual approach while strengthening research results and contributions to theory and knowledge development. The benefits of triangulation also serve to enrich and deepen our understanding of the research environment while seeking convergence, corroboration, and correspondence of results across the different method types. This framework highlights the integrative potential of these strategies, and underscores their potential power not only to incorporate qualitative and quantitative analyses, but also vice versa, and, even beyond, to spiral interactively around the different data sets, adding depth of understanding with each cycle. (Caracelli &

Greene, 1993). Through this process threats to internal validity can be recognized and addressed (5).

c.2.b. Stage 1: Data Collection of Government Documentation

The first stage of this research involves analysis of seven key government documents. It is important to mention that only a sample of report(s) was selected. I investigated pertinent documents written by various agencies, from different governments.

The first of these reports is by Robert C. Fahlman, the Assistant Director at Interpol General Secretariat in Lyon, France and Head Criminal Intelligence Sub-Directorate, published an article titled "Intelligence Led Policing and the Key Role of Criminal Intelligence Analysis: Preparing for the 21st Century".

The voices, opinions and observations of the Honourable Lamar Smith, a representative in Congress from the State of Texas statements and of Demetrios G. Papademetriou, Senior Associate of the International Migration Policy Program, Carnegie Endowment which were presented before the International Peace Hearing Before The House of Representatives, Subcommittee on Immigration and Claims of the Committee on the Judiciary House of Representatives One Hundred Sixth Congress, of April 14, 1999, are recollected in the report titled "2000: Law Enforcement Problems at the Border Between the United States and Canada: Drug Smuggling, Illegal Immigration and Terrorism." Smith and Papademetriou expresses concerns similar to the ones expressed by Fahlman. They also explain in a concise manner the situation of the international illegal drug smuggling arising at the Canadian and American border.

The United Nations Association in Canada published a report in 1998 titled The UN and Sustainable Development: Narcotics, which features concerns in terms of the harmonization of law enforcement agencies. This report agrees with previous literature such as Jamieson et al. (1998) which underline the necessity of international cooperation, collaboration and coordination of efforts.

The International Narcotics Control Strategy Report (1997) produced and released by the Bureau for International Narcotics and Law Enforcement Affairs, U.S. Department of State, Washington, DC, is another excellent source of information. As well, in March 2000, the Bureau for International Narcotics and Law Enforcement Affairs released its 1999 International Narcotics Control Strategy Report. These two reports helped to provide comparisons from other countries to that conducted by the RCMP and by the Canadian government.

James Lee, from the Political and Social Affairs Division, prepared a report titled Drugs and Drug Trafficking which is accessible in the Library of Parliament, Parliamentary Research Branch. Lee clearly states that drug traffickers, according to the RCMP, intended to take advantages of the NAFTA.

The Deputy Commissioner, Samuel H. Banks, of the United States Customs Service, made a statement before the Subcommittee on Immigration and Claims Committee on the Judiciary, on April 23rd, 1997 at the United States House of Representatives which differs greatly from the previous reports or statements mentioned and stresses the negative impact increase flow of goods on the ability of the RCMP or other law enforcement agencies to control the borders.

Lastly, the report of the United Nations Office for Drug Control Crime Prevention (UNODCCP), titled World Drug Report 2000 provides maps which demonstrate the routes used by the international drug traffickers.

These reports and articles give a general picture of the interconnectedness of international organizations working toward the control and/or elimination of the international drug trade. The analysis of these various documents provide data, including financial expenses, personnel postings, the structure of the sections, the internal organisation of these RCMP drug sections and their relations with different levels of government. They also note the seizures made in the past five years, and the points of view of the different organizations regarding the impact of NAFTA on RCMP drug sections in dealing with international drug control in Canada. Looking at the past five years, from 1996-1997 to the present provides the opportunity to have a good idea of NAFTA's impact on the RCMP and on the influences of the NAFTA on cross-border smuggling of illegal drugs.

c.2c. Stage 2: Face-to-Face Interviews

The second stage of the research consists of five anonymous unstructured face-to-face interviews. I conducted a preliminary interview with a Member of Parliament (MP) with knowledge of the NAFTA, the RCMP and the international illegal drug trade. This interview provided me with an opportunity to test and refine my research questions. I also interviewed a specialist having professional knowledge on the North American Free Trade Agreement (NAFTA). As well, I interviewed two federal government employees which are differentiated using: N° 1 and N° 2. In order to further my investigation, I

interviewed the a federal government employee working for a para-law enforcement agency.

c.2.d. Stage 3: Conferences

The third and last stage of this research includes participant observation and information that was gathered at three conferences: one on RCMP leadership; the second one on NAFTA; and the third on international money laundering. The conferences provided excellent sources of up-to-date information. As well, the experience allowed me to gather recent primary and secondary publications on my topic.

c.3. Purpose & Type of Analysis Used

I interviewed with two anonymous personnel who work for the federal government. These interviews were very important since they provided me with up-to-date information from various Canadian officials who are directly involved with the NAFTA and the problems of cross-border crime of smuggling of illicit drugs.

It is important to underline that the interviews focussed exclusively on the topic at hand, this is to say that the personal lives or characteristics of the individuals interviewed were of absolutely no relevance; what mattered was the professional knowledge of each interviewee on the topic and their professional perceptions. Therefore, it is their 'institutional knowledge' that was pertinent and not their 'personal feelings, sentiments or emotions' on the topic that was apropos.

The data gathered at the conferences and through the various reports of government organizations provided me with the information necessary to determine the affect of NAFTA on the RCMP drug section in regard to the point of view of

international organizations and other international law enforcement agencies. In addition, the Canadian government view and appreciation was drawn from the Canadian governmental reports.

c.4. Validity: Linking Methods and Questions

In order to achieve validity I used, as mentioned, a triangulation of data collection methods. These different methods of data collection complement each other and, they provide an opportunity to verify the validity of the findings in comparing the data collected through each method to one another.

The Royal Canadian Mounted Police's position on the situation of the post-NAFTA's affect on its RCMP drug sections to control the international illegal smuggling of drugs was also covered through interviews. As well, government reports, from the RCMP and from other Canadian and/or international agencies were used as data. I also went to two conferences organized, in major part, by the RCMP that was on International Money Laundering and on Police Leadership. These two conferences also helped to inform me of new materials to verify the validity of the findings that I obtained using the two previous methods of data collection.

Chapter 4

Findings

This chapter is separated in three sections. The first is conferences; the second is government documents; the third is unstructured interviews with Canadian government officials. In addition, throughout this chapter, the key question – Is the NAFTA enabling the Canadian drug authorities or constraining them? – and the sub-questions are addressed. Even though there is no definite way to gauge the impact of the NAFTA on the RCMP, the following findings demonstrate that there is a new trend in cross-border illegal drug smuggling deriving from freer trade in North America. As well, the NAFTA is clearly identified as one aspect influencing the changes at the law enforcement level.

a) Conferences

At the Police Leadership Forum of September 10th to 12th, 2001, I had the opportunity to further my understanding and to enhance my knowledge of the culture and core concerns of the Royal Canadian Mounted Police and of other law enforcement agencies, such as the Montreal Urban Community Police Service (MUCPS) and the Sûreté du Québec (SQ). The forum is also one example of the collaboration that occurs between the Canadian law enforcement agencies. The Chairman of the Organizing Committee, Mr. Gérald Chartier, from the RCMP, expressed this new developed cooperation and the goal of the forum as follows:

Since September 1999, the Royal Canadian Mounted Police, the Canadian Police College and the Montreal Urban Community Police personnel have developed a partnership with the École Nationale de Police de Québec, the Association of Québec Police Chief and the Sûreté du Québec with a vision to prepare the finest training for Police Leadership.

The POLICE LEADERSHIP FORUM 2001 is intended primarily for educational purposes. It is now recognized that any progressive organization must focus on developing its human capital. The role of leadership in this regard is essential (Opening Message from the Chairman of the Police Leadership Forum – Montréal 2001).

The Director of the Montreal Urban Community Police Service (MUCPS), Dr.

Michel Sarrazin further expressed the essence of the Forum as follows:

This year, the organizing committee invites you to link leadership to action, responsibility and results throughout your workday. New kinds of criminal activities are emerging in our [Canadian] society, brought about, for example, by the advent of new technologies. This demands that we explore more effective problem-resolution avenues by building on our partners' participation in the problem-solving process, which will require personnel leadership skills.

Dr. Claude Sarrazin, the Director of the MUCPS, associate professor at the Université of Montréal and recipient of an award from the Ordre des psychologues du Québec was the prominent lecturer at the forum. As well, he conducted the workshops that took place in between the lectures. The other prestigious lecturer was Dr. Jean-François Malherbe. Dr. Malherbe is currently a full professor and Chair of Applied Ethics at the University of Sherbrooke. He has several years of experience in the field of applied ethics at the national and international levels and, he was at the forum to talk about 'ethics,' his paramount area of knowledge.

This forum helped me to better understand the priorities, concerns and internal functioning of the law enforcement agencies in Canada. An important aspect of this forum is that it reached local, municipal, provincial, and federal Canadian law enforcement agencies and, it addressed common issues and concerns that those agencies have to face and adapt concerning leadership and ethics at the internal level. This of

course, also has an impact on their relationships at the international level. Particularly in their ability and capacity to have good working relationships with enforcement agencies at the international level.

The second conference International Money Laundering Conference (IMLC) was organized by the Royal Canadian Mounted Police (RCMP). The objectives and themes of the International Money Laundering Conference were to encourage law enforcement agencies, from different countries and of various Canadian government departments, so that they can share and exchange information regarding the eventual harmonization of efforts, of global solutions and of legislation and international cooperation. Objectives and themes include:

Objectives

- Bring together the various stakeholders in the fight against organized crime and money laundering, [because] these problems have become too considerable to be tackled exclusively by police agencies.
- Harmonize efforts and work together to find lasting global solutions.
- Increase public awareness of organized crime and money laundering and their real impacts.
- Build a sense of responsibility in all sectors of society.

Themes

- Harmonization of Legislation and International Cooperation.
- Problems Related to Financial Havens.
- New Technological Trends.
- The Globalization of Organized Crime and New Trends.
- The Effectiveness of Detection and Suppression Methods on Organized Crime and Money Laundering (IMLC Montréal 2001 – Program: 4).

The objectives of this conference, such as the harmonizing of efforts by law enforcement agencies was to work together to find solutions and to control cross-border and international crimes. Harmonization was also identified by some of my interviewees to be a positive outcome of the enactment of NAFTA. As well, I observed that the information brought about by the various speakers, on subjects such as the harmonization of legislation and international cooperation and the impact of new technological trends, agree and support the data I gathered through my interviews and through the government documents.

IMLC brought together “law enforcement agencies, international organizations, government departments and agencies, professional associations, the private sector and the financial community” (IMLC Montréal 2001 – Program 4). In addition, the challenges that all agencies, associations, government departments, and the financial community have to face in relation to the reality of organized crime and money laundering was described as follows:

[m]oney laundering is a major consequence of the profits generated by criminal activity and it is these profits which constitute the principal motivation of organized crime” (IMLC Montréal 2001:5).

In addition, criminal organizations were described at the IMLC as taking “advantage of globalization, new technologies, the lack of harmonization among criminal justice systems, as well as socio-political conflicts to expand their activities and their areas of influence at the international level” (IMLC Montréal 2001:5). Another important reality that was expressed is that:

organized criminals have enormous resources at their disposal and possess the ability to spread, exactly like a cancer, on the fringes of and within our

legitimate socio-economic infrastructure. This threatens the security of our citizens and undermines the integrity of our national economies (IMLC Montréal 2001:5).

As previously explained, cross-border drug smugglers use resources such as globalization and the advance of new technologies in order to achieve their illegal goals. The manipulation of established Canadian rules and regulations, as well as their loopholes, such as the lack of harmonization among criminal justice systems and the socio-political conflicts, is part of the criminal organizations exploitation of the established order. As well, the infiltration of legitimate businesses and financial and social institutions by international drug smugglers is also a display of a dialectic of control (Kilminster, 1991:100; Craib, 1992:5; Eden, 1999:2).

The IMLC also stressed the negative affect of criminal activities on governments as the following:

[c]riminal activities greatly reduce the revenues of our governments. The direct and indirect costs associated with illegal activities also increase the tax burden of taxpayers while downgrading the priorities of, and reducing the funds that can be allocated to, other areas such as health and education (IMLC Montréal 2001:5).

Among the different shrewd methods that organized crime employs, the IMLC mentioned the following:

organized crime uses corruption, intimidation, and the profits of its illegal activities to stifle repression efforts and infiltrate a country's legitimate businesses, as well as its financial and social institutions to achieve its goals (IMLC Montréal 2001:5).

The International Money Laundering Conference in Montreal (IMLC) also stressed that the private sector was targeted by organized crime. The IMLC explained that:

[p]rivate enterprise is a target of choice for criminal organizations, who infiltrate certain sectors of the economy or purchase assets with “dirty money.” Legitimate businesses are thus disadvantaged by unfair competition, or they risk losing their reputation by dealing unknowingly with other businesses that are related to organized crime (IMLC Montréal 2001:5).

In addition, the organizers and promoters of the ILMC emphasized that organized crime is a global issue, that it must be taken seriously and that it needs to be fought using international cooperation and collaboration. The IMLC specified that:

when it comes to organized crime and money laundering, we are all losers. The only winners are, in fact, the criminals themselves. This issue requires that solutions be developed based on the values of our democratic societies, solutions that will have to transcend our national territorial boundaries (IMLC Montréal 2001:5).

A justification for the difficulty that the Canadian, American and Mexican governments are faced with while fighting organized crime. Therefore, the unequivocal pressure upon Canadian, American and Mexican government to transcend their national territorial boundaries is a paramount difficulty in the fight against cross-border smuggling of illicit drugs.

The course Canada and the International Trading System – Refocusing the Agenda was offered by the Centre for Trade Policy and Law at Carleton University. This course provided information on the General Agreement on Tariffs and Trade (GATT), the World Trade Organization (WTO) and, most importantly for the purpose of this research, the North American Free Trade Agreement (NAFTA). This course is defined by the Centre as an intensive two days training program. The two speakers, Dr. Dymond and Dr. Hart discussed international trade policy and the Canada-U.S. Free Trade Agreements.

The sharing of the practical experiences by the two presenters enriched their speeches and helped to further understand the practical implication of NAFTA. Moreover, this course provided a very good overview of the main current issues involving the NAFTA. As well, for the purpose of this thesis, it important to mention that NAFTA was defined and explained by the speakers as an international economic agreement between two countries. And, in response to the main question of the present research, both speakers answered that it was not the objective or the mandate of the NAFTA to deal or enable law enforcement agencies to control international illegal drug smuggling. This course also provided me with a foundation to understand and clearly explain the data collected through the interviews and through the government documents.

b) Government Document

b.1) Governments, Law Enforcement Agencies, and International Agencies Documents

Robert C. Fahlman, the Assistant Director at Interpol General Secretariat in Lyon, France and Head Criminal Intelligence Sub-Directorate, published the following article “Intelligence Led Policing and the Key Role of Criminal Intelligence Analysis: Preparing for the 21st Century”. In the article, Fahlman stresses that criminals and criminal groups throughout the world are able to take advantage of the social and political milieu in which they function (1). Of importance for the present research, Fahlman emphasizes that:

the first factor changing the course of criminal activity is the process of globalization, which has precipitated the virtual elimination of political and financial boundaries. Characterized, on a grand scale, by international agreements and alliances like the North American Free Trade Agreement (NAFTA), Mercosur, ASEAN and the European Union, globalization also refers to the free flow of goods, services and people and, on an individual

level, to your ability to climb on board an aircraft and, in a few hours, to step out on the other side of the world.

Criminals have been among the first to exploit this new world order, some would say dis-order, to its full potential. One of the most obvious consequences of globalization has been the deregulation of the international financial industry to the point that anyone with sufficient funds, and many with insufficient funds, can establish a bank or financial institution. Banking is likely to become the next major growth area for international organized crime groups, many of which control major financial empires. Globalization is also eliminating much that is culturally unique, replacing it with a sort of homogeneous internationalism (2).

Falman's description of criminal activity corresponds to a 'dialectic of control'. As well, his article concentrates on a significant part of the sub-questions addressed in the present research. As Falman points out, NAFTA and its associated free flow of goods, services and people have a definite impact on criminal activity. He also indicates that criminals were prompted to exploit the new venues opened by globalization. NAFTA provides international illegal drug smugglers with the ability to move freely and effectively across the borders. As well, based on Falhman's article, NAFTA impacts negatively on the RCMP by enabling and providing criminals the opportunity to access new venues to commit their criminal transactions. On the other hand, the agreement enables and encourages the Canadian and the American governments to join their efforts and to work together in the control of the border; using 'resources', i.e., key screening process, joint intelligence and homogenized and harmonized lookouts.

The other factors Fahlman mentions are: 'the world's insatiable hunger for commodities' (2), 'conflict, genocide and natural and social disaster' which have created the smuggling of illegal immigrants (2-3) and, the 'proliferation of technology.' He writes:

the proliferation of technology has also had a profound effect on the movement and the manipulation of proceeds of crime. The global marketplace, which recognizes no borders and requires the free flow of money, has provided organized crime with an ideal vehicle for moving vast quantities of cash throughout the world. [...] Electronic exchange, which is at this point both invisible and virtually impossible to regulate, will be increasingly exploited by transnational criminal organizations to camouflage the transfer and laundering of illicit funds (3).

Falhman's description of the global marketplace as an open opportunity for trans-border criminal activities also exemplifies a dialectic of control. Indeed, in Falhman's explanation, the criminals are taking advantage of the free flow of money and of the proliferation of technology in order to hide their illegal activities. The transnational criminal organizations are benefiting and profiting from the legal 'authoritative resources' of the Canadian, American and Mexican governments to pursue their criminal activities.

Along the same line of thought, the Hearing Before The House of Representatives, Subcommittee on Immigration and Claims of the Committee on the Judiciary House of Representatives One Hundred Sixth Congress, of April 14, 1999, "2000: Law Enforcement Problems at the Border Between the United States and Canada: Drug Smuggling, Illegal Immigration and Terrorism" expresses concerns similar to the ones expressed by Falhman. For instance, the Honourable Lamar Smith, a representative in Congress from the State of Texas statements emphasizes the following:

beginning in 1994, the North American Free Trade Agreement opened the Mexican market to Canada and the United States. Two-way trade in goods, services and income between Canada and the United States totalled \$390 billion in 1997, the largest bilateral exchange in the world. In my home State of Texas, because of NAFTA, there has been an increase in trade. Texas and Canada have a balanced and mutually beneficial exchange. According to the Drug Enforcement Agency, however, in 1997, Canada continued to serve as a destination and a transshipment point for drugs, particularly marijuana, cocaine and heroin. The Canadian Government estimates the worth of

Canada's illicit drug market at \$10 billion as compared with the U.S. National Drug Intelligence Center's estimate of \$57 billion in the U.S. market. However, only 300 U.S. Border Patrol agents are stationed on the northern border whereas 7,000 agents are stationed on the southwest border. According to recent reports in the Associated Press in Seattle Times, drug arrests along the U.S.-Canadian border has jumped 400 percent since October 1998 (15).

