

Quebec's International Activity In North America

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The theoretical framework for the study of the international activities of sub-national governments like Quebec's is the debate between political realism and Robert Keohane's paradigm of interdependence. The former sees the sovereign state as the only actor in diplomacy, while the latter posits the existence of other political and economic entities that play an important role by influencing the global context, modifying it through their "paradiplomatic" participation, a neologism coined in 1988.

Keohane's arguments leave no room for doubt in thinking of Quebec as an international actor, taking into account com-

plex interdependence as an ideal type and describing a world with three characteristics: 1) multiple channels between societies, with diverse actors, not limited to states; 2) the existence of issues not framed in a clear hierarchy; and 3) the irrelevance of the threat of use of force between states connected through complex interdependence.¹

While this historic debate has not arrived at definitive conclusions since the 1970s, the existence of sub-national governments that plan and establish international relations using foreign policy and diplomatic tools traditionally used exclusively by central governments cannot be denied. In addition, international law does not categorically or decisively negate their international character either.

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HISTORIC DIFFERENCES BETWEEN ANGLOPHONES AND FRANCOPHONES

With the Quebec Act of 1774, the English government recognized rights of inhabitants of the former New France colony, conquered in 1759, such as managing their lands, practicing Catholicism, applying the Napoleonic Civil Code, and speaking French.

In 1867, the provinces of Ontario, Quebec, and New Brunswick passed the British North America Act, creating the Dominion of Canada, a territory under the aegis of the English Crown. There, the Anglophones had a well-defined capitalist national project, whose political strategy was to concentrate federal economic power in Ottawa, with the Quebecois reaffirming their cultural difference from the Anglo-Saxon remainder.

From 1867 to 1960, Anglophones and Francophones co-existed. The former consolidated their national project and the Francophones, the *statu quo* giving them the space of their province, where the Catholic Church determined to a great extent education, political decisions, and the feeling of Quebec belonging as a distinct society.

That coexistence was broken in 1960 with the Quiet Revolution. At that time, a political and cultural Francophone awareness emerged that questioned the province's historic place in Canada and Quebecois sought more attributions and autonomy. Among the new strategies was opening offices throughout the world, signing agreements, and consolidating and exploring new international spaces, such as the United States in the 1960s and 1970s, and Mexico in the 1990s.

The province's basic doctrine is based on Gérin-Lajoie's premise, which dealt with the possibility of acting abroad based on the internal jurisdictions guaranteed to the province by the Constitution. This gave rise to a huge debate about who should be in charge of developing Canadian foreign policy, given the different needs and objectives of Anglophones and Francophones.

In 1982, the Canadian Constitution established equality among the provinces, despite the fact that, historically, clear differences had existed between the two founding societies, the Anglophones and the Francophones. The Constitution sought above all to shore up the new national project in the face of the reconfiguration of economic relations with the United States and the emergence of the free-trade paradigm. To counter this new set of norms, in 1987, Quebec held a referendum on the Lake Meech Accord, seeking constitutional

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recognition of its status as a distinct society, in order to make decisions about the future of its territory and its new role in the global context.

However, since the rest of the provinces refused to give it that recognition, Quebec consolidated its own "legitimacy" based on political, economic, and cultural elements. This is when the Bélanger-Campeau Commission was created to investigate the province's situation in order to become sovereign and an independent state through a possible referendum after 1990.

Quebec emphasized geography, since its location is strategic in North America with regard to traditional trade with the United States. It expressed interest in moving into the rest of the continent, in regions beyond its traditional sphere of influence.²

QUEBEC'S INTERNATIONAL BEHAVIOR: OVERALL REASONING

The study of geography, foreign policy, diplomacy, cooperation, and international relations after World War II was defined by sovereign states, recognized by political realism as rational entities operating in line with considerations of power and security. Naturally, this does not mean that regional or local studies were unimportant, but their impact was measured as a function of what was decided by the central government: local territory was pushed into the background.