[...] While both Mexico and Canada are different and have different problems facing their borders, both countries have benefited from NAFTA and both have the same kinds of problems. [...] The best enforcement strategy should be a regional one that will ultimately focus key screening efforts of the two countries' external borders through the use of joint intelligence and homogenized or harmonized lookouts. [...] If each of the law enforcement agencies work together, the DEA, the U.S. Customs Service, the INS, the Department of Justice, and the Royal Canadian Mounted Police, this will be an effective way of increasing public safety as opposed to spending billions of dollars on what might be the cost of the infrastructure (18).

Interestingly, following his opening statement, the Honourable Lamar Smith, reminded the panel that the hearing was not about trade, exports, tourism, the southern border, or Section 110. He stressed that the hearing was about the law enforcement problems at both the Canadian and American borders related to drug smuggling as well as illegal immigration and terrorism. Therefore, even though the Chairman himself was aware that there was a relationship between free trade and NAFTA and the border problems enhanced by drug smuggling, he advised the speakers to focus only on the illegal issues, as if they were distinct or not related. His notification was as follows:

I did not think it was necessary but apparently it is. Let me read the subject of today's hearing. It is an oversight hearing on law enforcement problems at the border between the United States and Canada focussing on the issues of drug smuggling, illegal immigration and terrorism. [...] I hope that you will focus

on those issues rather than the issues of trade, tourism, border crossings, or whatever it might be that are legitimate subjects of interest to this subcommittee but which are not the subject of today's hearing(19)⁹.

However, Demetrios G. Papademetriou, Senior Associate of the International Migration Policy Program, Carnegie Endowment for International Peace mentioned the following:

our overall impression from our own work is that a single policy and set of rules does not, and will not, work for managing both of our land-borders. The principle of treating our two NAFTA partners equally is crucial; our policies, however, must be sensitive to three factors that distinguish our relationship with Canada from that with Mexico: 1) The history of special bonds between the U.S. and Canada; 2) The reality that access to each other's countries has been a long established and accepted practice; and 3) The geography (and topography) of the Northern border (121).

[...] In ports-of-entry in the Pacific Northwest, there is a sense that U.S. border inspectors must try to prevent the entry of high quality marijuana produced in British Columbia (and apparently valued highly among U.S. users), that Canadian inspectors must redouble their efforts to deter weapons smuggling, and that both countries must work harder to prevent the entry of goods that are fraudulently labelled so as to make them tariff free under NAFTA (124).

[...] By acknowledging that the ultimate aim of our policy will be the equal treatment of both countries, we give ourselves the flexibility to treat both of our NAFTA partners within a single framework while dealing in practical ways with the fact that they are locate at different points on that continuum (124).

[...] In fact, one idea whose time seems to us to have arrived, is engaging in open-ended negotiations with Canada about increasing the level of harmonization between U.S. and Canadian policies on such matters as cargo and passenger pre-clearance programs, law enforcement programs of all types, and, in due course, even the issuance of visas.

⁹ Reference: Hearing Before The House of Representative, Subcommittee on Immigrations and Claims of the Committee on the Judiciary House of Representatives One Hundred Sixth Congress, of April 14, 1999, "2000: Law Enforcement Problems at the Border Between the United States and Canada: Drug Smuggling, Illegal Immigration and Terrorism" (19).

[...W]e need to start thinking about the border as a system. With NAFTA pushing all three partners inexorably toward a fully integrated region, such practices as just-in-time production and the ability to move goods and people across all three countries (in an efficient if still regulated way) become critical elements of regional competitiveness. The prosperity of all of us relies on such competitiveness. Intelligent inspection strategies that are realistic and can inspect without unnecessary hassles of delays throughout the NAFTA space must be given priority (130).

The concerns expressed by Mr. Demetrios G. Papademetriou make the relationship between the international illegal drug trade and the NAFTA evident. Papademetriou identified prominent concerns of the Canadian officials that were interviewed including: the history of special bonds between the U.S. and Canada; the access to each other's countries; and the geographical location of Canada in relation to the United States. As well, he felt that both countries must work harder to prevent the entry of illegal drugs, that are fraudulently labelled, so as to make them tariff free under NAFTA as well as less subject to inspections; the idea or position that harmonization between U.S. and Canadian policies and laws is becoming a necessity; and, that the NAFTA is pushing Canada toward a need for higher cooperation, collaboration and partnership with its NAFTA counterparts.

In addition, Mr. Papademetriou's statement answered and highlighted the main changes in international drug flow, as well as, the most important differences that the NAFTA brought about on the RCMP drug section. NAFTA impacted on the RCMP, in that it brought the Canadian and the American government closer. Now, with the borders fading, there is serious talk and pressure about harmonizing the policies, the intelligent inspection strategies and the law enforcement programs of both countries.

The United Nations Association in Canada published a report in 1998 titled The UN and Sustainable Development: Narcotics, which features similar concerns in terms of the harmonization of law enforcement agencies. The report also expresses an important American concern in terms of the disparities between their laws on illicit drugs and the Canadian laws; that is that the Canadian laws are a lot more lenient. The report emphasizes that:

information exchanges are promoted and technical aid is provided in the area of drugs and law enforcement. The harmonization of law enforcement and drug control policy is encouraged through the international treaties supervised by the [United Nations Commission on Narcotic Drugs] CND, because disparities in enforcement mechanisms from country to country and region to region allow drug traffickers to simply shift their operations to elude measures that have become effective. The United Nations has also called for vigilance amongst member states so that drugs produced for legitimate medical and scientific purposes do not exceed demand and find their way into illicit channels (2).

As mentioned by Mr. Papademetriou and in the United Nations 1998 report, the concerns, desires and pressures for the harmonization Canadian and American law enforcement agencies to efficiently control the international illegal smuggling of drugs is effervescent. However, as it was explained by the Member of Parliament that was interviewed, the harmonization of law enforcement agencies can have negative outcomes on Canadian drug control policy. Henceforth, this pressure to harmonize might be felt by some representatives of the Canadian and/or American state as a threat to state 'power', i.e., its state capacity to intervene in any given set of events to alter the latter.

The International Narcotics Control Strategy Report (1997) produced and released by the Bureau for International Narcotics and Law Enforcement Affairs, U.S. Department of State, Washington, DC, indicates that:

the Government of Canada (GOC) cooperates closely with the USG on narcotics interdiction efforts, and actively participates in international antidrug fora. Canada's open financial system, high volume of cross border trade with the U.S. [i.e., the NAFTA], and lack of legal reporting requirements for large cash transactions, make it an easy target for drug-related and other types of money laundering. Canada is considering strengthening its money laundering laws. Some precursor and essential chemicals in Canada redirected to illicit drug manufacturers, and a portion enters the U.S. at land border crossing. The chemicals involved are used mainly in the manufacture of methamphetamine. Canada is a party to the 1988 UN Contention.

[...In 1996, t]he House of Commons passed a bill that will enter into force in early 1997 which will grant the Royal Canadian Mounted Police (RCMP) greater powers in conducting narcotics related investigations (1).

In March 2000, the Bureau for International Narcotics and Law Enforcement Affairs released its 1999 International Narcotics Control Strategy Report. This report also mentions the opening of the border as an incentive for drug smuggling across the U.S.-Canada border. The report stresses the following:

Canada, like the United States, is primarily a drug-consuming country and also produces large amounts of marijuana. Much of the Canadian-produced marijuana is shipped to the U.S. International drug traffickers frequently attempt to route drug shipments, primarily heroin, through Canada to the U.S., taking advantage of the long and open Canada-U.S. border, the massive flow of legitimate commerce, and the lower risk of long prison terms or forfeiture of assets if caught in Canada compared with the U.S. Money laundering and chemical diversion are also problems. Legislation is being drafted to strengthen Canada's ability to control money laundering (5).

James Lee, from the Political and Social Affairs Division, prepared a report titled Drugs and Drug Trafficking which is accessible in the Library of Parliament, Parliamentary Research Branch, states:

In recent years, according to the RCMP, drug cartels have increasingly viewed Canada's West Coast as an easy entry point into North America. This is partly a factor of the geography and weather conditions on the West Coast, and partly a result of the so-called "balloon effect," whereby drug traffickers have turned increasingly to Canada as the U.S. has strengthened its enforcement efforts. The RCMP also believes that South America drug organizations are planning to make use of the easier movement of people and goods under the North American Free Trade (NAFTA) Agreement to increase their activities in the near future. Finally, budget constraints have somewhat reduced the resources devoted to countering the drug trade in Canada (8).

Similar to most sources of information gathered for the research, Mr. James Lee mentioned a key influence of the NAFTA on the RCMP: that NAFTA provides the drug organizations easier access to the border. He also highlighted a factor, independent from the NAFTA, which still constrains the RCMP drug sections in their work; budget cuts and lack of resources.

The United Nations Office for Drug Control and Crime Prevention (UNODCCP) published a study on drug patterns and trends, titled World Drug Report 2000 (2000).

This report reveals interesting seizure statistics which identify trends of drug trafficking activities. The report explains that:

[...S]eizure have been interpreted as a direct indicator of underlying drug trafficking activities. Seizures are, in fact, a reflection of both the success of enforcement agencies and of the visible tip of a much larger iceberg of drug supply and trafficking. [...] For instance, drug supply and trafficking are closely correlated. Thus, if seizures are a good indicator for trafficking trends, seizures and supply should correlate as well. This seems to be the case. [...] Changes in demand, in general, also correlate with trafficking, irrespective of whether the drug market is considered to be demand- or supply-driven. [...] All of this suggests that seizure statistics – even without additional information – are a relatively good indicator for the identification of trafficking trends once longer periods are investigated (36).

Therefore, the presentation of report's seizure statistics should provide an indication on the trends of the illegal drug trafficking activities, as well as some indication of the success of enforcement agencies in, for the present matter, North America. Five maps indicating the trafficking patterns and trends of heroin and morphine (Map 1), cocaine (Map 2), cannabis herb (Map 3), cannabis resin (Map 4), and amphetamine-type stimulants (Map 5) are provided in Appendices I to V respectively.

The first map illustrates the patterns and trends in heroin and morphine trafficking in the 1997/98 compared to 1989/90, before the enactment of the NAFTA, indicate "the main sources of supply have changed significantly in recent years" (42). Indeed, the report indicates the followings:

Until the mid-1990s, the US market was dominated by heroin from South-East Asia. As of the mid-1990s, however, high quality Colombian heroin began to take over the US market, notably the cities of the east coast [...]. With lower quality, but cheaper, Mexican heroin in the south-west, more than 60% of the heroin seized in the USA was found to have originated in Latin America over the 1995-99 period (42).

Map 2, which depicts the cocaine patterns and trends, shows that the cocaine trafficking trend is similar to the heroin one (42). The report also indicates that the NAFTA has had an influence on the trend of cocaine in North America. The finding goes as follows:

Another trend has been a certain shift in trafficking from the Caribbean region to Mexico following the creation of the North American Free Trade Association and of the temporary void created by the dismantling of some of the Colombian drug cartels in the first half of the 1990s. Colombian groups, in general, seem to prefer shipping the cocaine by air from Colombia (or neighbouring countries) to the USA – or by boat *via* the Caribbean region. The Mexican groups – first on behalf of Colombian groups but increasingly independent from them – market cocaine *via* the south-western states of the USA. As a result, groups operating from Mexico now largely control much

of the wholesale cocaine distribution in the West and mid-west of the USA. Mexico's cocaine seizures, which used to be the same size as those reported by the Caribbean countries a decade ago (1987/88) were more than twice as large in 1997/98, making Mexico one of the main cocaine transit countries in the world (44-45).

The report indicates that the creation of the NAFTA did have an impact on the trend of illegal drug trafficking. This finding supports the hypothesis of this thesis which is that the NAFTA had an impact on the international drug trafficking which then impacted on the RCMP. As one can observe, there has been an increase in the seizures and in trafficking of both, the heroin and morphine, and of cocaine in Canada since the creation of the NAFTA.

The third and the fifth maps clearly indicate that the patterns, trends and the main trafficking routes of cannabis herb and amphetamine-types stimulants trafficking reside within and among the NAFTA partners. In contrast, Map 4, which indicates the patterns and trends in cannabis resin trafficking, shows that North America is very active in trafficking cannabis resin. The report states that:

The Americas accounted for 72% of all cannabis herb seizures in 1997/98 [...]. More than 60% of global seizures were made in North America, including Mexico. The largest seizures in the Americas have been reported by Mexico (35% of all seizures in 1997/98), the United States (25%) and Colombia (3.5%). Mexico continues to be the main source of herbal cannabis in the USA and over half the total amount seized in the USA in 1999 was along the south-west border with Mexico.

By contrast, they [the overall seizures of cannabis in Latin America] increased slightly in the USA and Canada (2.7% p.a.), reflecting *inter alia* the growing importance of domestically grown cannabis, (and exports from Canada to the USA) (45-47).

The UNODCCP report also qualifies the trafficking trends and patterns of amphetamine-type stimulants, in North America as "inter-regional." The reports indicates the following:

In 1999, the USA had the largest ecstasy seizures worldwide; most of it was of European origin. Though the volumes were not large, an inter-regional pattern of ecstasy trafficking is emerging (55).

The UNODCCP report clearly indicates that while the NAFTA might not be the main factor influencing the changes in trends and patterns of the illegal drug trafficking, the agreement clearly has an influence some of the main trafficking routes. The changes in the trafficking routes impact on the work of the RCMP, especially if those routes come across the Canadian territory. Hence, based on this information, we can deduce that the NAFTA is a constraining factor for the RCMP.

The Deputy Commissioner, Samuel H. Banks, of the United States Customs Service, made a statement before the Subcommittee on Immigration and Claims Committee on the Judiciary, on April 23rd, 1997 at the United States House of Representatives which supports the UNODCCP report and which differs greatly from the previous reports or statements mentioned so far. Banks claims that:

NAFTA itself as a trade agreement, has not affected Customs ability to carry out its border security mandate. Rather, it is the increase in the volume of trade that is challenging the capacity of Customs to inspect all commercial and vehicular traffic crossing our border (3).

A similar statement was made by the Canadian NAFTA representative interviewed in the next section of this chapter. However, other interviewees, such as the Member of Parliament and the federal government employee: N^o 1, stressed the increase in the volume, brought about by free trade, does challenge and constrain the investigations

performed by the RCMP. But, as the Member of Parliament emphasized, NAFTA is one factor among others influencing the work of the RCMP drug sections and, at this point, there are no statistics or database available to specify the extent or the proportion to which the agreement plays a role in enabling or constraining the investigations led by the RCMP personnel.

c) *Unstructured Interviews With Canadian Government Officials*

c.1. Anonymous Interview With a Federal Government Employee Working for a Para-Law Enforcement Agency

A federal government employee working for a para-law enforcement agency explains the difference between the mandate of the Canada Customs Intelligence and Contraband Service, and the RCMP. This distinction is important in order to better understand the specific impact of the NAFTA on the RCMP drug section, as well as its impact on other government agencies: interdiction and, seizures belong to the Canada Customs and Revenue Agency, on the other hand, only the RCMP has the mandate to prosecute the smugglers. This government employee emphasized that this is not the same thing at all. The investigation and prosecution of smugglers are two different operations. But, when it involves the importation of specific goods, the seizure mandate and the interdiction pertain to the Canada Customs and Revenue Agency. However, when it involves 'in land' merchandise, when the goods are within the 'border' of the country, if there are inquiries, search or search-warrants, and/or seizures to perform involving drugs, it is the RCMP's field or mandate. Or, it may be the mandate of the local police territory if the illicit goods, i.e., drugs are found. Every police force is responsible for protecting its own territory at the local, municipal, provincial or federal level. It all depends on the

origin of the goods or merchandises (Anonymous interview with a federal government employee working for a para-law enforcement agency: June 28th, 2001).

In order to determine or to prove that illicit goods have been imported into Canada, Canada Customs and Revenue Agency has to know where it entered the country, where it was imported from and the location of entry in Canada before the federal government can prove the importation. This means proving an importation of illegal goods is very difficult. It is difficult to gather evidence to prove an illegal importation of drugs is the leading factor used to arrest a criminal under 'a simple possession of drugs.' If a drug smuggler is charged with 'simple possession of drugs,' he or she would received a lesser sentence than if he or she was charged with trafficking or with illegal importation of narcotics. The investigation and collection of evidence is done either by the RCMP or by the local, municipal or provincial police force where the importation occurs. The RCMP is not the only Canadian agency, or Canadian law enforcement agency, which has a mandate to control the importation or the possession of illicit narcotics in Canada (Ibid).

At this point, it is important to mention that the federal government employee working for a para-law enforcement agency stressed that each Canadian agency, whether it is a law enforcement agency or the Canada Customs and Revenue Agency, complement each other in their mandates and in their procedures. He explained that the Canada Customs and Revenue Agency does the inquiries at the importation level and that they develop a lot of information and intelligence data. The Canada Customs and Revenue Agency then use this information and data in order to assist the Canadian law enforcement agencies. For example, Canada Customs and Revenue Agency has a lot of

information on Colombia, in terms of importations, to determine or to demonstrate the origin of a specific importation (Ibid).

The a para-law enforcement agency employee further stated that the RCMP also has a lot of information. However, the information that the RCMP hold, especially in terms of research within the Canadian territory and in terms of inquiries against individuals, is public information. This information is mainly sustained in the RCMP main data base: the Centre d'information de la police canadienne (CIPC). CIPC is a database which holds information on individuals that are investigated and researched, either to be prosecuted or that have judicial antecedents (i.e., criminal records). He described this information as being approximately 70 per cent public information (Ibid).

The para-law enforcement agency employee also stressed that the Customs agency functions differently from the RCMP. Canada Customs and Revenue Agency has agreements with every other country that is part of the G-8¹⁰ (Heads of State and Government of the Group of Eight States: Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States) and, which are part of the Bruxelles'

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Notes For A Statement by Jean T. Fournier, Deputy Solicitor General of Canada to the National Joint Committee of Senior Criminal Justice Officials, see Canada's Role in the Hemisphere-Wide MEM, May 28th, 1999:

"As you know, in addition to our national priorities to fight organized crime and illicit drugs, Canada has international commitments with the G-8 and the United Nations. In the western hemisphere, we deal with the Organization of American States, or the OAS. We work with the other 33 member-countries of the OAS - the world's oldest regional organization, covering North, Central and South America as well as the Caribbean. The Organization of American States was formed over a half century ago, and its headquarters are in Washington, D.C. The OAS coordinates hemisphere-wide efforts and information-sharing on issues like poverty, education, trade, health, human rights, crime prevention and law enforcement. The world drug problem is one issue that has received particular attention in recent years.

At the very first Summit in Miami in 1994, leaders agreed to put an end to the era of finger-pointing at countries that were either producers, consumer or transit points of illicit drugs. They recognized that international cooperation is essential to stop the transnational movement of illegal drugs. And that's when they asked the Inter-American Drug Abuse Control Commission - known by its Spanish acronym CICAD -- to develop a hemisphere-wide drug strategy. ... CICAD develop a multilateral mechanism to evaluate and strengthen individual and collective efforts against drugs... The Multilateral Evaluation Mechanism. It is a Canadian-led process, developed with input from all 34 member-countries. The MEM ... improve their efforts to fight drugs... a tool based on shared principles and common objectives... greater cooperation and an improved spirit of working together..." (1-6).

nomenclature, where the customs duties are applied on the producing countries – where the production of the goods is being done. The interviewee explained that this is where NAFTA comes in (Ibid).