After the 1970s, churches, cities, banks, municipalities, and sub-national governments began to have increased weight in the world. This was contrary to the orthodox supposition that all organization of international relations and all formulation of objectives took place in the secretariats and ministries of sovereign states for their implementation as foreign policy or diplomacy.

Robert Keohane's complex interdependence paradigm was not counterposed to political realism, but began to operate as a complement to it; it made it possible to explain the way in which sub-national governments create optimal geographical conditions outside the strict regulatory framework



Mathieu Belanger/Reuters

While Quebec's international activity is based on an element of identity that seeks to project the province beyond its local space, Mexico's states are trying to break with their historical link to the central government.

of central governments for exchange, agreements, cooperation, and development.

The historical logic of the behavior of international geography, foreign policy, and diplomacy is fragmented and operated to benefit local objectives and needs; this took place in regional structures represented very often by sub-national entities that had a government, a territory, and a population, all elements needed to implement cooperation strategies.

Quebec is an example of a sub-national government that, due to its geographical location, is part of Anglophone Canada's historical interest in wanting to create a unified state and not allowing in to be absorbed by the United States. This was the main objective of the British North America Act of 1867. After the break in 1960, Canada's federal government did everything in its power to keep the country together despite the 1980 and 1995 referendums.

On the other hand, Ontario continues to be Quebec's political, cultural, and economic adversary as the seat of the federal government that has implemented foreign policy since the 1940s. As mentioned above, with the Quiet Revolution, the Francophones defined their status, in which politics and economic, culture, and the French language became an impor-

tant reference point that served as the basis for establishing their objectives: separating themselves from their peripheral position *vis-à-vis* Ottawa and the challenges implied in their relationship to the United States, whose intention has never been to see Canada divided.

Another stakeholder that strengthens the province's cultural identity project is France, helping it become an international actor since 1965. This gave rise to a power game in the face of Canada and the United States, who do not want a European country interfering in local affairs. Despite this, the French fostered Quebec's diplomatic career at the expense of their own interests, which were to achieve a position of influence in North America.

Thus, the province's battleground is its relationship with its traditional interlocutors with an eye to being recognized as an economic actor in the dynamics of regional trade and as an autonomous society. For its part, Canada allowed it certain leeway in coming to agreements with other actors and delegations abroad. It even allowed Quebec to participate in international bodies like the International Organisation of La Francophonie 1989 summit or the 2007 UNESCO meeting, with the certainty that its peripheral geographic position and its indissoluble relationship with the rest of Canada would be broken only if the United States recognized its independence.

Based on this premise, Quebec put forward a new strategy with regard to the trade opening in North America: relating to sub-national governments beyond its natural geographical space, the United States.

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From 1969 to 1978, Quebec established a presence in Chicago, Los Angeles, Boston, Atlanta, and Washington, D. C., spaces “won” above all due to economic considerations. Later, Quebec saw the possibility of positioning itself in new local markets that could foster its identity objectives and then translate into economic and cultural interests. Thus, in 1991, it began taking a marked interest in Mexican states like Querétaro, the State of Mexico, and Mexico City’s Federal District; later, after 2006, this extended to the states of Guanajuato, Jalisco, and Nuevo León.

This was naturally done cautiously in order to not challenge the central government, with which agreements were established in sectors like electrical energy, the environment, and technology. The Mexican government was an interlocutor that had to be respected, given its relationship with the Canadian government; that is why the establishment of a General Delegation in 1980 clearly was done along the lines of relations of cooperation without including the political aspect. This gave Quebec advantages in 1991 when the Mexican government allowed its states to establish inter-institutional accords with other entities or governments abroad.³

Thus, the similarity between Quebec and Mexico’s states is that in both cases the idea is to break the barrier created by geography, although at the same time, that same geography allows them to explore possibilities in which international cooperation becomes a key tool for achieving their objectives.

While Quebec’s international activity is based on an element of identity that seeks to project the province beyond its local space, Mexico’s states and municipalities are trying to break with their historical link to the central government, decentralizing foreign policy decisions, diplomacy, or cooperation, without challenging the federal government’s sovereignty, since neither sub-national government can take territorial control of the countries they belong to.

While Mexico’s foreign policy principles continue to be in line with the new relations created, its states have created areas of regional influence located in strategic spaces like the North American SuperCorridor (Nasco). This has become a model and regional example of economic integration

in which Quebec, Jalisco, Nuevo León, and Guanajuato have gotten out from under the sphere of strong, centralized dependence to more dynamically manage trade, logistics, and common problems arising from borders where conflicts exist due to migration and crime. The sub-national governments, then, have achieved this by passing local laws to make the movement of goods more dynamic, continuing to create possibilities for cooperation.

Quebec and Mexico’s states thus occupy the North American space as stakeholders, as a result of the very same processes of integration that create an advantage for anyone with the real, operational capability to negotiate and harmonize local policies.

Finally, for the government of Quebec province, understanding its geography and all its elements for development has been important historically, both before and after the advent of free trade. But this is of key significance: North America makes it possible to obtain more advantages when Quebec’s partners’ strategies, such as investment, technology transfer, governors/prime ministers meetings, concretizing accords, and the proposal of new ideas for fostering new forms of cooperation, continue to improve.

For Quebec, the evolution of the space of North America continues to allow it to reinvent itself as a sub-national government in the context of the relations with its interlocutors in order to seek the best advantages. This poses important challenges, whether as an “independent country” or an autonomous province. ■■■

NOTES

¹ Robert O. Keohane and Joseph S. Nye, *Power and Interdependence* (London: Longman, 1997), p. 240.

² “According to our basic hypothesis, the effects of economic integration, set out in the trade agreement between Canada and the United States, and possibly through the North American Free Trade Agreement, will change Quebec’s economic space, rerouting its inter-provincial trade flows abroad, accentuating their North-South direction, particularly with certain regions far from North America or where large social conglomerations are to be found.” Pierre-Paul Proulx, *L’ALENA, le Québec et la mutation de son espace économique*, Cahier 9328, Université de Montréal-Département de Sciences Économiques, September 1993, p. 6.

³ Article 2, Subsection II, “Inter-institutional Accord,” deals with a written agreement according to public international law between any decentralized body of the federal, state, or government and one or several foreign governmental bodies or international organizations regardless of name and whether it/they derive from a previously approved treaty. The sphere of the inter-institutional accords must be limited exclusively to the attributions of the decentralized bodies of the levels of government that sign them. “Ley sobre la celebración de tratados,” *Diario Oficial de la Federación* (Mexico City), January 2, 1992.

Decentralized Local-Actor Cooperation In Querétaro's Aeronautics Industry

Alicia Alonso Ugarte*

According to Robert Keohane and Joseph Nye, in a context of complex interdependence, new actors, themes, and ways of relating to each other emerge.¹ I will apply this idea to an analysis of the decentralized cooperation promoted by the Mexico's state of Querétaro to strengthen its industry and create the infrastructure and structure needed to develop an aeronautics industry connected to Bombardier's global value chain linking up Toronto, Montreal, and Wichita.

Decentralized cooperation can be more autonomous and focus on developing and improving the quality of life in states or municipalities; I will explain how this works in the case of Querétaro. Administrative decentralization redistributes authority and the responsibility for financial resources among sub-national bodies, thus slimming down the budget in rational managerial terms and facilitating citizens' participation in terms of a participatory democracy.

One important aspect for developing the economy is fostering capabilities in different ways: individual, social, and institutional. The first, individual capabilities, empower people through learning, and acquiring knowledge, techniques, and skills that facilitate their development. Institutional capabilities are created through efforts to strengthen public or



Jagadeesh N. V./Reuters

private institutions by improving management ability, planning, and communications for developing human resources. Social capabilities strengthen society as a whole, by age groups, activities, or specific communities.

In Mexico's case, once the economy opened up and the North American Free Trade Agreement (NAFTA) was signed, legal reforms were made and President Carlos Salinas supported certain sectors like the auto industry, manufacturing, and small and medium-sized businesses; also, several regions of the country, particularly the North and Central Mexico, were given a special place.