The interviewee mentioned that the goal of NAFTA is not to fight smuggling of illicit drugs. He explained that the goal of the NAFTA is to reduce the application of the customs duties when goods are imported from one of the three countries. He believes that the time-line to reduce the borders was on a ten years basis. As well, he stressed that it is Canada Customs and Revenue Agency that enforce NAFTA and not the RCMP; this is a concept of jurisdiction. Indeed, the enforcement of the NAFTA falls under the duty of the Customs (Ibid).

In addition, when the implementation or execution of NAFTA is taken into account and analysed, one realizes that it consists of two concepts: the concept of execution – the prohibition of illicit or prohibited goods. The federal government employee working for a para-law enforcement agency emphasized that, in terms of execution, the NAFTA has no provision. The trade exchange between the United States, Mexico and Canada has no influence on the execution (or prosecution) because the first and main goal of NAFTA is the reduction of the application of the customs duties and of the control at the borders, i.e., simplifying the procedure of importation. And, at the prosecution level, there is absolutely no provision in NAFTA that specifies, mentions or interdicts the importation of illegal drugs in Canada. He further explained that free trade is the reduction of the application of the customs duties and of the control of cross-border exchange of goods. As well, the employee working for a para-law enforcement agency explained that the

North American Free Trade Agreement (NAFTA) is approximately ninety-five per cent about trade and, the remaining five per cent concerns the exchange of information (Ibid).

The exchange of information is fundamental, according to this interviewee, because of the reduction of the application of the customs duties and of the control at the borders, which facilitates the trade for of goods and services and which provides a reduction in customs duties. The NAFTA requires information which proves that more than fifty per cent of goods/merchandise were produced and/or cultivated in the country of exportation. The type of information required from the importing American, Mexican or Canadian businesses includes: who produced the goods? who is/are the producer(s)? what is the origin of the basic material? where does this material comes from? (Ibid).

The exchange of information is, as it is demonstrated and emphasized throughout this chapter, the main enabling factor and the most important instrument that the NAFTA brought about, which affect the RCMP drug sections. The exchange of information is, as previously mentioned, an essential part of every RCMP drug investigations and, NAFTA provides the RCMP drug sections with the access of various information through different channels, such as the Canada Customs and Revenue Agency.

With this information Canada Customs and Revenue Agency is able to carry out 'risk analysis.' According to the federal government employee working for a para-law enforcement agency, 'risk analysis' helps Canada Customs and Revenue Agency's Intelligence and Contraband Service target a company which could possibly import illegal drugs, or any other illicit merchandises. Henceforth, since the customs agents and the law enforcement agencies do not have the 'time' or the 'possibility' anymore to thoroughly

inspect every truck, car, shipment, or risk analysis becomes an essential instrument. This instrument or investigative technique is possible because of the agreement; procedures embedded within the NAFTA and through the enhancement of the closeness of the Canadian and American governments (politic, economy, policies, and so on) (Ibid).

As previously mentioned, the federal government employee working for a para-law enforcement agency asserted that the main goal of NAFTA is to facilitate the importation (trade) of goods and services. Therefore, there must be less control in order to facilitate the trade of goods. Less control means less execution or prosecution – the prohibition of illicit or prohibited goods. The employee of the para-law enforcement agency emphasized that rigorous ‘risk management analysis’ is the solution to achieve the same level of execution while applying less control. Canada Customs and Revenue Agency’ ICS do risk management analysis. Contrary to the Canada Customs, the RCMP does not gather and analyse the information available under NAFTA to ease the cross-border importation. This is why the exchange of information between Canadian agencies is now crucial. However, in order to exchange such information, Canadian agencies have to go through specific bureaucratic requirements (Ibid).

The federal government employee working for the para-law enforcement agency explained that the RCMP’s information is always gathered for prosecution. Therefore, the RCMP does not gather information for intelligence or information development. By contrast, Canada Customs and Revenue Agency gathers information for three different purposes: administration, civil, and/or criminal. For example, if a business’s importation involves smuggled drugs, Canada Customs and Revenue Agency will not prosecute this

business under the Customs & Excise Acts; this business will be prosecuted under the Narcotic Control Act or under the Food and Drugs Act¹¹. He further explained that the Criminal Code requests that the prosecution be made under the law that will bring about the toughest penalty. Therefore, the Canada Customs and Revenue Agency is able to prosecute a criminal under the Civil or the Criminal Code based on the infraction and on the penalty involved. The RCMP, by contrast, can only prosecute under the Criminal Code or under a federal law mandated by the Prime Minister, for example, 'royalties' 'authors copyrights'. Again, this interviewee emphasizes the importance of the collaboration and cooperation between the RCMP and the Canada Customs and Revenue Agency (Ibid).

Indeed, through the observation of the data, I deduced that NAFTA reinforces and strengthens an interdependency within the Canadian law and para-law enforcement agencies and, between the three countries involved in the agreement. As a matter of fact, NAFTA, by making the countries closer and the borders more accessible to each other, also put forward pressures and the possibility to increase the collaboration and

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The Criminal Code of Canada, under Part XII.1 – Sections 462.1-462.2: Instruments and Literature For Illicit Drug Use states the following:

462.1 In this Part,

"consume" includes inhale, inject into the human body, masticate and smoke;

"illicit drug" means a narcotic, drug or another substance whose import, export, cultivation, sale or possession is prohibited pursuant to the Narcotic Control Act, controlled to Part III of the Food and Drugs Act or restricted pursuant to Part IV of the Food and Drugs Act;

"illicit drug use" means the importations, exportation, cultivation, sale or possession of a narcotic, drug or other substance contrary to the Narcotic Control Act or Part II or IV of the Food and Drugs Act or a regulation made thereunder;

"instrument for illicit drug use" means anything designed primarily or intended under the circumstances for consuming or to facilitate the consumption of an illicit drug, but does not include a "device" as that term is defined in section 2 of the Food and Drugs Act;

"literature for illicit drug use" means any printed matter or video describing or depicting, and designed primarily or intended under the circumstances to promote, encourage or advocate the production, preparation or consumption of illicit drugs;

"sell" includes offer for sale, expose for sale, have in possession for sale and distribute, whether or not the distribution is made for consideration (emphasized added).

cooperation in international illegal drug smuggling investigations. As it was previously noted and is reinforced by the other interviewees, collaboration and cooperation between agencies was occurring before NAFTA. NAFTA, however, does encourage the American, Canadian and Mexican agencies to work together in order to avoid unnecessary duplication of work and to open access to information. As well, additional authoritative resources are made available to the RCMP drug sections through increase cooperation with its NAFTA partners.

The federal government employee working for a para-law enforcement agency provided an example of the type of cooperation that is going on between its agency and the RCMP, in terms of illegal smuggling of drugs in Canada. He stated an infraction arising under the Customs & Excise Acts where the penalties were higher if prosecuted under the Narcotic Control Act (Criminal Code) or under the Food and Drugs Act than under the Customs & Excise Acts. In such a case, the file, investigation, prosecution and the Court preparation would be transferred to the RCMP. Indeed, the RCMP has the federal mandate to prosecute under the Criminal Code. Hence, close cooperation between the RCMP and the Canada Customs and Revenue Agency is essential. Furthermore, as previously mentioned in chapter three, Canadian legislative instruments, such as Narcotic Control Act (Criminal Code), the Food and Drugs Act, Customs & Excise Acts, refer to resources available to the RCMP to carry out their mandate (Ibid).

In addition, in terms of NAFTA, the employee of a para-law enforcement agency stressed that because of the conditions concerning the reduction of the application of the customs duties included in the agreement, Canada Customs and Revenue Agency receive

a lot of information from the importers. The gathering of this information becomes a significant benefit for the ICS and the RCMP. Because, if the importers want to use their right to pay taxes or less duties, they must provide adequate information. Without the NAFTA and its possibility to lessen the customs duties, the importers would not have the incentive or obligation to provide such information. Therefore, in order to access the privileges made available under NAFTA, the importers have to give information that the Canada Customs and Revenue Agency register and organize in database. It is this information that the Canada Customs and Revenue Agency Intelligence and Contraband Service analyse (Ibid).

The interviewee provided another example of the type of cooperation and collaboration that arose between the RCMP and the Canada Customs and Revenue Agency. He stated that if the RCMP received information that the Hells Angels were importing drugs from Colombia under a fictitious company, the RCMP would contact the ICS of the Canada Customs and Revenue Agency and would ask for support and information. The person at Canada Customs would access the database where all the information provided under the NAFTA from the United States and from Mexico is registered. The Canada Customs personnel would search all the information gathered on this particular company. Automatically, the database should provide the name of the person in charge, the name of the president of the corporation, the name of the administrative counsel, the name of the bookkeeper, and the name of the accountant. Therefore, the Canada Customs and Revenue Agency would have all the information necessary for the RCMP's investigation. As this interviewee reveals, the Canada Customs

and Revenue Agency provides support and assistance to the RCMP to pursue its investigation (Ibid).

NAFTA 'enables' the RCMP to have access to information that would not have been accessible without the agreement. In addition, NAFTA helps Canada Customs and Revenue Agency to gather information and it also brought about the need to share this information, concerning the legal and illegal commercial flow of drugs. Hence, the NAFTA also provided easier access and new venues for the RCMP drugs section to gather its information and its evidences.

The employee of the para-law enforcement agency also stated that there are restrictions on the information that they can give to the RCMP. The ICS' personnel have to filter the information in order to make sure that the information they share with the RCMP will be useful and pertinent to the investigation at hand (Ibid).

As well, the specialist of the para-law enforcement agency explained that the RCMP must respect the declaration of evidence for the Court when it comes to prosecution. The RCMP must demonstrate that the author or the origin of the information is admissible in Court under the Charter of Rights and Freedom. According to this interviewee, this is the explains why 90 per cent to 92 per cent of the RCMP files on narcotics end up as 'simple possession,' which is a lesser offence with minor penalties and sentencing. Indeed, to introduce sufficient evidence of importation, selling, exchange and smuggling on Canadian territory is extremely complex requiring the participation of informant(s) and delators (or best known as 'snitches'), and the cooperation of law enforcement agencies and other agencies. Therefore, in order to be successful, all the law enforcement agencies

and the para-law enforcement agencies have to provide information to the RCMP to prepare evidence for prosecution. Evidence arises under three different forms: documentation, testimony, or physical evidence. As previously discussed, Canada Customs and Revenue Agency provides documentary evidence to the RCMP. This information is only provided to the RCMP if it is admissible in Court and it is at that point that the Canada Customs and Revenue Agency becomes a lot more restrictive regarding the information that they share with the RCMP. This is because the Customs Act, the Income Tax Act, and the Excise Act restrain them from sharing information received (Ibid).

The federal government specialist of the para-law enforcement agency mentioned that NAFTA helps the RCMP in its investigations. However, NAFTA is even more profitable to the Canada Customs and Revenue Agency in terms of information provided by the businesses that are crossing the borders. This information is gathered under NAFTA and it includes information on the shippers, the expeditors, and on the importers. Because of NAFTA, businesses must provide information that previously was not required. All this information, which is rendered possible because of NAFTA is very important. The information on the smuggler enables Canada Customs and the RCMP to investigate a trans-border shipper; to uncover its income tax declaration; for whom the trans-border shipper is working (Ibid).

I deduce that the availability of this information is a very important change and contribution from the Agreement. Indeed, the NAFTA enables the building of new

instruments, such as a database for RCMP and other law and para-law enforcement agencies of the three countries.

The RCMP, according to the specialist working for a para-law enforcement agency, cannot do an investigation on an illicit drug importation without collaborating or having the support of the Canada Customs and Revenue Agency. However, he reinforced his previous statement that, in terms of information or in terms of illegal merchandise such as drugs, there is no provision for 'prosecution' embedded into the NAFTA except for the exchange of information between the countries in relation to the business import/export and the customs duties. This information belongs *a priori* to the Canada Customs and Revenue Agency. Therefore, as previously mentioned, if the RCMP drug sections require ICS information they have to cooperate with the agency (Ibid).

The lack of provision for illegal trans-border smuggling of drugs demonstrates the limitation of the agreement to control illegal smuggling of drugs and, its obvious inadequacy to acknowledge the reality of trans-border crimes. The agreement's limitations reverberate on the RCMP drug sections in making their work more strenuous. Indeed, the RCMP drug sections have to deal with an increase amount of difficulty engendered by the relaxation or facilitation of the border control.

As well, the interviewee explained that RCMP liaison officers often work in collaboration and cooperation with the U.S. Customs, the Mexican Customs, and the Canadian Customs. There are agreements and protocols concerning exchange of information at this level in order to fight the smuggling of drugs or of illicit merchandises across the borders. These protocols, however, according to the federal government

specialist of the para-law enforcement agency, existed before the NAFTA. For example, the protocol pertaining to the exchange of information was established in 1983 between Canada and the United States. Once again, the only thing that NAFTA added is the ability by Canada Customs and Revenue Agency to gather information coming from the producers and the businesses in exchange for a diminution of customs duties. NAFTA does have an impact and it is its possibility to obtain more information than before (Ibid).

In reality, the NAFTA has resulted in obtaining and gathering a lot more information for continental cross-border surveillance. In sum, the repercussions of NAFTA have been to reduce the customs duties at the importation for the three countries signing. Second, to enable the Canada Customs and Revenue Agency to determine which goods were cultivated and produced at more than fifty per cent in the country where the goods was produced. Thirdly, NAFTA provides an opportunity to each of the countries involved to ask specific information from businesses and industries that apply for customs duties reduction. And, NAFTA promotes and initiates 'self-assessment,' 'self-declaration,' 'self-divulgation,' and/or 'self-subscription' from the businesses and companies (Ibid).

Through the implementation of the NAFTA, there is a desire by the Canadian government to render the individuals or business people liable, responsible, and accountable in terms of importers and their importations of goods. What the Canada Customs and Revenue Agency does is make the persons involved in importing liable in terms of the existent Canadian laws. In exchange for 'self-divulgation' and for 'self-participation,' the Canadian government, under NAFTA, 'facilitate' the importation of

goods; i.e., the Canadian government simplify the trade flow by reducing its customs duties and by lowering or accelerating the control at the border. In addition, the federal government employee working for a para-law enforcement agency stressed that NAFTA also promotes and helps the Canadian market in that it is intended to discourage the illegal trade between the three countries involved in the Agreement. Because the United States' market is ten times bigger than Canada, he believes that this agreement responded to an evident need to protect the Canadian market (Ibid).

Again, I must stress that the liability of the importers is an important authoritative resource induced by the agreement. The possibility to render importers liable is a particular and prominent change attributable to NAFTA. To render the importers liable would help the RCMP drug sections in their investigations, as well as, make the importers aware of their accountability in terms of the shipments of goods and the services.

In terms of illegal narcotics, the federal government specialist observed that it becomes more complicated because the only advantage that the NAFTA is bringing in terms of the control of international illegal smuggling of drugs in Canada is to produce information that could be, or might be, relevant and admissible in Court under the Criminal Code. The interviewee reinforced the fact that the NAFTA provides much more information; and this has a positive impact. The negative impact of NAFTA in terms of the control of international smuggling of illegal drugs is that its main goal is the liberalization of the borders free trade, the exchange of goods between the three countries; therefore, it implies a 'reduction' of control which in turn brings about more liberty of actions for illegal drugs to be smuggled into Canada (Ibid).

As noted by the federal government specialist working for a para-law enforcement agency, there are no statistics at this moment in terms of the 'reduction' of control of the exchange of goods between the three countries in relation to the augmentation of international illegal drug smuggling. In his view, less control opens the door for organized crime to use legitimate companies to smuggle illegal drugs in Canada. He insisted on the fact that organized crime is very, very alert when it comes to the changes that happen at the legal level. He also explained that organized crime is a 'whole' in itself; it is an entity in terms of their basic principles and the 'laws' they follow or go around (Ibid).

By contrast, the interviewee stressed that the Royal Canadian Mounted Police (RCMP) and the Canada Customs and Revenue Agency, and the other Canadian agencies and law enforcement agencies are trying to work together. This affects the efficiency of the RCMP's control of international illegal drug smuggling, as well as those of the other agencies. The RCMP and Canada Customs and Revenue Agency are often slowed-down and delayed by laws, by the bureaucracy, and by the Charter of Rights and Freedoms and, by all the procedures imposed on them in order to be able to share information and to do their investigations. In contrast, organized crime does not have all those restrictions slowing them down. They do not have to go through the bureaucratic procedures; they have to go around them. Therefore, while the organized criminals are thinking about smuggling illegal drugs in Canada, the RCMP, Canada Customs and Revenue Agency, the other law enforcement agencies are trying to come up with ways, procedures and solutions to prevent the introduction of drugs while trying to find ways to share or protect information. However, the employee emphasized that this is not evident because

Canadian agencies, such as Canada Customs and Revenue Agency are always two to three years behind organized crime. Therefore, the RCMP, Canada Customs and Revenue Agency, the police forces, and the Canadian agencies cannot keep information for themselves and, at the same time effectively fight the organized crime. This is simply not possible, according to this specialist (Ibid).

The interviewee highlighted the difficulty encountered by the Canadian agencies to catch the 'head-ones,' ones that are in charge of the coordination and of the international illegal smuggling of drugs in Canada. He reinforced his statement saying that the 'head-ones' are almost never prosecuted. And, when they are prosecuted, they have the money to pay for the best lawyers and are usually not incriminated or receive heavy sentences. He says that organized criminals are well informed about the NAFTA and are well organized. They know almost every loophole and weakness of the agreement, as well as, how it can work to their advantage (Ibid).

In addition, the federal government employee referred to his idea of the importance of making the importers and the people involved in the importation procedures liable, as one step in the right direction, to have better control of illegal importation of drugs under the NAFTA. He mentioned that organized crime will, as much as possible, use a transportation industry that is 'responsible' under NAFTA so that they can take advantage of the reduction of the customs duties and the reduction of control at the borders. At this point and time, the importers are not liable or responsible for the transportation companies that they use. He hoped that eventually importers will become responsible, accountable, and liable before the law; requiring the proper amendment of

the Customs Act and the Excise Act. As well, the importers are not responsible or liable for what the customs brokers declare for them. If an importer wants to smuggle illegal drugs into Canada, he or she can decide to use a broker and a transportation company in which he or she already knows that there is internal corruption. Or, a custom broker can also falsify the documents for the transportation companies. This is to say that organized criminals are taking advantage of NAFTA. The employee of the para-law enforcement agency also mentioned that the Canadian laws and regulations, such as the Customs Act, the Excise Act and the Criminal Code have, unfortunately, not been amended to answer to the emerging problems that NAFTA brought about (Ibid).

He further stressed that NAFTA has been beneficial for Mexico in terms of its development: the country, now, has a federal police force and a more adequate army. He explained that Mexico developed itself very quickly over a very brief period of ten years. However, the down side of this is that presently, the fast pace of industrialization in Mexico has created a two class society: the extremely rich and the extremely poor. There is no middle classe in Mexico at this point, according to the specialist. But, NAFTA did, according to him, have a positive influence on Mexico pertaining to the reduction of the production of illicit drugs (Ibid).