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The federal government proposed a more open, competitive form of industrialization internationally that would generate the currency needed by the productive sector and make economic development possible. The goal was to foster the creation of new industries that would incorporate advanced technology.

To adjust domestic legislation to the needs of NAFTA, a new law on international economic treaties was passed and published in the *Diario Oficial de la Federación (DOF)* (Official Federal Gazette) on January 2, 1992. It established two kinds of international commitments: treaties, which must be passed by the Senate; and inter-institutional agreements, arrived at by any federal, state, or municipal authority with foreign governments or international agencies. The law stipulates that when such agreements have been negotiated and signed, they must be reported to Mexico's Ministry of Foreign Relations, which will deliberate and decide on their legitimacy, and, if approved, include them in the register created to this end.

On December 27, 1993, the *DOF* published another law, this time on foreign investment, abrogating its predecessor, the 1973 law. The new legislation defines foreign direct investment (FDI) as foreign ownership of any percentage of the equity of a Mexican company. On September 8, 1998, the Regulatory Law on Foreign Investment was published, removing limitations on investment and creating the National Foreign Investment Registry (NFIR) to monitor participants.²

The NFIR has analyzed reinvestment and identified the most attractive economic sectors and the states that received the most FDI.

In 2002, the Law on Science and Technology was passed, and then amended in 2014. Its Article 1 establishes the law's objectives as follows:

- 1.1 To regulate federal government support for fostering, strengthening, developing, and consolidating scientific research, technological development, and innovation in the country;
- 1.2 To determine the instruments required;

- 1.3 To establish the mechanisms for coordinating government entities and federal public bodies;
- 1.4 To develop mechanisms for the coordination, link-up, and participation of the scientific and academic communities of the institutions of higher learning in the public, social, and private sectors to generate and formulate policies to promote, disseminate, develop, and apply science, technology, and innovation;
- 1.5 To link up educational, productive, and service sectors working in the fields of science, technological development, and innovation.³

National Council for Science and Technology (Conacyt) programs, like AVANCE (a Spanish-language acronym for High Value-Added in Business with Knowledge and Entrepreneurs), Innovation Networks, and Technological Parks, offer tax breaks for companies investing in research, development, and innovation. Several other funds also are in operation, such as the Institutional Fund for Regional Scientific, Technological and Innovative Development (Fordecyt), to support scientific institutions and universities in carrying out activities of technological development, research, and innovation. In the specific case of Querétaro, approximately Mex\$100 million has been apportioned to the state-level Council for Science and Technology, the National Metrological Center (Cenam), the Center for Advanced Technology (Ciateq), and the Center for Engineering and Industrial Development (Cidesi) in recent years.⁴

CASE STUDY: THE AERONAUTICS INDUSTRY IN QUERÉTARO

The state of Querétaro is important for Mexico's industrial development. It has 22 industrial parks, and a large part of manufacturing is concentrated in the cities of Querétaro, San Juan del Río, El Marqués, and Corregidora. The workforce is made up of 772 000 people, 65.9 percent of whom are employed in the manufacturing, aeronautics, auto, electronics, transportation equipment, chemical, metal, rubber, and plastics industries, plus the services to those industries.

Industry accounted for 47 percent of the gross domestic product (GDP) in 2014, and in 2010, unemployment was 6.3 percent. The human development index is 0.8, 93.2 percent of the population is literate, and the average amount of schooling includes at least a technical high school certificate.⁵

The priority for Governor Ignacio Loyola Vera (1997-2003) was to encourage foreign assembly plants to set up shop in his state, particularly in depressed areas like the Sierra Gorda mountains, and to support the auto-parts and metallurgy sectors. To broaden out technical and professional training, he signed an agreement with the National College of Technical Professional Education (Conalep) to train technicians according to the needs of the state's industry. In 1999, Industria de Turbo Propulsores (ITP), the beginnings of aeronautics, set up shop in the state, and in 2004, construction began on the intercontinental airport.⁶