The federal government employee also mentioned that in terms of prosecution, at the drug level, NAFTA has not provided any concrete solutions. NAFTA does not impact at the production level. However, as previously mentioned, NAFTA does enhance the exchange of information. The agreement also established a mode of validating the

information. This means that now there are concrete bureaucratic procedures and rules available to law enforcement agencies to exchange information (Ibid).

As well, he mentioned that NAFTA has created a lot of interdependence between the Canada and the United States because of the commercial protection coming from other countries. In terms of fighting organized criminal activities, the federal government employee working for a para-law enforcement agency admitted that the Royal Canadian Mounted Police (RCMP) does carry out big projects. In Canada, the fight against organized crime is growing rapidly. Since 1985-1986, the RCMP's investigations and attempts to fight organized crime have never ceased to grow. Now, the RCMP is becoming a leader in this domain. The specialist also stressed that the RCMP is recognized internationally based on its constant efforts in this area. The RCMP, he commented, is the only Canadian federal police force and it is, indeed, a very good and efficient law enforcement agency (Ibid).

The government employee explained that today, the organized crime's contraband also includes intelligent contraband. Everything is planned, controlled, and calculated. Even the risk that they take is calculated. Al Capone is a very good example of this new type of organized crime. To litigate Al Capone, the police had to prosecute him on his income tax fraud because they were not able to produce admissible evidences pertaining to his illegal activities in the trafficking of alcohol. Even though it was common knowledge, in the 1930's, that Al Capone was the prominent figure in the illegal traffic of alcohol during the Prohibition in the United States (Ibid).

The interviewee stressed that the lack of communication, cooperation and collaboration between agencies' personnel has declined. However, the legal discrepancy is still prominent and restrains the RCMP and the Canada Custom & Revenue Agency in terms of prosecution. Another positive aspect of NAFTA is the exchange of information between Canada and the United states. The Canadian government has easier access to American information because of the protocol embedded in the NAFTA. There is also a protocol that exists the United States and Mexico which gives access to the Canada Customs and Revenue Agency on everything that is imported into the United States from Canada. In addition, the ICS have access to the information on everything that is imported into Canada from the United States and from Mexico. This provides Canada Customs and Revenue Agency with the opportunity to augment and update their database. But again, NAFTA was not intended to fight the organized crimes; it was implemented for legal commercial purpose only (Ibid).

c.1.a. Commercial, Political and Mediagenic¹² Aspects of the NAFTA

As previously discussed, NAFTA was created to promote commercial exchanges. When we talk about commerce, there is always a political and a mediagenic aspect to it. Thus, there is an important political element at play in the reduction of the application of the customs duties. The interviewee stated, as an example, that there are individuals in Mexico producing illegal drugs and that the United States government is openly and completely against international illegal smuggling of drugs. The United States has a zero

¹²Mediagenic is an adjective define as follows: "attractive or well-suited to the communications media" (Merriam Webster's Collegiate Dictionary, 1996:721)

tolerance program on drug smuggling. Therefore, the specialist of a para-law enforcement agency argument is that by including Mexico in NAFTA it forces the country to take liability regarding illegal drug productions and smuggling. The hope is for Mexico to become more industrialized. Once industrialized, the country will be able to produce less illicit narcotics and will benefit more from the production of new products. As well, by lowering its production of narcotics, automatically, according to the federal government employee working for a para-law enforcement agency, it will be easier for American and for Canadian law enforcement and customs agencies to control international illegal shipments of drugs (Ibid).

The specialist emphasizes that we must not forget the political and mediagenic consequences and repercussions that the exchange of information between agencies and between countries can bring at the government level and for the public. For example, he mentioned the Access to Information Act, the Law on Personal Information, and the Charter of Rights and Freedom. He said that the amendments to the existing laws and acts, requested and lobbied for by the Canada Customs and Revenue Agency and the RCMP, will have strong political affects if implemented (Ibid).

The interviewee also mentioned that the coordination between all the Canadian law enforcement agencies and the thirty-four Canadian Ministries requires a lot of work and effort. As well, there are also a lot of political and mediagenic pressures at the national and at the regional level; pressures to have greater outcomes and control at the borders. However, he stated that the Canada Customs and Revenue Agency is doing better now than it was ten years ago. These improvements, according to him, are not related to

NAFTA, but to the criminal evolution. Hence, in my observation, the coordination of the Canadian law enforcement agencies and, the political and mediagenic pressures are authoritative resources available but distinct from the agreement (Ibid).

The federal government employee's statement agrees with the Anonymous interview with federal government employee: N^o 1 in that both stated that in order to investigate the source, to find the 'heads' and the criminals in charge of the importation, there is a need for collaboration, cooperation and exchange of information between Canada Customs and Revenue Agency, the RCMP and any other Canadian law enforcement agencies would have to share information in order to help investigations (Ibid).

c.2. **Anonymous Interview with a Specialist Having Professional Knowledge on the North American Free Trade Agreement (NAFTA)**

The first comment made by the NAFTA specialist was to clarify that it is an agreement which aims at reducing goods and services customs duties and to make the flow of goods and services freer and faster. In relation to the topic of the present research, he stated that, the augmentation of the volume of goods and commercial activities at the borders might have brought about an increase in the illegal trade of drugs within North America. He believes that this allegation was a little strong but that he could understand the underlying rationalization and link between the surplus of commercial cross-borders activities between the NAFTA countries, which at the same time increases openness to illegal cross-borders activities. He indicated that there are people working at the opening of the cross-borders regulations and that this will also

make the RCMP's job to control cross-borders illegal drug trade even more difficult (Anonymous interview with a specialist having professional knowledge on the NAFTA: June 18th, 2001).

The specialist stressed that decreasing cross-border regulations is legitimate in the sense that now, with the increase in the commercial exchanges between the three countries, there are problems. For example, the towns along the borders are experiencing an increase of pollution due to the augmentation in commercial trucks waiting and crossing the borders everyday. There are people thinking about ways to accelerate and expedite the procedures of cross-border regulations and control. He is absolutely certain that this will have a further impact on the RCMP's work and that there are compromises that will be made at this level. Again, the NAFTA specialist stressed that the objective of the professionals who worked on this agreement, focussed on simplifying the procedures that are presently applied at the border posts. The only preoccupation of the people involved in the drafting of the agreement was on the commercial aspects of the North American trade. The demands for the simplification of the border procedures came from the business people and exporters from all three countries. This interviewee does not believe that the illicit trade of drugs was included in the discussions leading up to the Agreement whatsoever. He further indicated that the interests of the laws and of the respect of the laws will have to be measured and compared with the commercial interest of the three countries (Ibid).

The real matter at stake, in his mind, is to find an equilibrium between the legal and commercial responsibility of the American, Mexican, and Canadian governments. He

added that there must be a real 'appreciation,' 'comprehension,' and 'understanding' whether the residual borders are 'disguised borders.' This means, for example, that if the American government decides to put measures in place in order to control the cross-border of illicit drugs, the Canadian and the Mexican government would investigate and make sure that the measures target the illegal drug trade, and are not a disguise to prevent exporters from accessing the American' market. Therefore, it is important to not take one barrier off just to put three more in its place (Ibid).

In terms of the RCMP and the drug trade, the specialist having professional knowledge on the NAFTA stated that, if the RCMP lobby for more control at the borders in order to monitor and reduce illegal drug trade, it is important to measure if the request is a way to limit the cross-border illegal drug trade, or if it is, again, a disguised commercial protection. In his view, the issue at hand is to harmonize the control at the border and the enhanced flow of commercial access (Ibid).

Therefore, the specialist on the NAFTA saw the problem as being based on the equilibrium between the protection of the businesses trade interest and the interests of the judiciary milieu. He also believes that the Canadian judicial system has a sentencing problem. That is the sentences are too short and that they do not bring about proper deterrence. He also stressed that before blaming NAFTA, the RCMP and the Canadian government should take care of sentencing issues (Ibid).

The specialist's argument directly answers the main question of this thesis: What were the particular changes arising from NAFTA that brought about an impact on the RCMP work in controlling the drug trade? Indeed, in his statement, he identifies the

harmonization of the control between the United States and Canada and, between each country's internal and international law enforcement agencies, accentuating the need to monitor and coordinate this harmonization with the enhance flow of commercial trade brought about by the NAFTA (Ibid).

As a citizen, the NAFTA specialist is of the view that control between the three countries at the border level was quite low, based on an observation he made at the Québec Summit. He related that there was a statement to the effect that there were approximately 130 different places between the Québec and the Vermont border where there is no surveillance. He concluded his argument by saying that if there were people desiring to cross the border without having to deal with customs officials, there were many ways to avoid border crossings (Ibid).

The specialist did not believe that it was up to NAFTA to bring about some sort of solution and/or prevention against illegal drug smuggling across the border into Canada or, to help the RCMP in any way. For example, he stated that some people would like the Organization mondiale du commerce (O.M.C). to take care of all workers' salaries in the developing countries or, to take care of the living conditions of people residing in developing countries. According to this interviewee, these are things that belong to the internal politics of a country and that are not the mandate of the O.M.C. The O.M.C.'s mandate is to make sure that commercial trade is done with as few 'disguised borders' as possible. He strongly believes that the NAFTA would not be modified to accommodate judicial needs or necessities (Ibid).

He believes that the augmentation of trade overloaded the RCMP, which is now unable to fulfill its mandate in terms of controlling the international smuggling of drugs within Canada. And, all this is linked to the fact that the commercial trade has doubled, if not tripled in certain cases, and that the volume of goods is so voluminous at the Canadian border that it has become strained. The specialist on the NAFTA stated that, as an interested and informed individual, and not as a specialist having professional knowledge on the NAFTA, another observation that he made was that the drug trade has augmented approximately in the same proportion as the commerce, or energy, or natural gas. He thought that the only real connection between NAFTA, the international drug smuggling and the RCMP is that the agreement has become a facilitator of the drug trade (Ibid).

The link drawn by this official between the augmentation in commercial trade, the NAFTA and the enhanced difficulty encountered by the RCMP drug sections to fulfill their duties, is a direct and positive answer for the thesis question of this research. Moreover, the agreement in the present case acts as a constraining factor on the RCMP.

The specialist on the NAFTA noted that there is no chapter within the agreement that deals with illegal drug trade. He stated that there are chapters on governmental disputes but this relates only to regular legal trade. For example, if a country or a government wants to implement measures to ensure the protection of human life, there is nothing that this interviewee can do about it. If commerce goes against the well being of individuals, a government has to be able to pass laws and regulations to augment and preserve the well being of its citizens (Ibid).

Again, as a citizen, and not as a specialist having professional knowledge on the NAFTA, the interviewee stated that the agreement reinforces the differences (in terms of laws, regulations, mentality, traditions, or cultures). This is so, especially between Canada and the United States, rather than diminish them. According to him, Canadian and American laws have their own distinct features and he believes that there is no danger, in terms of the closeness brought about by NAFTA, that the American laws would influence Canadian laws in relation to the illegal smuggling of narcotics. This is not only in terms of narcotics but also in terms of the standards and laws favourable for health, to protect the environment and to augment the well being of the citizens. He is of the view, however, that there will be a convergence in the direction of the laws and regulations that have the most beneficial impact on each of the previous aspects mentioned (Ibid).

He described free trade as an amalgamation of rules that, in reality, people try to avoid or try to find hidden loopholes. Hence, the increase international illegal cross-border smuggling of drugs is a 'logical' outcome of the implementation of the NAFTA. This is to say that the application of the agreement itself makes a difference and affects the RCMP drug sections in that the potential for criminal activities is embedded and put forward as a 'natural' part of the restriction and enablement posed by the free trade agreement.

He mentioned hypothetically that if we would come to a point where the drug trade would become so frequent and illegal drugs would become so easy to get, that the consequences were devastating; somebody would or might be able to prove that there is a direct link between the agreement and the smuggling of drugs in Canada, only then would

the NAFTA be questioned. However, this interviewee had a strong conviction that the drug problem is first and foremost a consumers' problem. Therefore, the solution, according to him, would not be found at the borders of the country or with the reduction of free trade, i.e., not on the supply side, but on the demand side. He is of the view that the government and the RCMP should start by solving the consumption problem which is not a free trade problem, but a society problem. The RCMP, he believes, should lobby the office of the Health Minister to help with the de-intoxication. He stressed once more that cross-border trade is for legal trade and, if the demand of illegal trade within Canada was reduced, there would be no reason for illegal drugs to be smuggled into the Canadian territory (Ibid).

The NAFTA specialist on demonstrates that there are some possibilities for normative measures included in the agreement. For example, he stated that in Chapter 9 of NAFTA, it is mentioned that each party will be able to adopt, maintain, or apply normative measures, as well as, any measures pertaining to the security, the health protection of the people or animals, to the protection of the environment or consumers, as well as, procedures to ensure the measures involved in the execution of the normative legislation. He also stated that Chapter 20 could be used if the drug trade would be proved beyond doubt to be directly linked to free trade and a threat for the Canadian population. The interviewee also mentioned that it is written in Chapter 20 that measures could be adopted that would aim at the realization of a legitimate objective (Ibid).

The specialist stressed that it is Chapter 9 that clearly mentions that the measures adopted must be measures that are compatible with commercial interests. He further

stated that this is repeated in Article 906 of the agreement. He explained that because of his professional knowledge on the NAFTA he is aware of the crucial role that the normative measures, i.e., the laws, play for the realization of the legitimate objectives. Furthermore, the parties involved engaged themselves to ameliorate the security, the health protection, the human and animal, the preservation of the vegetation, the protection of the environment and of the consumer (Ibid).

Hence, in terms of international drug trade, the interviewee stipulated that if the drug problem becomes a major social problem, by which everyone was affected by the illegal smuggling of drugs across the Canadian border, it would become a threat to all the citizens of each country. Such evidence could demonstrate that the drug problem, in Canada, is link to the liberalization of trade. Consequently, public opinion would influence the politicians which could result in changes.

c.3. **Anonymous Interview With a Member of Parliament with Knowledge of the NAFTA, the RCMP and the International Illegal Drug Trade**

A Member of Parliament with knowledge of NAFTA, the RCMP and the international illegal drug trade stated that within the last ten years there has been a significant emphasis on the international nature of crime. Investigations that were sovereign now require an enormous amount of government cooperation. He stressed that there is national pressure to increase cooperation towards the harmonization of law. He stressed that no one is saying something like "You should do this." He cited the following example, when two people are sitting in a room, to try to deal with the flow of drugs the Washington representative says that they cannot deal with this because as soon as they

get close to a criminal, he or she crosses the border preferring to be arrested in Canada rather than that state of Washington. The American view is that Canadian legal regime is more lenient, therefore, it is a country where drug smugglers want to be arrested, if caught (Anonymous interview with a Member of Parliament: June 5th, 2001).

The interviewee was not certain to what extent cross-border illegal smuggling of drugs was the result of NAFTA. Opening the border for legitimate trade basically has had a corollary effect on illegal drug trade. He was of the view that certainly, it makes the border busier in that enforcement is more difficult. Henceforth, the Member of Parliament provides an insight as to the effect of particular changes arising from NAFTA, i.e., it made the border more cluttered, and that this had an affect on the law enforcement (Ibid).

The Member of Parliament expressed that he understood the topic of this research as being the affect of the American government's import on the Canadian criminal justice system. More specifically, he said, the RCMP as a branch of the criminal justice system is now impacted by NAFTA. He also mentions that the agreement contributes to the closeness of the two countries, but that it is only one element. He explained that multichannel television and a whole series of factors cause the United States and Canada to be more closely linked. 'The matrix of [American] public policy features,' which he believes has been resisted by the Canadian government to date, is composed of the following: the government in the economy, education, the resources development and, the way that we deal with criminal justice issues are also a feature of public policy. He explained that on criminal justice issues, we have resisted, but that there is growing evidence that we are under siege and the Canadian public seems willing to accept the

American criminal justice model. Again, these latter comments answered other sub-questions of the present research. The link he made between the NAFTA and the creation of the formation of new organizations, to help at the border control, represents not only particular changes that arose since NAFTA's implementation, but it also shows that there were new instruments (organizations) put in place to counteract or offset the affect of NAFTA on criminal activities at the border (Ibid).

This interviewee also stressed that there are a number of organizations that exist now on the borders that did not exist before NAFTA. He further indicated that nobody working for these organizations would probably even think of the fact that NAFTA has anything to do with their creation. However, the interviewee guessed that it is not accidental that some agencies came into effect recently. He mentioned, for example, the Cross-Border Policing Organizations. He emphasized that he did not see in any of the RCMP's documents that the creation of these new organizations were a consequence of the NAFTA (Ibid).

He also stated that the amount of cross-border crimes resulting from NAFTA, as opposed to being the result of other factors such as the sanction differential on drug charges, was unknown. As an example, he indicated that if someone has the choice of growing marijuana in British Colombia or in Washington State, they would probably grow it in British Colombia because of the sanction differential. He explained the sanction differential as the difference in charges if a criminal gets caught growing marijuana in Washington State, which is considerably greater than if caught growing marijuana in British Columbia. Consequently criminals tend to grow their marijuana in

British Columbia. He further explained that this is not a result of free trade. Therefore, the previous increase in cross-border crimes can be ascribed to a number of different things. He did specify that some of it would be the result of free trade in so far as the limits on access of goods and people are diminished (Ibid).

The interviewee emphasized that NAFTA exerts a harmonizing pressure on everything. He explains that as the border between our two countries becomes freer, more accessible and liberal, there is an enormous pressure to harmonize. It means that the pressure is placed on the Canadian government to harmonize its laws and the methods of investigation, which also has an impact on the RCMP in a variety of ways. First of all, the culture of the RCMP is very different, as a police agency, than the culture of some of the American police organizations. He insisted that he could say with some informed experience that the RCMP is much more inclined towards community policing, contrary to some of its American counterparts (Ibid).

The MP affirmed that NAFTA had an impact on the RCMP in controlling international illegal drug smuggling. But he asserted that we simply do not know how big or how little this is. He also claimed that the nature of the impact would have to do with the pressure that a closer or proximate relationship with the United States would have. He gave as an example, the criminal justice regimes, in each country and how they are more different than the healthcare regime. He cited the biggest difference between the United States and Canada as the criminal justice system. He reinforced this by mentioning things such as capital punishment versus no capital punishment, the debate on the decriminalization of marijuana (Canada) versus the war on drugs (United States). He also

mentioned that the reason we cannot decriminalize marijuana is because of the pressure we would get from the United States. He argued that the closer NAFTA draws us to the United States, the more influence that government has over the Canadian government in terms of these kinds of a public policing issues. The RCMP themselves have called for the decriminalization of the marijuana, which distinguishes them a great deal from their counterparts in the United States. Hence, there is a particular difference between the culture of the law enforcement agencies between the two countries. He added that the RCMP, so far, have done a reasonable job at resisting this pressure. He further indicated that it would be a negative event if the free trade and harmonization on other levels may have the affect of narrowing that distinction between our two criminal justice/law enforcement cultures (Ibid).

The interviewee mentioned that there are very big differences between the American and the Canadian law enforcement agencies including: the Court; the sentencing process; the investigation procedures; and the gathering of evidences in terms of illegal narcotics. For example, the United States government believes that the way to deal with the drug problem is on the supply side. By contrast, Canada tends to focus on the demand side. In fact, he said that the Canadian government tends to see this as a health issue, not a criminal justice issue and that consequently, we pursue a strategy of harm reduction (Ibid).