The 2004-2009 Querétaro Development Plan, established by Governor Francisco Garrido Patrón, sought to encourage emerging industrial sectors, like software, logistics, and aeronautics, and promote training of technicians and professionals for the industries that would be established in the state. Tax exemptions on imports of inputs and machinery were instituted to attract business.⁷

In 2004, Garrido Patrón promoted state government participation in trade missions to attract foreign investment from North American and take advantage of NAFTA; supported the development of industrial parks; and negotiated financing for the acquisition of machinery and technology through the World Bank or the Inter-American Development Bank. As a result, Bombardier, General Electric IQ, Carpenter Technology, Hyrsa, and Daewood Electronics, among others, announced they would open manufacturing plants in the state starting in 2005. In 2006, the Querétaro Aeronautical Industrial Plant was built in the municipality of Colón, and in 2007, the Querétaro National Aeronautical University was created.⁸

Governor José Calzada Roviroso (2009-2015) created a solid foundation for comprehensive, sustainable development. He put forward goals and strategies like improving people's well-being; promoting the development of regions, currently divided into urban, industrial center, South, semi-desert, and mountainous; consolidating the state's educational, cultural, and research centers; attracting more Mexican and foreign visitors and businesspeople; improving infrastructure, roads, and highways; deregulating to attract capital for investment in high-tech products; consolidating local supply of small and medium-sized businesses so they could begin to export; fostering productive chains; creating incentives for companies' greater competitiveness so they could benefit from globalization; and generating spaces for international cooperation that facilitate Querétaro's positioning and its production facilities globally.⁹

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Governor Calzada promoted the state's participation in national and international fairs in the framework of both NAFTA and the Free Trade Agreement between Mexico and the European Union, with support from the Coordinating Committee of International Relations and Government Innovation, created by him.¹⁰ Government officials and businesspersons also took part in trade missions to promote products from Querétaro and draft trade and local agreements with global partners. In addition, financing was obtained from the World Bank, the European Investment Bank, and the Inter-American Development Bank for training human resources, research, and generating technology and innovation in local businesses. Negotiations came to a felicitous end in 2014 for Mex\$1.2 billion in FDI, 400 percent more than the average for previous years.¹¹

The state boasts 126 institutions of higher learning to train qualified professionals and technicians. Among them are the Autonomous University of Querétaro, the Querétaro Aeronautics University, the Polytechnic University, the Technological Institute of Querétaro, and the Querétaro campus of the Technological Institute of Monterrey. They offer different options in the fields of industrial engineering, aeronautics of technology and innovation, materials, electricity, and electronics, which provide professionals and specialized technicians to more than 600 foreign companies.

The Querétaro campus of the Technological Institute of Monterrey and the Corcordia University of Montreal offer master's degrees in innovation in advanced manufacturing and have research centers for innovation with solutions for the aeronautics and auto industries.

The Querétaro Council for Science and Technology coordinates the activities of research centers in technological development and innovation such as the Center for Industrial Development, which supports students studying master's degrees in mechatronics. It is also building the National Center for Aeronautical Technology on land owned by the Querétaro Intercontinental Airport to solve problems and propose innovations for the country's aeronautics industry.¹² The state has U.S., Canadian, Japanese, and European companies that

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use cutting-edge technology in their products and employ more than 50 000 people.

BIRTH OF AERONAUTICS IN QUERÉTARO

In 2005, Bombardier Aerospace announced it was going to begin manufacturing in Querétaro with an initial US\$200 million investment. In 2006, the manufacturing center began operating in the El Marqués Industrial Park, building fuselages, assembling horizontal and vertical stabilizers, and making and installing electronic cable harnesses for the Lear Jet 85.