The MP is of the view that the geographical location of Canada in relation to the United States is synonymous with NAFTA, because in a trade agreement the importance of the borders is diminished. He also specified that nowadays, there are more cross-

border crimes. This manifestation of cross-border crimes, such as drug smuggling, accentuate the need for international investigations. However, he indicated that international investigations are more difficult because the law enforcement agencies have to deal with different lines of authority. In that line of thought, he stressed that it is hard enough in Canada to deal with the various levels of government; it is even harder when an entirely different sovereign nation is involved in the investigation. The investigation becomes very difficult particularly when the criminals justice cultures are so different. He added that the regimes of civil liberties and regimes in terms of what is admissible are also very distinct. He explained that in large international investigations, the gathering of evidences is almost impossible because the standard for gathering evidences of every country involved is different. Cooperation is not pro-active, it simply means that cooperation is driven by necessity, not by invention (Ibid).

The interviewee pointed out that there is some information that cannot be shared because the various law enforcement agencies of each country have different privacy laws. For example, he stated that in terms of the admissibility of evidence, there are different clauses. This means that, in terms of volume of information, we probably share more. But, as a function of how much is actually there to share, we probably share proportionally less information (Ibid).

The exchange of information, as it is emphasized throughout this chapter, is considered the prominent factor of a successful control of cross-border illegal activities. Based on this account, one might consider the open exchange of information by the three

countries involved in the agreement as a threat and/or a diminution of the state power and autonomy.

The MP mentioned that criminal justice issues are the biggest threat to the Canadian criminal justice system. He emphasizes that for the RCMP, to become seduced by such a culture and justice system would be extremely injurious to Canada. As well, he indicated that there are practical issues that have to be taken into account such as the disparities between the sanctions in the United States, which are significantly more severe than the sanctions for the same activities in Canada. He stated that it does not take a drug smuggler very long to figure out the benefit of doing their activities in Canada. The proximate or freer the borders become, the less differences there are between the two countries, the more pressure there will be on the Canadian government to conform to the American system. He stressed that NAFTA as a relationship is benign, rather it is the manifestation of the relationship, the outcomes of the relationship that could become dangerous if the Canadian government imports some of the American's criminal justice policies (Ibid).

The MP asserted that we are also seeing pressure to take a tougher approach on crime; this would affect Canadian law enforcement agencies. In this case, he specified that the most involved law enforcement agency in drug charges in Canada is the RCMP. Even though he is making this statement, the interviewee stressed that he did not see any manifestation of this change affecting individual members of the RCMP. The RCMP are, he believed, under pressure to harmonize their methods of evidence gathering for purposes of cross-border crime. As we can see, the interviewee is straightforward and

incontestably certain that the agreement brought about a series of changes which impacted, slightly indirectly, on the work of the RCMP drug sections in controlling the drug trade (Ibid).

**c.4. Anonymous Interview With Federal Government Employee:
N° 1**

I asked the following questions to the federal government employee: N° 1: Does the NAFTA have an affect on your work and on the work of your subordinates? And, did you notice any new information exchange, cooperation or an increase in drug trafficking between the three countries involved since the implementation of NAFTA? The federal government employee: N° 1 answered that there were two parts embedded in these questions. First, he maintains that the technological application on a worldwide scale – spread throughout the world – which already has opened the way to cooperation and a need for the unification of the task forces. Second, NAFTA was put in place to reinforce free trade and, the ultimate goal of this agreement, according to this federal government employee: N° 1, is freer trade. These two answers are interrelated because the RCMP does not have any other choice but to share its information and databases. And, based on this obvious need of openness, cooperation and collaboration, which has been pushed and reinforce by NAFTA, the federal government employee: N° 1 strongly maintains that this aspect of interconnectedness and exchanges is the biggest advantage of NAFTA's impact on the RCMP drug sections. The federal government employee: N° 1 agrees and supports the Member of Parliament claims that NAFTA did bring about changes in the

RCMP. The interviewee is very positive about these changes and he sees NAFTA itself as a new instrument to enhance the effectiveness of the RCMP drug sections (Interview with a federal government employee: N° 1: June 27th, 2001).

The interviewee also said that, on the short-term, the cross-border smuggling of illicit drugs evidently could be augmented. He explains that free trade could, in the short run, facilitate the transportation of illicit substances, such as drugs, within all North American countries. He states that the organized criminal organizations might take advantage of the facility to travel, establish contacts, and to use different methods of transportation to go across the U.S.-Canadian border in order to deliver shipments of drugs. But, he believes that this will soon be resolved because of the new awareness and concerns that the cross-border crimes (Ibid).

The federal government employee: N° 1 described, in the latter affirmation, a dialectic of control. This is to say that NAFTA provides advantages to the international illegal drug smugglers. Nevertheless, the federal government employee reinforces his statement that NAFTA was a positive instrument to law enforcement in that it introduces new awareness and concerns which further accentuate the need for action, collaboration and cooperation.

The federal government employee strongly believes that, in the long term, illicit drug trafficking will become, and is already every countries' problem and not an isolated North American issue. He specifies that the organized criminal organizations already have tentacles everywhere in the world. The federal government employee mentions that there are individuals in Montreal, Toronto or Vancouver that are part of international criminal

organizations and, these individuals are conducting illicit business everywhere. Thus, in his view every country should have a common interest to fight organized crimes. He stated that the NAFTA is, and will be, an element that will contribute to go forward in this common quest. Therefore, he maintained that Canada's openness to globalization, and to the NAFTA, will, in the long run, be beneficial for every country, government organizations, and the society in general. In this sense, the federal government employee believes that NAFTA provides an advantage to the RCMP. But, he reiterates his statement that in the short-run, the implementation of the NAFTA might enhance the problem of cross-border illicit drug smuggling (Ibid).

The interviewee interestingly states the prominence of new technology as being another strong facilitator in international drug smuggling in Canada. Now, illicit drugs can be sold on the Internet. The interviewee acknowledges an important point: that it is very hard, to differentiate between the affect of NAFTA and the affect of the technology on the work of the RCMP drug sections (Ibid).

The federal government employee also drew a link between NAFTA and the harmonization of the democracy, of the laws, and of the application of the legal and penal systems. He asserts that there is an enormous difference in the sentencing of drug traffickers in Canada and in the United States, as did the Member of Parliament. In addition, 'repression' is the most important element of the law administration in the United States. The 'repression' itself, pure and simple, contain a certain level of 'prevention'. The United States law enforcement agencies and legal systems, similarly to its Canadian counterparts, do have an awareness component (Ibid).

The politics of the American government is influenced by the government's position on the 'War on Drugs.' In order to achieve this goal, the United States government gives to its law enforcement agencies the instruments and resources needed to implement such policy. More precisely, he explains that the United States government has set exemplary sentencing with precise lay out of what the judges have to respect when they give their sentences. The federal government employee further mentions that there seems to be a disconnection between the two countries justice departments in terms of their priorities or of their procedural methods and of the sentencing outcomes (Ibid).

The federal government employee also explains that NAFTA and the need for harmonization will bring about a realignment of the sentencing in both Canada and the U.S. He is of the view that the harmonization in sentencing will reach a middle-path, between the harsh sentencing of the United States and the softer Canadian sentencing. Therefore, we could see a lessening of the penal system in the United States and a reinforcement of the Canadian penal system. It is important to note, however, that this is only speculation (Ibid).

He affirms that the penitentiary system in Canada is not adequately prepared to accommodate these types of changes. In the United States there was a priority given to build prisons, and many of them are private ones. By contrast, the Canadian government has focussed on the sensitization of the Canadian population. Hence, the Canadian government attempts to sensitize the population to the problem of drug consumption at every levels of government. According to the interviewee, a judicial system exclusively based on repression is not enough; what the Canadian society, government and law

enforcement agencies need is a drug prevention program with a mandate from society (Ibid).

The federal government employee asserts the importance of seeing the global political entity of both countries in order to understand the differences of focus. The Canadian government and the RCMP intend to apply repressive measures while including awareness programs, in order to sensitize the population to the problem. And, there is an Awareness Unit at the RCMP that works full time on this aspect of the drug problem. The interviewee emphasised that the population and the society in general must be sensitized to the drug consumption problem because it is a social problem (Ibid).

Based on those observations, the federal government employee stated that the underlying mentality between the two countries differs greatly. But, he emphasized that when the RCMP works with an American law enforcement agency, there is no problem because they work at the investigative level and not at the legislative one. And, law enforcement officers of the two countries see the problem similarly; that is the main difference resides at the arrests and the legislative level (Ibid).

The federal government employee further explains the differences between the two countries in dealing with the illicit drug smuggling. For example, in the United States, criminals agree to become a 'snitch' (an informer) in order to obtain a reduced sentence. By contrast, in Canada, the sentencing system is not an inducement for criminals to become informants. And, according to this interviewee, because of the location of Canada as neighbour of the United States; there are other influences from the United States to Canada. With the implementation of the NAFTA, there is an evident need for conformity

and for working in a same direction; at the democratic and political level, as well as, at the level of the laws. In regard to this need for conformity between the United States and the Canadian state apparatus, this interviewee still believes that in the long term, this will be beneficial. Again, the federal government employee's position on the subject support the Member of Parliament description of the issue (Ibid).

Addressing the second part of the question, the federal government employee strongly emphasized that cooperation is highly important in the work that the RCMP drug sections are doing. He also recounts that, some years ago, there was a sense of stronghold or fortress in each ministry, within each section, of each division whether it was at the municipal, provincial, federal or international levels. But, with the technology and with the widespread internationalisation of organized crimes this is past history. Nowadays, some investigations can involve seven or eight countries and diverse law enforcement agencies, resulting in an awakening and an awareness of the importance of cooperation and collaboration (Ibid).

Furthermore, the federal government employee saw NAFTA, as an instrument that promotes its political and financial nature, cooperation and awareness. Awareness in the sense that what is going on in your neighbour's yard becomes consequential for what will happen in your own country; within one's own borders, i.e., in one's own backyard. The awareness and the cooperation, according to this interviewee will become an omnipresent necessity to achieve control over the international illegal drug trade. Therefore, he sees and describes NAFTA as an important element and a logical step toward the opening of collaboration, cooperation, and the awakening of the United States', Canada's and

Mexico's officials to work together on a common and shared goal. From his perspective, technology does not have a frontier neither does NAFTA. As well, he believes that we have to see the freeing of the borders, under NAFTA, as a positive instrument to catch organized criminals, just as organized criminals see NAFTA as a positive instrument to smuggle illegal drugs across the borders. He is of the view that if the RCMP do not follow and take advantage of this opportunity to open the barriers, the organization will fall behind and be unable to perform its duties (Ibid).

The federal government employee stresses that now information is well saved, computerized, and accessible. Therefore, he reinforces his previous statement that the NAFTA and the technology are both highly affecting the RCMP drug sections. This federal government employee went back to his former argument that the technology is behind all this. All these 'little electronic machines' allow the law enforcement authority to investigate anything and everything. This, according to him, had a huge influence on the RCMP modus operandi. And, as previously mentioned, NAFTA provides the logical and natural step for a society which is at the phase we are in with the advance of technology (Ibid).

The federal government employee claims that the RCMP drug sections, at this point, do not possess all the resources necessary to investigate every single illegal drug activity. This is where the technology and the exchange of information between countries becomes so important, because it allows the RCMP drug section to be more effective. The information on international organized crime becomes a common priority worldwide in order to keep up and to be more effective. In addition, the agreement between Canada,

the United States and Mexico becomes an essential channel to share the information and the resources necessary to get to the 'heads' of the criminal organizations. As mentioned above, this exchange of information between countries and even between agencies is a new phenomenon. Traditionally, the officials operated within their departments and kept their information for themselves in a desperate desire to keep and preserve their own cultural identity. Each section, each minister, each province, each country had its own identity and they wanted to stay within their boundaries (Ibid).

The interviewee states that now, the borders have opened; the RCMP drug sections have opened to the world. He mentions, for example, that today, it is not logical anymore to start a major investigation on organized crimes if it is done only based on a drug section. The international illegal drug problematic goes beyond the illegal smuggling of drugs itself, because it involves money laundering, contraband (of other goods such as firearms), immigration, counter forfeit and, forgery. Each of these aspects of international illegal drug smuggling are dealt with and investigated by different sections, ministers, as well as in other countries, which all have information gathered that is essential to a successful investigation (Ibid).

The interviewee asserts that there is a manifest desire by all the parties previously mentioned to unify their efforts in order to adequately and efficiently fight the problem at hand. He highlighted that there have been major improvements made and that there is a clear and omnipresent desire to be productive and to attain positive results. He believes that NAFTA will provide resources and has a unified desire to work and cooperate to fight illegal international drug trade. Hence, he stresses again that NAFTA is a positive

'move.' However, he maintains that there is still improvement to be made at this level (Ibid).

The federal government employee further suggested that a logical evolution coming after NAFTA would be to liberalize and to enhance the existing exchange of information and evidence within the countries involved in the agreement. At this moment, there is an incredible amount of bureaucracy to go through in order to exchange information between countries. Another problem resides in the different meanings and/or definitions that the level 'secret' signifies in the different law enforcement agencies. With the bureaucracy that is in place presently, there is a very high risk of 'leaked' of information. This risk derives from having many persons involved in the process, from the various agencies and officials that request information, as well as, where the information itself has to be sent. What NAFTA could do eventually, while making the economic, the political and the legislative closer, according to this official, is to reduce the bureaucracy involved in the exchange of information between the law enforcement agencies (Ibid).

At this time, there is an exchange of information between the three countries: Canada, Mexico and the United States. And, according to the federal government employee, it is better to have this exchange than to have nothing at all, or to go back to the way it was with everybody keeping every little piece of information to themselves. Although the exchange of information is a 'security breach' which is worth taking, the exchange of information represents the only way that the organized crime can be fought effectively. Hence, the NAFTA is, and will be, a contributing factor for the RCMP drug sections (Ibid).

In relation to the affect of the NAFTA on the RCMP in controlling the international illegal smuggling of drugs in Canada and, its relation to Mexico. He further stresses that Mexico has its own issues when it comes to illegal drugs. As an example, he states that the number one natural product in Colombia, which has an important commercial value, is roses. Using this example, the interviewee explained that with the exportation of roses only, Colombia would not have the economy that it has right now. He further explained that when the Americas are tied together, with an agreement such as the NAFTA, there is a powerful desire from each of the parties involved in the agreement to solve the problems of international illegal drug smuggling. In addition, the federal government employee specifies that the RCMP has a liaison officer in Mexico to help with the cooperation and the collaboration process. Again, with the United States in between, the federal government employee emphasizes that Mexico still affects the United States more than Canada (Ibid).

The federal government employee says he did not notice any changes or restructuring at the operational level that could be directly be linked to NAFTA. He saw the changes and the restructuring of the drug section he supervises as based on the expansion of the problem of international illicit drug smuggling and, of the changes that the law enforcement agency personnel have to adapt to in a global world (Ibid).

The federal government employee admits that there is a clear need to improve financing of RCMP drug investigations unit. The injection of money in RCMP drug sections would help develop a structured method of investigating organized crimes. He also stated that in order to fight organized crime and the illegal drug trade across the

borders, a starting point would be the RCMP's need of human and financial resources. Without resources or financial support, the RCMP cannot efficiently fight organized crimes. He believes that now the Canadian government has realized and invested supplementary funds to combat organized crime. The realignment and the restructuring of the RCMP financial resources is necessary because of the globalization of the problem. This means that the RCMP needs to prioritize its activities and to inject resources where they may be the most effective in terms of fighting international illegal drug smuggling. For instance, there are choices that are to be made between investigating a crop of hashish, a hydroponic greenhouse, or an importation of many kilos of heroin (Ibid).

**c.5. Anonymous Interview With Federal Government Employee:
N° 2**

The federal government employee: N° 2 that was interviewed had, in some instances, a different perspective and view of the impact of the North American Free Trade Agreement (NAFTA) than the federal government employee: N° 1. The differences in their account derives, more likely, from the position they hold and from their relationship with the problem at hand. That is to say that the federal government employee: N° 2 connections are with the international drug smuggling in Canada (mostly from an operational point of view), and from the relationships he has with his subordinates who report to him on the day-to-day operational activities. As for the federal government employee: N° 1, he would be more likely to be aware and involved in the political, financial and operational aspects of the drug section. Such involvement provides him with a wider and more thorough outlook of the impact of the NAFTA on the work and the situation of the RCMP drug section in dealing with international illegal

smuggling of drugs in Canada (Anonymous Interview With Federal Government Employee: N° 2: June 27th, 2001).

The interviewee mentions that he did not notice any real change. He said that he has heard of the changes and that if there is less control at the borders, it is certain that there would be criminal organizations that would take advantage of it and attempt to get contraband across the Canadian borders including drugs or any other types of contraband (Ibid).

The federal government employee also emphasizes that our Canadian laws pertaining to the importation of illegal goods, such as drugs, are minimal compared to American laws. Therefore, he asserts that the RCMP drug sections must be aware that, for example, Colombians will send their contraband of cocaine from Columbia to Canada in storage. This is also what is happening in Mexico. As well, he maintains that, now, there is so much corruption in Mexico, which makes it easy to store drugs in that country. Also, there is a lot of cocaine stored in Haiti and shipped into Canada. Therefore, we can expect that the same can happen here in Canada; that there are 'off loads' of illegal drugs that come in our country. 'Off load,' he specifies, are drug stocks that come into Canada in transition before being shipped to their final destination. The reason for this is simple: the international drug smugglers use Canada as a storage place to 'off load' because of the lack of deterrence of our laws and because of the lighter sentencing in terms of international illegal drug smuggling. He further specifies that it is not only the criminals that are getting involved in illegal smuggling of drugs. Legitimate companies get involved if there is money to be made in international illegal drug trafficking (Ibid).

The federal government employee also mentions the problems that arose from the 'precursor' chemicals. In the United States and Canada, there are a lot of legal precursor chemicals, such as ephedrine, the product used to produce 'speed' or amphetamines with no control upon the drug because it is considered as a 'precursor' chemicals. Therefore, it is easy for a criminal organizations to take ephedrine and to create pseudo-ephedrine with it, such as throat pain reliever for cold type of medicine. Those pills are shipped to the United States without any cross-border control because pseudo-ephedrine is a legal product. But then, it is sold into the United States to companies that are doing the extraction of ephedrine from the pseudo-ephedrine in order to produce illegal drugs such as methamphetamine or 'speed.' It is simply a derived way to smuggle ephedrine in the United States without having to deal with any types of 'real' control such as cross-border control or customs control because the goods, the pills that are shipped are legal when they enter the United States. The federal government employee specifies that the United States government does compel companies to declare, from 'A' to 'Z' what they are and will do with the ephedrine, since it is a 'precursor' chemicals from which illegal drugs can be produced. However, when a shipment of pseudo-ephedrine arrives, there are no questions asked and no follow-up, because the 'precursor' chemicals is not in its raw form anymore. Therefore, in order to import pseudo-ephedrine into the United States, criminal organizations will create companies and that are supposedly producing cough lozenges (Ibid).