The 18 851-square-meter Lear Jet 85 plant was built between 2009 and 2010. In 2011, Bombardier announced it was increasing its investment by US\$50 million to be able to manufacture the rear fuselage for its new business planes, the Global 7000 and Global 8000. One thousand eight hundred workers make these structural components, plus those of the Q400 Next Generation turbo helicopter, the Challenger 605 aircraft, and the fuselage and other components of the Lear Jet 85.¹³

The Center for the Development of the Aeronautics Industry (Cedia) promotes the development of Mexico's aerospace cluster by analyzing data and proposing technical solutions for aerospace engineering. The Querétaro Research and Innovation Network (RIIAQ) was set up to bring together research centers and institutions of higher learning in aeronautics to foster high-level research, training of specialists, and certification of facilities for the aeronautics industry. Members of this network include the Querétaro Aeronautics University (UNAQ), the Center for the Development of the Aeronautics Industry, the Center for Advanced Technology, the Polytechnic University, the Center for Research and Technological Development in Electrochemistry (Cideteq), the Industry of Turbo Reactors (ITR), Solutions in Energy Savings Mexico (Saemex), and the Monterrey Technological Institute/Concordia University partnership.

The aeronautics cluster in Querétaro is made up of the following Mexican and foreign institutions:

- a) Engineering and design: Bombardier, Aernnova, Kio Aerospace, Messier Services;
- b) Manufacturing of fuselages, wings, harnesses, complex components, and engines: Bombardier, General Electric-IQ; Engineering and engines: SAFRAN; Advanced technology for the aerospace industry: ITR, Carpenter Technology, and Southwest United Canada.
- c) Special processes and parts and spare parts suppliers: Hyrsa, Daewood Electronics, Delphi, and Galnik; metal processing: CRIO; engine parts: Elimco Prettl.
- d) Universities: the National Autonomous University of Mexico in Querétaro, the Autonomous University of Querétaro; the Querétaro Aeronautics University, the Polytechnic University, the Technological Institute of Querétaro, the Technological Institute of Monterrey, Concordia University, Conalep, and the School of Engineers.
- e) The Querétaro Research and Innovation Network (RIIAQ): Bombardier; Safran; ITR; Galnik; Hyrsa; Carpenter Technology; Navair; the global corporation LABTA with its high-tech laboratories; the research and development centers supported by Conacyt, CIDESI, CIATEQ, and CIDETEQ; and the Concordia Institute of Design and Innovation.

With the support of the Querétaro state government, which participated in meetings with U.S. and Canadian entrepreneurs in the framework of NAFTA, the investment begun by Bombardier in 2005 has given rise to that company's value chain. This includes research, design, and engineering in Montreal; engine manufacture in Toronto; making the fuselage, wings, and cable harnesses in Querétaro; and the final assembly in the Wichita, Kansas factory. The fact that it is assembled in the U.S. makes it a U.S. export, but clearly, the participation of Canadians and Mexicans in manufacturing Bombardier aircraft actually make them a NAFTA product.

The global companies and sophisticated components suppliers have matured their manufacturing processes; they have an enormous capability for job creation and the training needed to have an above-average work force. This will benefit other branches of industry and will allow them to be multipliers of economic development.

These productive chains organized in bordering countries with trade liberalization agreements become global value chains for high-tech, advanced industries supported by universities and research centers, and labor-intensive manufacturing like the aeronautics industry. They require a technically trained

work force with special skills that boosts the competitiveness of participating nations and raises the living standards of their populations. Today, Canadian, U.S., and Mexican experts are saying that the material, financial, and human resources exist for building an aircraft in Mexico. We will soon see.

This is how U.S. investors recognize the opportunities for doing business that Querétaro offers, and in their meetings with local businesspersons, in the NAFTA framework, they show interest in investing there. ■■■

NOTES

¹ Robert Keohane and Joseph Nye, *Power and Interdependence* (New York: Harper Collins, 1989).

² Ley de Inversión Extranjera y su Reglamento, www.diputados.gob.mx/LeyesBiblio/regley/Reglie, accessed in May 2015.

³ Ley de Ciencia y Tecnología, Cámara de Diputados, www.diputadosgob.mx/leyesbiblio/, accessed in August 2015.

⁴ For more on Conacyt programs, see <http://www.conacyt.mx/index.php/fondos-y-apoyos>.

⁵ INEGI, "Bienestar por entidad federativa: Querétaro," www.inegi.org.mx/estadisticas, accessed in June 2015.

⁶ See www.turbopropulsores.mexico, accessed in July 2015.

⁷ *Plan de Desarrollo de Querétaro 2004-2009*, www.queretaro.gob.mx, accessed in June 2015.

⁸ "Arranca construcción de Parque Industrial de Aeronáutica," *El rotativo* (Querétaro), February 1, 2006, www.rotativo.com.mx/noticias/metropoli/Queretaro, accessed in June 2015.

⁹ *Plan Querétaro 2010-2015*, www.queretaro.gob.mx/documentos, accessed in August 2015.

¹⁰ This committee was set up to aid in linking up local government and community international activities and facilitating their comprehensive development. It works in conjunction with Mexico's Foreign Relations Ministry. See Asociación Mexicana de Oficinas de Asuntos Internacionales de los Estados, <https://coordinacionpolitica.SRE.gob.mx/index.php/>.

¹¹ "Financiamiento Internacional a Tecnología e Innovación en Querétaro," *El rotativo* (Querétaro), May 24, 2014, see www.rotativo.com.mx/noticias/me_tropoli/Queretaro.

¹² See cidesi.com/wsite/nosotros, accessed in August 2015.

¹³ See www.bombardier.femia.info, accessed in May 2015.

Sub-national Units And Agricultural Workers Programs In Canada

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INTRODUCTION

The Seasonal Agricultural Workers Program (SAWP) has been a model of bilateral cooperation between Mexico and Canada since 1974. Its constant assessments make it possible to guarantee better working conditions for migrant workers and an orderly, legal, safe flow of temporary migration. This article contributes to the debate about this program by looking at sub-national units, local actors, and working conditions within this bilateral dynamic.¹

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JP Moczulski/Reuters

ORIGINS AND DYNAMICS OF THE SEASONAL
AGRICULTURAL WORKERS PROGRAM (SAWP)

While the program attempts to take advantage of the supply and demand for immigrant labor and in specific conditions it has served as a limited incentive for rural Mexican communities due to the constant increase in remittances, workers' working conditions are increasingly deregulated. This has left them vulnerable since the enforcement of the Low Skilled Workers Program (LSWP) in 2002.

In a country like Mexico, international migration has an increasingly complex, dynamic relationship with local development processes in both places of origin and destinations. In some regions of Mexico, governmental migratory strategies, carried out in conjunction with nationals organized in associations, fraternities, or clubs, are part of geopolitical strategies. These expand bilateral relations not only due to proximity or migratory tradition, such as in the case of the U.S., but also due to programs set up by countries and regions that report benefits to municipalities or provinces, such as in the case of Mexican workers in Canada. In contrast with the United States' 1942-1964 Bracero Program, Canada's, signed in 1974 through a Memorandum of Understanding, brought Mexico into the Seasonal Agricultural Workers Program (SAWP).

At the end of the 1990s, the Canadian government established a similar program to its Mexican one with Jamaica, Barbados, and Trinidad and Tobago, countries with a language affinity and whose work forces make up the majority of all Canadian temporary agricultural workers.

Since 2010, more than 10 000 Mexicans go every year to Canada under the SAWP to work on farms through bilateral agreements set up and regulated not only by the two countries' federal governments, but also by their sub-national governments. In 2015, Mexico's Ministry of Labor and Social Services' National Job Service facilitated the participation of 21 499 Mexican workers. Their main destinations were the provinces of Ontario, British Columbia, Quebec, and Alberta; they mainly came from the State of Mexico, Tlaxcala, Veracruz, and Puebla.² One outstanding sub-national agreement is the one between the state of Jalisco and the province of Alberta.

SAWP's consolidation is not only due to demand for labor, but also because of the crisis in the Mexican countryside. While the program is considered a model for successful international labor mobility that responds effectively to the demand for farm labor in Canada, I believe that it creates

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fewer conflicts in meeting Canadian employers' needs thanks to its flexibility. Some situate that flexibility in the fact that it uses rural labor and that, by gradually reducing Canadian government intervention in the process, it makes it possible for Canadian businesspersons to obtain higher profit margins.