The federal government employee uses this explanation of 'illegal' trade of ephedrine in order to highlight what is already happening in terms of free trade. He states

that there was a lot happening at the present moment at the borders and that existing controls will be lowered. But, he does not believe that the way international illegal drug smuggling between the countries embodied in NAFTA will change because of this particular agreement, or that NAFTA has had an impact on his work or on the work of the RCMP personnel under his supervision (Ibid).

Contrary to all the previous interviewees, the federal government employee definitively does not believe that NAFTA had an impact on the RCMP drug sections. As well, he does not notice any particular change or difference since the implementation of the agreement aside from the increase in goods and services crossing the borders. The federal government employee was categorical in his position that NAFTA had no affect whatsoever on his work and on the work of his subordinates.

After the implementation of NAFTA, the federal government employee pointed out that the number of containers of general legal merchandises have increased but those that are verified is minimal. The criminal organizations are aware of this. He explains that if the Canada Customs and Revenue Agency received information that there are containers that will arrive with illegal drugs in them, they will pick out eight containers out of, for example, 800 to 1000 containers that are on the ship or on the suspected truck. The containers are randomly selected and the chance of picking one with illegal drugs is very slim. In addition, the federal government employee emphasizes that when drug smugglers loose one container, it is considered part of their loss of doing businesses as part of their calculated risk (Ibid).

The interviewee stresses that the problem that we have in Canada is not necessarily related to NAFTA. Rather, the real problem has to do with the Canadian laws and sentences. He explains that the Canadian justice system is still focused on rehabilitation; the less time people are doing in prison, the better it is. But, what happens in reality is that the criminals that are investigated for six months to two or three years, convicted, sentenced and are put in jail for three to four years resurface making the problem a recurrent one because they usually will not make the same mistake twice (Ibid).

The interviewee said that this is what happens with the biker gangs. Initially, they were small criminals and now they are involved at the distribution level, having built their own drug distribution network. Today, the bikers are so well structured that it becomes harder and harder to investigate them, and it is extremely costly. As well, ten to fifteen years ago, a RCMP drug section in a headquarters was able to investigate five to six organizations simultaneously. Today, with the same number of investigators, it is only possible to investigate one to two organizations maximum. In addition, the preparation for the Court and to disclose the evidence requires a lot more time, money and effort. Furthermore, there are a lot more requests made on the RCMP to be able to accumulate enough evidence to prosecute criminals today, than before. He was of the view that the problem at hand in Canadian law enforcement, in controlling international illegal drug trade, was not the implementation of NAFTA, but the inadequacy of the criminal, legal and judicial system that is presently in place (Ibid).

Moreover, he mentions that in Canada, like in the United States, there is still some competition arising between law enforcement agencies, as well as, with other agencies

such as the Canada Customs and Revenue Agency. He emphasizes that the Canadian law enforcement agencies, as well as, agencies such as the Canada Customs and Revenue Agency are working jointly even though there are still some tendencies or desires from each part to preserve their 'fortress' (Ibid).

Whether or not it has changed with NAFTA, the federal government employee is not convinced at all because the RCMP drug sections have always kept, and continue to keep their contacts. As well, they have their liaison officers to provide them with information. He further explains that, even today, there are concerns over requests for information from Mexico because of the high level of corruption. This interviewee sincerely does not believe that NAFTA changed anything in relation to the work that is done at his level in the drug sections to control international illegal drug trade. However, he states that if the borders are completely eliminated, this will change their investigative methods. As well, he asserts that it is the Canadian laws that will be influenced and have to conform more and more to the American laws because of the country's influence and strength in North America (Ibid).

The federal government employee emphasizes that it is the situation of the actual location of Canada, its closeness to the United States, that has an influence on the RCMP drug sections actual work, not NAFTA. It is the demand for drugs coming from the United States that has an impact. It is the inconsistencies in terms of laws and sentences between the United States and Canada, in terms of drug sanctions, that are having an impact on the RCMP drug sections. This comment reinforces the Member of Parliament's position on this matter (Ibid).

The interviewee explains that now the borders between the United States and Canada are jointly patrolled by the U.S. Border Patrol, the RCMP, and the Canadian customs. He also points out that there was an enhancement of the patrols at the borders in both sides. However, he does not see the relation of the enhancement of the border patrol as a consequence of NAFTA. Rather, he sees it as an extension or a logical consequences of the augmentation of the drug importation problem between the Canada and the United States (Ibid).

In addition, he highlights the problem of the lack of human resources including investigators and constables. The time and human resources that go into the Court preparation is another important issue that impacts on the effectiveness of the drug sections to do an adequate control of international illegal drug smuggling into Canada. He also points out that now the emphasis has been put on technological solutions. But, in his view, what is needed and what will be needed more and more, are individuals, investigators, and constables to gather information and to actually investigate criminal organizations in order to update the database (Ibid).

In terms of Court preparation and changes in the Criminal Code to make it more manageable for the investigators, the federal government employee mentions that there is pressure and lobbying that is made now at the Justice Ministries. However, he emphasizes that the Canadian judicial system is laborious in terms of making changes because of the bureaucratic involvement. He did say that the political pressure coming from the United States might help to accelerate the pace of the changes in the Canadian judicial and criminal system (Ibid).

Conclusion and Discussion

This research reviewed the most important manifestations of the impact of the NAFTA on the RCMP in the control of the international illegal drug trade. The purpose of the study provides a better understanding of the impact of the NAFTA on the RCMP by looking at how it enables or constrains the organization in its role in international drug trade policy. As well, the role of the RCMP was examined concerning international illegal drug trafficking.

In order to pursue this research, a qualitative approach was used. A triangulation methodology, including government documentation, unstructured interviews, and participant observation in conferences was utilized to gather the data, to complement each other, and to enhance the validity and reliability of the findings.

The main question that the thesis addresses is: How does NAFTA impact on the RCMP in relation to the illegal smuggling of drugs, both inside and outside Canada? In practical terms, these general questions pertain to finding out how NAFTA has had an effect, positive or negative, on the work of the RCMP concerning illicit smuggling of drugs at the international level.

The difference between the previous literature and the present research findings is that, in the previous research, the NAFTA seen and depicted mainly as an open other law enforcement agencies more difficult. This is not to say that the literature omitted the enabling factors of the agreement. It is simply the emphasis the importance allocated to the favorable affect of NAFTA by the interviewees and in the government documentation seems to diverge.

This study indicates that the exchange of information is the preeminent enabling factor and the most important instrument that the NAFTA brought about, which affect the RCMP drug sections. The exchange of information is, as previously mentioned, an essential part of every RCMP drug investigations. The NAFTA provides the RCMP drug sections with the access to information through different channels, such as the Canada Customs and Revenue Agency. Therefore, the NAFTA has resulted in obtaining and gathering a lot more information for continental cross-border surveillance. In sum, the repercussions of NAFTA have been to reduce the customs duties for the three countries. Second, NAFTA also enables the Canada Customs and Revenue Agency to determine which goods were cultivated and produced at more than fifty per cent in the country where the goods was produced. Thirdly, NAFTA provides an opportunity to each of the countries to ask specific information from businesses and industries that apply for customs duties reduction. And, NAFTA promotes and initiates 'self-assessment,' 'self-declaration,' 'self-divulgence,' and/or 'self-subscription' from the businesses and companies.

Another important deduction embedded in the present study resides in the significance of the need for international cooperation, collaboration, coordination of efforts, and the intensifying importance of the exchange of information between law enforcement agencies brought about by the NAFTA. As mentioned in the previous chapters, the NAFTA makes the Canadian and the American governments and law enforcement agencies closer work together. The NAFTA also intensifies the need for the harmonization of law and of government policy in relation to international illegal drug

trade. The pressure for harmonization is one constraining factor which impairs the efficacy of the RCMP drug sections in their investigations. The pressure to cooperate, collaborate, and exchange information is the paramount enabling factor arising from the agreement.

The findings of this research also support the studies carried out by Ruth Jamieson et al. (1998), Vincenzo Ruggiero (2000), Lorraine Eden (1999), Tracey Eaton (1998), Manuel Castells (2000), the Reform Party of California (1997), the 1997 World Drug Report of the UNDCP, Peter Andreas (1995), Frederick W. Mayer (1998), Cockburn (1999), Jim Crockcroft (1998) and Joanna Kerr (1999) in that four out of five of the interviewees stated that the NAFTA was impacting the international illegal drug trade and, consequently on the work of the RCMP. However, in contrast to the stated research, these four interviewees did not see the NAFTA as having a negative or constraining impact on the RCMP. Indeed, the NAFTA was an enabling factor which enhanced the capacity and scope of the exchange of information between the three countries involved, particularly between Canada and the United States law enforcement agencies.

According to the analysis of the data gathered, there has been an increase in illegal cross-border drug trafficking since the implementation of the NAFTA. Therefore, the NAFTA qualifies as a constraining factor for the RCMP, in that it increases the flow of illegal drug across the borders making more difficult, at the moment, for the RCMP.

The Reform Party (1997) voices that with the advent of NAFTA, the drug gangs expanded into many legitimate businesses which could be used for smuggling (1). In

addition, Mayer's (1998) book relates an article which explains that cocaine smugglers working with Colombian drug cartels were starting to set up factories, warehouses, and trucking companies in Mexico to exploit the increase of cross-border commerce expected under the NAFTA (244). Jamieson et al. (1998) observes that the NAFTA has created new opportunities illicit drug smugglers in North America (265).

Jim Crockcroft (1998) supports Cockburn et al. (1999), Mayer (1998), and Andreas & Doyle, as well as all the previous sources assertion that NAFTA, the increase in trade, facilitates the international illegal drug smuggling. Crockcroft's (1998) states that several reports indicated that NAFTA boosted narcotics trafficking and that NAFTA's liberalization of capital flows greatly facilitated drug money laundering (7).

Lastly, Eden (1999) endorses the findings of both, Jamieson et al. (1998) and Ruggiero (2000). She stresses that the liberalization of markets and the intensification of cross-border economic activity have facilitated and encouraged not only legal but also illegal economic activity (Andreas, 1996 in Eden, 1999:6). She also declares that lower trade barriers between the United State, Mexico and Canada let down America's defence against the influx of drugs (2).

The International Narcotics Control Strategy Report (1997) produced and released by the Bureau for International Narcotics and Law Enforcement Affairs, U.S. Department of State, Washington, DC, is another excellent source of information. As well, in March 2000, the Bureau for International Narcotics and Law Enforcement Affairs released its 1999 International Narcotics Control Strategy Report. These two reports helped to provide comparisons from other countries to that conducted by the RCMP and by the

Canadian government. James Lee, from the Political and Social Affairs Division, prepared a report titled Drugs and Drug Trafficking which is accessible in the Library of Parliament, Parliamentary Research Branch. Lee clearly states that drug traffickers, according to the RCMP, intended to take advantages of the NAFTA.

The United Nations Office for Drug Control and Crime Prevention's (UNODCCP) report reveals that the creation of the North American Free Trade Association seems to have influenced some Mexican groups to traffic cocaine *via* the south-western states of the United States. As a result, groups operating from Mexico now largely control much of the wholesale cocaine distribution in the West and mid-west of the United States (44-45). This finding supports the hypothesis of this thesis which is that the NAFTA had an impact on the international drug trafficking which than impacted on the RCMP. As well the report indicates that the Americas accounted for 72 per cent of all cannabis herb seizures in 1997/98 and that more than 60 per cent of global seizures were made in North America, including Mexico. Mexico continues to be the main source of herbal cannabis in the United States (45-47). Lastly, the UNODCCP's report indicates that in 1999, the USA had the largest ecstasy seizures worldwide and that an inter-regional pattern of ecstasy trafficking is emerging (55). Hence, the UNODCCP report clearly indicates that while the NAFTA might not be the main factor influencing the changes in trends and patterns of the illegal drug trafficking, the agreement clearly has an influence some of the main trafficking routes. The changes in the trafficking routes impact on the work of the RCMP, especially if those routes come across the Canadian territory. Hence, based on this information, we can deduce that the NAFTA is a constraining factor for the RCMP.

The Deputy Commissioner, Samuel H. Banks, of the United States Customs Service, made a statement before the subcommittee on Immigration and Claims Committee on the Judiciary, on April 23rd, 1997 at the United States House of Representatives which differs greatly from the previous reports or statements mentioned and stresses the negative impact increase flow of goods on the ability of the RCMP or other law enforcement agencies to control the borders. The representatives of the International Montreal Laundering Conference (IMLC) also described criminal organizations as taking "advantage of globalization, new technologies, the lack of harmonization among criminal justice systems, as well as socio-political conflicts to expand their activities and their areas of influence at the international level" (IMLC Montréal 2001:5).

Besides the NAFTA, there are other factors influencing the cross-border smuggling of illicit drugs. Unfortunately, it is impossible to determine which factors has the stronger influence on the work of the RCMP. The findings from this research indicate that there are a lot of factors affecting the work of the RCMP in cross-border control of illicit narcotics, and that the NAFTA is one of them.

For example, court decisions are another factor influencing the RCMP in their control of cross-border illegal drug smuggling. The International Narcotics Control Strategy Report, 1999 (2000) conclusion explains that while the RCMP has expanded their effective operations against drug traffickers and other criminal organizations, the affect of their endeavours have been undermined in numerous cases by court decisions.

Canadian government efforts to control cross-border smuggling of illicit narcotics has, however, been undermined by court decisions.(7).

Ruggiero (2000), agrees with Jamieson et al. (1998) that new loopholes and inconsistencies encourage cross-border organized criminals. Ruggiero does not argue or depict NAFTA as the only source responsible for cross-border illegal activities. He also views globalization as an accessory for organized criminality (195). Castells adds that the flexible connection of these criminal activities in international networks is also influenced by the Information Age (170). James G. Stewart (1996) argues that changes in global politics and economics has created many opportunities for illegitimate business enterprises and their criminal participants (6).

The NAFTA specialist saw the problem as being based on the equilibrium between the protection of the businesses trade interest and the interests of the judiciary milieu. He also is of the view that the Canadian judicial system has a sentencing problem. He identified the harmonization between the United States and Canada's internal and international law enforcement agencies, accentuating the need to monitor and coordinate the increased flow of commercial trade brought about by the NAFTA. The augmentation of trade overloading the RCMP, is another factor that he identifies.

The Member of Parliament also stated that the amount of cross-border crimes resulting from NAFTA, as opposed to being the result of other factors such as the sanction differential on drug charges, was unknown. Therefore, the increase in cross-border crimes can be ascribed to a number of different things. He did specify that some of

the cross-border crimes could be the result of free trade in so far as the limits on access of goods and people are diminished.

Based on government reports, on previous research, and on the data gathered through the interviews, there is a closer cooperation and collaboration happening between the NAFTA partners since its implementation. As mentioned, Jamieson et al. (1998) emphasises that in the aftermath of NAFTA, "the infrastructure for policing the cross-border trade has been undergoing significant transformation and this is clearly true in respect of the policing of the illegal trade"(261). The RCMP and the customs authorities speak of constant refocusing of activities. For example, international agreements and partnerships that, such as CIDAD and NORAD (262), address the entry of illicit drugs into Canada is a paramount concern for Canadian government officials (261-262). Internal cooperation between Canadian agencies continues to grow. For instance, the Department of National Defence, the Canadian Coast Guard, Canada Customs, Revenue Canada and, the RCMP are now cooperating more than ever in relation to illegal drug trade (262).

Ruggiero also stresses that in order to deal with crimes associated with economic globalization, police forces must be able to move across borders. As they do so, they bring with them rules and norms from their nation of origin, which impact on their work and interventions. He also states that globalization, enhanced by NAFTA leads to an increase in trans-national police cooperation. Burger's (1999) findings supports Ruggiero's observation.

The extent to which this closer cooperation is actually related to the Free Trade Agreement rather than to other factors has been impossible to establish through the present research. However, the findings definitively demonstrate that the NAFTA is an important factor in bringing closer the three governments in their quest to control cross-border illegal drug smuggling.

The research by Jamieson et al. (1998) clearly and concretely identifies the cooperation and collaboration between countries due to transnational organized crime. They stress that Canada's participation in a range of international agreements and partnerships, particularly within the Americas, is aimed at the surveillance and control of the trade illicit drugs into Canada. Canada has also agreed with the United States to give NORAD a role in counter-narcotic monitoring and surveillance (262). Ruggiero's (2000) findings supports Jamieson et al. (1998) in that he describes intra-national pieces of legislation and the establishment of joint working groups and cooperation between law enforcement agencies as the most frequent responses to international illegal drug smuggling (195). Also, Deflem (2000) mentions that since March 1995, Canada and the United States mutually share proceeds of seized assets in cases that involved cooperation (12).

The exchange of information and the cooperation, collaboration, and coordination of efforts by the NAFTA countries were also depicted by the IMLC organizers, as well as by the interviewees, as the most effective approach to fight international illegal drug trade. Hence, the agreement compelled the RCMP to work closer with its NAFTA partners in the fight against organized crime.

The Integrated Border Enforcement Team (IBET) is an excellent example of an organization based on closer cooperation with the United States. IBET stands against smuggling by combining the human and technological resources of the RCMP's customs and excise, drug enforcement and immigration and passport sections along with Canada Customs, the United States Border Patrol, the United States Customs Service, the federal Drug Enforcement Agency, and municipal police on both side of the border (1).

The IMLC also stressed the negative affect of criminal activities on governments. Criminal activities reduce the revenues of our governments, increase the tax burden of taxpayers while reducing the funds that can be allocated to health and education. In addition, organized crime uses corruption, intimidation, and the profits of its illegal activities to stifle repression efforts and infiltrate a country's legitimate businesses, as well as its financial and social institutions to achieve its goals. Besides, legitimate businesses are disadvantaged by unfair competition and/or they risk losing their reputation by dealing unknowingly with other business that are related to organized crime (IMLC Montréal 2001:5).

The United Nations Association in Canada published a report in 1998 titled The UN and Sustainable Development: Narcotics, which features similar concerns in terms of the harmonization of law enforcement agencies. The report also expresses an important American concern in terms of the disparities between their laws on illicit drugs and the Canadian laws; that is that the Canadian laws are a lot more lenient. The report emphasizes that the harmonization of law enforcement and drug control policy is encouraged through the international treaties supervised by the "disparities in

enforcement mechanisms from country to country and region to region allow drug traffickers to simply shift their operations to elude measures that have become effective” (2).

Deflem (2000) stresses that police cooperation in North America leads to an “Americanization of international policing” (17). Deflem (2000) cites Ethan Nadelmann (1993:189-249) as his source. He emphasises that an Americanization of international policing occurs at the institutional, operational and legal levels. “Importantly, these three domains operate simultaneously and reinforce one another. And, furthermore, the flow of assistance is clearly not reciprocally mutual, but moves from center (United States) to periphery (Mexico, Canada)” (17).

A major topic at this moment, which exemplifies the closeness of the Canadian and American governments and the impact of the shared borders of both countries in the control of cross-border illegal drug smuggling, is the negotiation about the legalization of marihuana in Canada. Indeed, an article published in Le Journal de Montréal, on June 13th, 2002, entitled “La légalisation de la marijuana ne freinera pas les Américains” (The marihuana legalization in Canada will not slowdown the Americans), reports the concerns, expressed by John Walters, the head of the anti-drug strategy of the Bush’s administration, of the American authorities concerning the possible decriminalization of marihuana in Canada. The article express the followings:

Le directeur du Bureau de lutte contre les drogues illégales des États-Unis, John Walters, a prévenu hier qu’une éventuelle décriminalisation de la marijuana au Canada ne devait pas entraver la lutte américaine contre le trafic de drogue transfrontalier.

Loin de lui [Walters] l'intention de donner des directives au Canada: "La décision canadienne quant à la décriminalisation de la marijuana relève de la souveraineté canadienne et nous respectons cela", a-t-il prudemment déclaré, à Québec.

Toutefois, "cela deviendrait assurément un problème si cela permettait aux criminels de se servir de notre frontière comme d'un moyen d'accroître l'efficacité de leur trafic de stupéfiants, a-t-il ajouté. À l'heure actuelle, la marijuana cultivée dans l'Ouest du Canada est troquée contre de la cocaïne américaine" (20).

Walters carefully explained that the eventual decriminalization of marijuana in Canada must not conflict with the American fight against and control of cross-border traffic of illegal drugs. Walters further ascertained that it was not his intention to dictate to Canadian officials what to do concerning this issue. However, he believes that this would obviously create a problem if the decriminalization came to ease the criminals use of the borders as a mean to increase their illegal drug trafficking (20). Even though Canada is a sovereign country, Canadian officials have to take into account the concerns of the Bush administration's representative.

Was the concerns brought about by Walters partly influenced by the close economic relations of the two countries, i.e., the Free Trade Agreement? Does the NAFTA make the Canada-United States border control more vulnerable to their decisions about legal and law enforcement policies? It is clear that there is a need for further and more elaborate research in this area. The effects that were brought about by the NAFTA on the RCMP drug sections need to be further investigated in order for an effective solution and/or procedural harmonization to be put into place to ease the work of Canadian (RCMP), American and Mexican law enforcement agencies.

Finally, there is the matter of harmonization, a perennial issue in the free trade literature which, by itself, could be the basis for another thesis. As well, historically, there have been different legal cultures and penal regimes in each country. What role, if any, does the NAFTA play in this regard? How is the Canadian drug enforcement regime different from the American one? Is closer contact leading to greater harmonization of drug laws, anti-crime policies or sentencing practices? What exactly are the differences in law or in policing culture, not only between Canada and the United States, but between the two northern countries and Mexico? What comparisons can be made between the Canadian and American criminal justice system particularly differences in law and policing culture? How do we account for these differences? Or, do these different cultures and policies persist? If the latter, does this make it more or less difficult for the RCMP to handle the increased flow of cross-border drug trafficking? How does the Charter of Rights and Freedoms tie with the theme of harmonization? In general, how do all of these NAFTA-related issues effect the international policing of the drug trade, especially from the Canadian perspective? These questions would be an asset for understanding how the NAFTA can be implicated in any difficulties faced by police trying to cope with cross-border drug trading. However, these questions concerning differences in drug enforcement, criminal justice systems and continental harmonization are major research projects in their own right that require extensive research.

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Appendix I

*Ethic Form,
Informed Consent Form &
Letter of Introduction*

**University of New Brunswick
Application for Review of Research Involving Humans**

Principal Investigator: Suzanne Jean, Masters Graduate Student, Sociology GAU,
suzannejean77@hotmail.com (506)457-3865.

Title of Proposed Research: ***The Impact of NAFTA on the RCMP in the Control of
International Drug Trade***

Commencement Date: April 1st, 2001 Completion Date: July, 2002

Supervisor(s) (if Principal Investigator is a student); Academic Unit, e-mail address, Office Telephone:
Dr. Allan Macdonell, Sociology GAU, aln@unb.ca, (506)458-7449
Dr. Vanda Rideout, Sociology GAU, vrideout@unb.ca, (506)447-3393

In an Emergency, contact (name, telephone number):

Allan Macdonell (506)458-7449
Vanda Rideout (506)447-3393

The undersigned parties certify that they have read, and undertake to comply fully with, the Tri-Council Policy Statement "Ethical Conduct for Research Involving Humans".

Principal Investigator(s): Suzanne Jean, Masters Graduate Student, Sociology GAU,
suzannejean77@hotmail.com (506)457-3865.

Supervisor(s): Allan Macdonell, Sociology GAU, aln@unb.ca, (506)458-7449
Vanda Rideout, Sociology GAU, vrideout@unb.ca, (506)447-3393

The undersigned certifies that the proposed research has been reviewed by and is acceptable to the academic unit(s) responsible.

Dean/Director/Chair(s): _____
Dr. Jim Richardson, Chair of the Sociology Department

Dr. Wisniewki, Director of Graduate Student, Sociology GAU

Date submitted:

.....
FOR REB USE ONLY: File No.

Date Complete App'n. Rec'd.

Approved/Approved with Modification/Rejected:

Date:

1. Provide here a brief summary of the proposed research, indicating clearly the role of the research subjects and any procedures to which they will be subjected.

Methods Data Collection: Triangulation

The best way to enhance our understanding of the impact of NAFTA on the RCMP and its role in the control of illegal international drug trade is through interviews with individuals in position of power in the RCMP, former Solicitor General's office, Customs and Excise, and the Secretary of NAFTA. I intend to look at governmental documentation, and to complement and to maximize the accuracy and reliability of the findings by attending relevant conferences.

Stage 1: Data Collection of Government Documentation

In the first stage of my research, I will look at primary government documents. These reports, articles, and books will give a general picture of the interconnectedness of international organizations that operate toward the control and/or elimination of the international drug trade. This stage does not imply subjects.

Stage 2: Face to Face Interviews

The second stage of this research consists of unstructured face to face interviews. I plan to conduct preliminary interviews with the former Solicitor General of Canada and with NAFTA's Secretary in Ottawa. These interviews will provide me with an opportunity to test my questions. I will also interview the Officers in charge (Inspector) with the Staff Sergeant of the Montreal drug section at the Montreal RCMP Headquarter. In addition, I will interview the International Drug Officer of the International Crime Division at the Department of Foreign Affairs and International Trade. In order to further my knowledge I will interview the Assistant Director of the Intelligence and Contraband Service for the Quebec region, at Canada Customs & Revenue Agency in Montreal.

First, I will contact the interviewees over the phone or by e-mail, in order to ask them if they would be willing to participate in my research. Then, if they agree, I will send them a letter listing the questions for the interview by e-mail. This letter will inform them of the nature of my research. Lastly, right before the interview I will give them an Informed Consent Form to sign.

Stage 3: Conferences

The third and last stage of this research will include participant observation and information gathering at three (3) conferences: one on the RCMP leadership, one on NAFTA and one on international money laundering (80% of international money laundering comes from the international illegal drug trade). The conferences will provide excellent sources of up-to-date information. The experience will allow me to gather recent primary and secondary publications on my topic.

Through electronic mail (e-mail), I will contact the Royal Canadian Mounted Police, the Criminal Intelligence Service Canada, Interpol Ottawa, the Solicitor General of Canada, the International Centre for Criminal Law Reform and Criminal Justice Policy (Vancouver), the Fraser Institute, the Nathanson Centre, and the Centre for International Crime Prevention - Office for Drug Control and Crime prevention in order to find out the relevant up-coming events and conferences.

At this point, I have attended the Police Leadership Forum. This forum gave me the opportunity to gather information and sources where I can find information. In October 2001, I will go to Ottawa, at Carleton University, on a two days course entitle: "Canada and the International Trading System – the Agenda." With this course, I expect to expand my knowledge on Canada's relation to the international trading system. Lastly, in mid-October 2001, I will attend the International Money Laundering Conference held in Montreal.

2. **Risk** In your opinion, does this research pose more than minimal risk (Tri-Council Policy, Section 1.C1) to participating subjects?

No. The participants in this research project are at no risk of physical or psychological harm.

3. **Deception** Does this research involve deception or partial disclosure?

No. All participants will be fully informed regarding all aspects of this research project.

4. **Funding** Has funding been received for this research? Yes No ...X.....

If yes, what agency and for what period?

If no, has funding been requested for this research?

If yes, what agency and for what period?

5. **Research Subjects** How many research subjects will participate in this research? 6
How will they be recruited, and from what population?

I plan to interview :

- 1) the former Solicitor General of Canada
- 2) NAFTA's Secretary in Ottawa
- 3) the Officers in charge (Inspector)
- 4) the Staff Sergeant of the Montreal drug section at the Montreal RCMP Headquarter
- 5) the International Drug Officer of the International Crime Division at the Department of Foreign Affairs and International Trade
- f) the Assistant Director of the Intelligence and Contraband Service for the Quebec region, at Canada Customs & Revenue Agency in Montreal.

6. **Informing Subjects** How will the nature of the research be explained to potential subjects, in compliance with Section 2D of the Tri-Council Policy? Attach a copy of any document(s), such as an informed consent form, to be used for this purpose.

- Initially, I will contact them by phone or e-mail.
- Then, I will send them a letter listing the questions for the interview.
- At the moment of the interview, I will give participants an *Inform Consent Form* that they can sign.

7. **Inducements** What inducements (money, grade points, etc.) will be used to encourage participation? Attach a statement indicating how compliance with Section 2B of the Tri-Council Policy will be achieved. If academic rewards are to be used, give details of alternative means of achieving equivalent rewards

No inducement.

4/4

8. **Informed Consent** If written evidence of informed consent will not be used, explain in detail on an attached sheet how you intend to comply with the requirements of Section 2A of the Tri-Council Policy: see particularly Article 2.1(b) and subsequent commentary.

Written evidence of informed consent is being utilized at all stages of this research project.

9. **Private Information** Does the proposed research involve accessing identifiable personal information about subjects by means of surveys, questionnaires, etc.?

No. The information gathered will not focus on the subjects.

10. **Continuing Review** Describe the measures which you propose, to facilitate continuing review of this research, in compliance with Section 5.3.4 of this Policy and Article 1.13 of the Tri-Council Policy.

As per the requirements of the document, "University Policy on Research Involving Humans", the final report for the research project will be submitted at the end of this thesis. If the due date of a review does not correspond to the date at which my research is done, I will submit a report of the evolution of my research and a detail account of the subjects that have been interview to date, as well as any further information needed.

11. **Feedback** Describe the measures which you propose for providing feedback to research subjects concerning the outcome of the research.

I intend to send through mail or e-mail a 3 to 5 pages summary of my research findings to every subject that I will interview. As well, I will provide them with my e-mail address in order for them to be able to contact me if they want further information.

12. **Data Security** Describe the measures which you propose for ensuring the security of any identifiable personal data which will be retained after completion of the research.

Aside from the signature (name) and title of the person on the consent forms, there will not be any personal information collected. All the data gathered for this research will have to do with the topic and with the professional nature of the individuals that I will interview.

13. Please feel free to append any additional information which you feel may be helpful to the REB in evaluating this application.

Checklist for Application for Review of Research Involving Humans

An application must contain the following:

- 1. **in all cases**, a completed *Application for Review of Research Involving Humans*,
- N/A 2. **where applicable**, a statement concerning risk and benefit (see above, item 2),
- N/A 3. **where applicable**, a statement concerning deception or partial disclosure (see above, item 3),
- N/A 4. **if external funding has been sought or obtained** for this research, **one copy only** of the complete application form as well as **two copies** of any reviewers' comments which have been received,
- 5. **where applicable**, an informed consent form (see above, item 7). See *Requirements for Informed Consent Forms* for details,
- N/A 6. **where applicable**, a statement concerning inducements and how voluntariness will be ensured (see above, item 8),
- N/A 7. **where applicable**, an explanation of why written evidence of informed consent will not be sought, and of alternative strategies to ensure informed consent (see above, item 9),
- N/A 8. **where applicable**, a statement indicating compliance with Articles 2.5, 2.6 and 2.7 of the Tri-Council Policy concerning research with children or with adults of limited competence,
- N/A 9. **where applicable**, a statement concerning compliance with Article 3.2 of the Tri-Council Policy, concerning accessing private information (see above, item 10),
- 10. **where applicable**, any questionnaires or survey document to be used in the research,
- 11. **in all cases**, a statement describing the measures you propose for continuing review of this research (see above, item 11)
- 12. **in all cases**, a statement describing the measures you propose for providing feedback to subjects (see above, item 12),
- N/A 13 **in all cases**, a statement concerning measures to ensure secure storage of identifiable personal information (see above, item 13),
- 14. **for a student thesis**, the full thesis proposal if one has been submitted to the relevant academic unit,
- N/A 15 **for research under the jurisdiction of more than one institution**, an indication of which other REBs will review the research and the results of such review if available (see Tri-Council Policy Section 1G),
- N/A 16 **for projects exceeding minimal risk, which have not been approved by a sanctioned peer review process**, the applicant must recommend two reviewers competent to review undertake a "scholarly review" of the proposed research. "Scholarly review" in this context refers to the process of determining whether the design of the research project is capable of addressing the questions being asked in the research, and

17. **in all cases, a full description of the proposed research: (this may be contained in material attached in compliance with items 4 or 14 of this checklist).**

**For items on the checklist which are not applicable, indicate N/A opposite that number.
Please attach this checklist to the application form.**

INFORMED CONSENT FORM

Topic of Research Project: *Impact of NAFTA on the RCMP's Control of Illegal International Drug Trade.*

<u>Researcher:</u> Suzanne Jean Masters student University of New Brunswick E-mail: suzannejean77@hotmail.com	<u>Supervisors:</u> Dr. Allan Macdonell Professor of Sociology UNB Tel.: (506) 458-7449	Dr. Vanda Rideout Professor of Sociology UNB Tel.: (506) 447-3393
--	---	--

The purpose of this study is to assess the impact of NAFTA on the RCMP in the control of international drug trade. In doing so, I wish to answer the following research question: How does NAFTA impact on the RCMP in controlling drug trafficking in Canada at the national and international level?

The description and explanation of the relative impact of different factors on RCMP international drug trafficking control will help to fill a gap in the literature of the impact of NAFTA on the Canadian international illegal smuggling of drug in and out the country. Indeed, very little information and research has yet been produced on the impact of NAFTA on illegal drug trade. In addition, there is an evident lack of research directly done, in social sciences, on the impact of the North American Free Trade Agreement on the RCMP drug sections in the control of illegal drug trade.

This research project forms the master thesis component of my graduate program.

If I choose to participate, I understand that:

- a) The interview questions will focus on the factors influencing the effectiveness of the RCMP in controlling the international drug trade.
- b) The interview will last approximately one hour, unless I feel more time is required to cover the questions asked.
- 3) I do not have to answer any questions I do not feel comfortable to answer.
- 4) If I do not want to be recorded I am free to say so. And, if I choose to be recorded, the tape will be used strictly by Suzanne Jean only for this research or for follow up research. The tape will be erased or destroyed within a week after the transcription.
- 5) I may stop the interview at any time. My participation is voluntary.

- 6) I can contact the following individuals to ask questions about this research:
Dr. Allan Macdonell, Sociology GAU, aln@unb.ca, (506)458-7449
Dr. Vanda Rideout, Sociology GAU, vrideout@unb.ca, (506)447-3393
- 7) I understand that I will receive a 3 to 5 pages summary of this research.
-

- a) I have read the above and understand the guidelines for this research. I have asked any questions I have regarding this study at this time. By signing this form, I give my consent to do the interview.

Date

Name

- b) I have read the above and understand the guidelines for this research. I have asked any questions I have regarding this study at this time. By signing this form, I give my consent to the recording of this interview.

Date

Name

- c) I have read the above and understand the guidelines for this research. I have asked any questions I have regarding this study at this time. By signing this form, I give my consent to identification of management status or job title.

Date

Name

I have done my best to explain what is involved with participating in this study and I have answered all of the participant's questions. I believe the participant understands the nature of this project and is voluntarily joining this study.

Suzanne Jean, M.A. Student, Researcher
University of New Brunswick
Department of Sociology

Dear ,

I would like to thank you for agreeing to an interview. In order to refresh your memory, my name is Suzanne Jean. I am an M.A. student at the University of New Brunswick in the Department of Sociology. My Master's thesis is on the particular impact of NAFTA on the RCMP in the control of the international drug trade.

Here is a brief introduction to my topic:

Canada's concern with the impact of illegal drugs has been a continuing feature of official policy. Therefore, Canada's preoccupation with illicit drug smuggling is not a recent phenomenon and it predated the passage of NAFTA (Jamieson et al., 1998:261). However, after NAFTA, the concern expand. Canadian's strategy to cope with the drug abuse in Canada was "to initiate partnerships and collaboration amongst all agencies".

Below is a series of questions that I believe will help you understand my research. However, I would be more than happy if you would suggest additional information that you believe would be helpful for my thesis.

- *How and why does NAFTA impact on the RCMP international drug trade?*
- *What are the views, information, interests and/or, how does the Department of Foreign Affairs and International Trade perceive the impact of NAFTA on the international drug trade or, more precisely on the work of the Royal Canadian Mounted Police concerning that matter?*
- *Is there anything in NAFTA that I should pay attention to that is more relevant to the issue of the RCMP control of the international drug trade?*
- *What is there about NAFTA that makes it different for the RCMP in attempting to participate in the control of the international drug trade?*
- *Do you consider NAFTA as a factor which has a major impact on the RCMP control of the international illegal drug trade?*
- *If yes, what is its impact?*
- *The constraints that it bring?*
- *The resources that it creates?*
- *If no, what do you believe has had a major impact on the RCMP drug trade international control?*

- *Based on your knowledge, what type of sociological research is needed in this area (i.e. free trade, RCMP and international drug control)?*
- *Do you know how the Canadian government reacted toward the international drug trade situation in relation with the RCMP?*

Suzanne Jean
M.A. Student,
University of New Brunswick
Phone: (418) 835-9427 or (506) 457-3865
e-mail: suzannejean77@hotmail.com

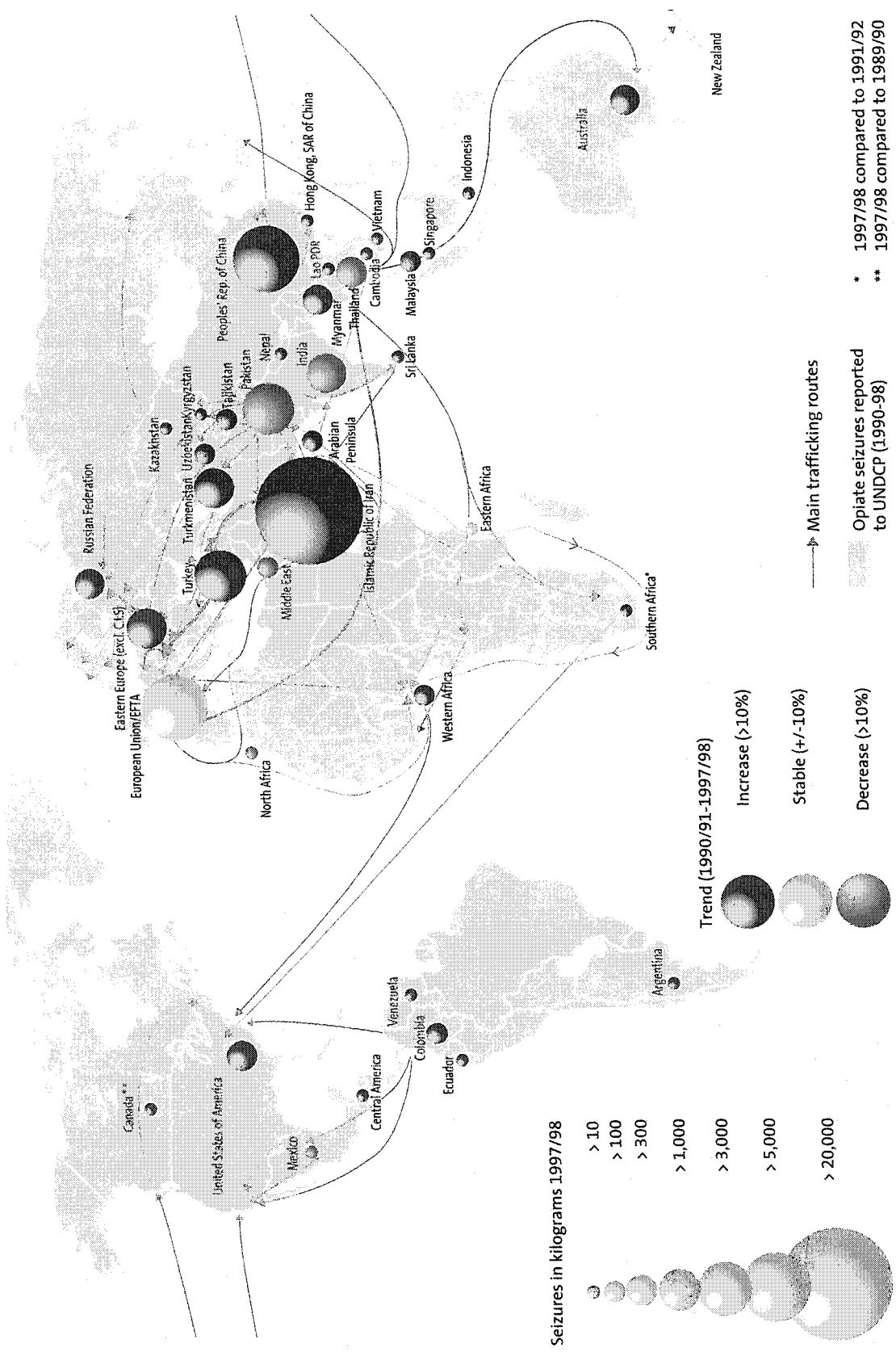
Appendix II

Map¹³ 1. Patterns and trends in heroin and morphine trafficking in the 1990s.

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The following map and all the subsequent are from the UNODCCP's World Drug Report 2000. In the report, they are listed as the maps number 3, 4, 5, 6, and 7 respectively (40, 43, 46, 50, 53). I have not been able to obtain letters of copyright permission for these maps. Therefore, the pages will be removed from the appendices and they will be replaced by a page which explains: the unavailability of copyright permission; what information the material contained; and the original source of the material.

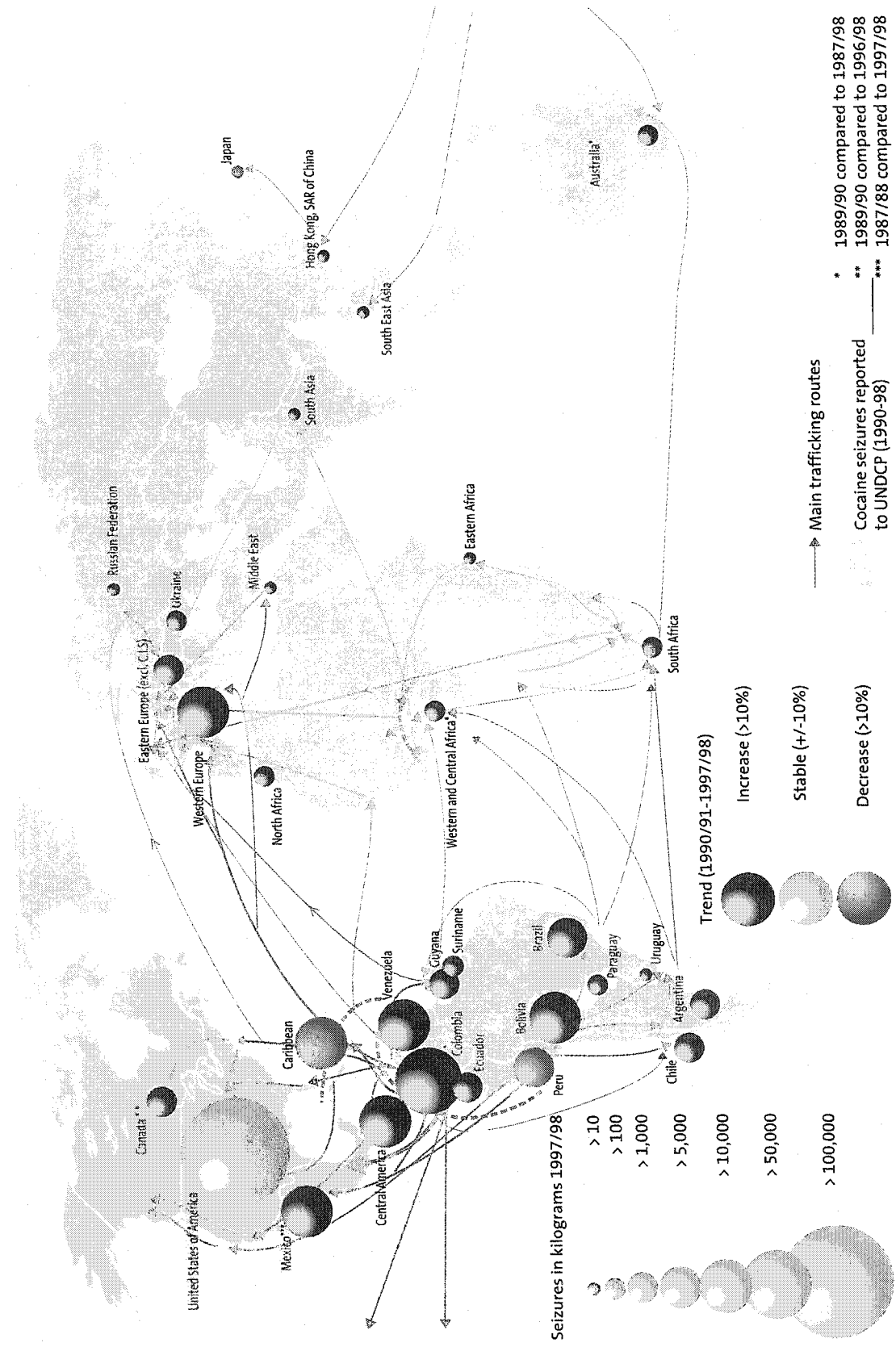
Map 3. Patterns and trends in heroin and morphine trafficking in the 1990s



Appendix III

Map 2. Patterns and trends in cocaine trafficking in the 1990s.

Map 4. Patterns and trends in cocaine trafficking in the 1990s

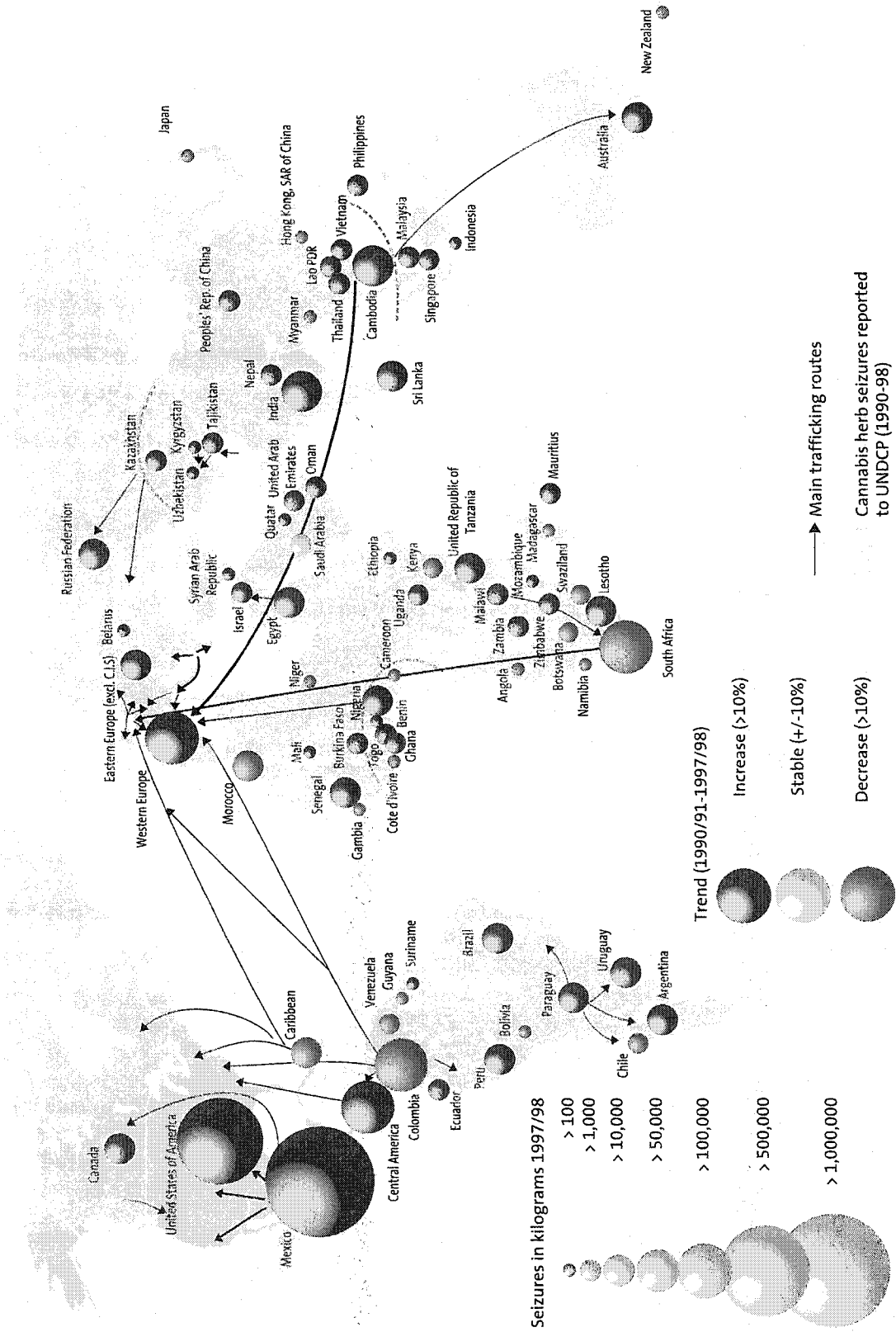


Note: The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations. Routes shown are not necessarily documented actual routes, but are rather general indications of the directions of illicit drug flows.

Appendix IV

Map 3. Patterns and trends in cannabis herb trafficking in the 1990s.

Map 5. Patterns and trends in cannabis herb trafficking in the 1990s



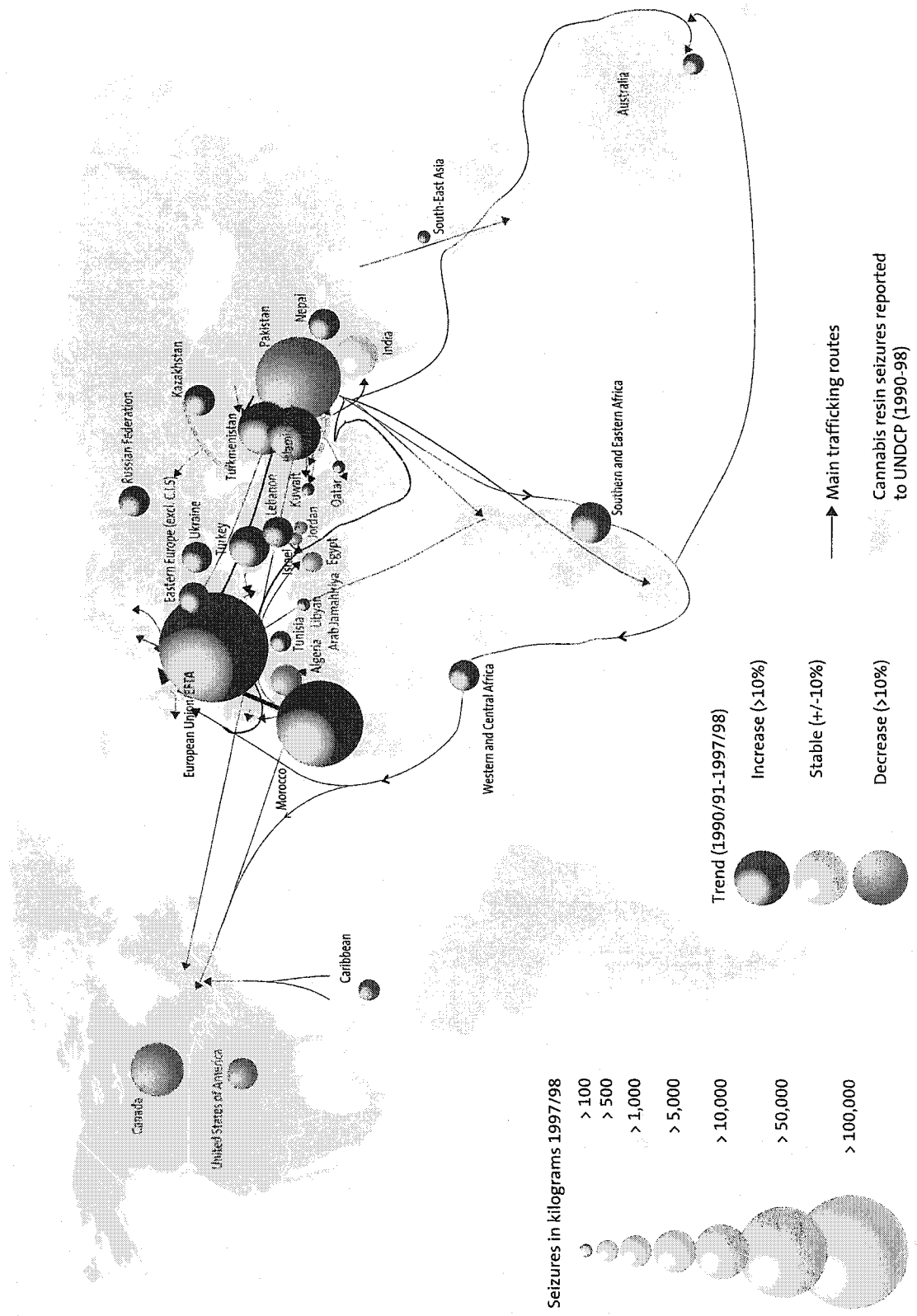
Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Routes shown are not necessarily documented actual routes, but are rather general indications of the directions of illicit drug flows.

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Appendix V

***Map 4. Patterns and trends in cannabis resin
trafficking in the 1990s.***

Map 6. Patterns and trends in cannabis resin trafficking in the 1990s

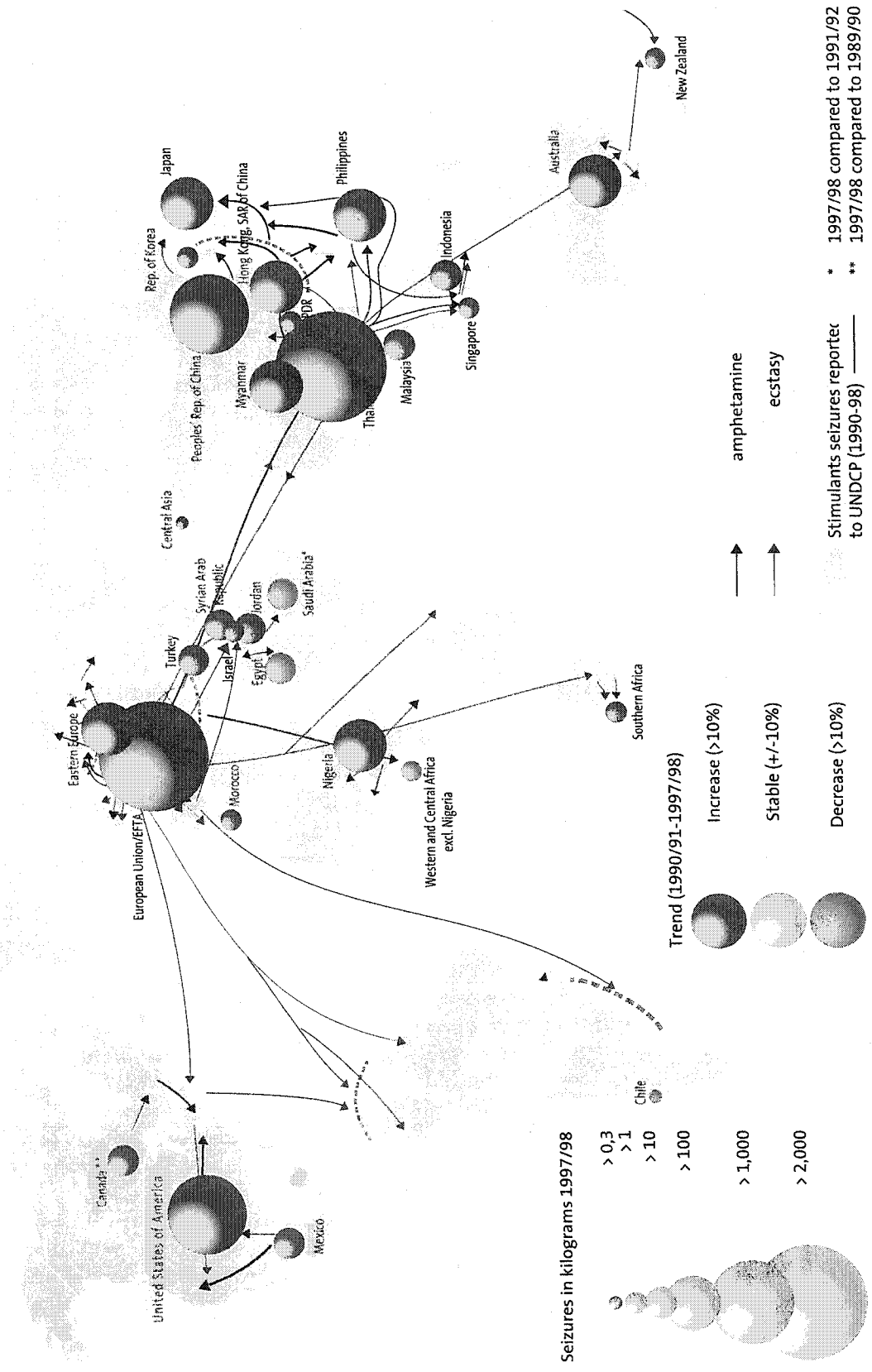


Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. The arrows are not necessarily documented actual flows.

Appendix VI

*Map 5. Patterns and trends in amphetamine-type stimulants
trafficking in the 1990s*

Map 7. Patterns and trends in amphetamine-type stimulants trafficking in the 1990s



Note: The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations. Routes shown are not necessarily documented actual routes, but are rather general indications of the directions of illicit drug flows.