This sub-national dynamic involves the supply and demand of labor, which can have positive results since the migrants activate their places of origin to differing degrees by sending remittances home. The 21 499 Mexican agricultural laborers placed in Canada in 2015 alone declared having sent home Can\$225 052 091 in remittances.³ This seasonal program shows that interaction has generated joint policies between governments and businesses. Although Canada's programs may not be as developed and coordinated as the U.S. case with the 3 x 1 programs, they are very dynamic and are based on criteria and principles that stem from the federal, municipal, or provincial level and generate sub-national effects.

This allows us to situate sub-national units among migratory issues as decisive scenarios for migratory and labor policies, as well as other elements that indirectly influence topics such as human rights and transit policies.

One key element for the continuity and consolidation of SAWP within the framework of sub-national units is that they center on institutional agreements. Through them, they manage and administer the flows of labor mobility based on an intergovernmental model, managed government to government, involving national and sub-national authorities of both countries, as well as the coordination with Canadian employers.

Undoubtedly, the Canadian business community has the specific weight that lends the program its operational efficacy. Canadian employers must supply housing for migrant workers in accordance with provincial standards, as well as food, air fare, and medical coverage. However, Ofelia Beceril, on the one hand, and Leigh Binford, Guillermo Carrasco, and Socorro Arana, on the other, showed that the employers recover a significant portion of that up-front payment through deductions to weekly paychecks to migrant workers.⁴ This shows the need to create the administrative procedures as part of public policies of national and sub-national governments in

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the face of possible violations of the work contracts of program participants.

A DESCRIPTION OF WORKING LIFE

Undoubtedly, in the Canadian case, workers programs must be consolidated through continual assessments, pointing out the factors that can interfere with their operation. Given the exponential hike in regulated migration and the fact that programs linking sub-national units are being formalized guaranteeing the safety of migrant workers, this is even more necessary. This is the case of Tlaxcala, where these units become important because they offer labor and, in conjunction with the government bureaucracy and business agreements, they create synergies that can become incentives for the locale, but at the cost of migrants' working conditions.

The publications of Binford, Carrasco, and Arana, and of Becerril show how Mexican workers, mainly from states in Central Mexico like Tlaxcala and Puebla, are living in what amount to precarious conditions. They are paid only a few pennies over minimum wage; they receive no overtime pay or bonuses for seniority—recent arrivals earn the same wage as those who have been there longer; and therefore, the only way workers can increase their weekly wage is to increase the number of hours worked.⁵

More than one-third of the workers interviewed said that they had no days off, which is a violation of the contractual regulations of the program itself. Ofelia Becerril's study observes the workers in Leamington, Ontario, known as Canada's "tomato capital," and argues that transnational agricultural work by Mexicans in Canada ratifies the restructuring of production processes and new forms of organizing the workplace. She shows how patterns in the organization of work (the assignation of posts, tasks, working hours, and opportunities) are based on a strict sexual and ethnic division of labor, which is discriminatory and creates labor segmentation and segregation.⁶

Despite the fact that Mexico's Ministry of Labor stipulates that migrant workers have a certain level of skill, ongoing train-

ing, and experience in crops, in some cases, such as that of strawberry workers in Quebec, Canadian employers do not recognize their skill level or pay them accordingly.

This reinforces what Jonathan Molinet has stated to the effect that in sub-national units, in this case in destinations, asymmetries exist between workers and employers, showing different levels of control or management that should be formally presented through government administrations in the place of origin.⁷

THE DEREGULATION OF MIGRANT LABOR

In the first half of 2002, the Low Skilled Workers Program (LSWP) was put in place to complement SAWP. The new program created more flexibility based on the migrant's place of origin, determining the skills the worker might have. A characteristic of this program is the absence of any direct participation by the Canadian government in the agreements between employer and worker, making the latter vulnerable in terms of working conditions. The program's main objectives are to recruit workers from any country, emphasizing underdeveloped nations, to carry out low-skilled jobs and create unmediated alternatives for hiring in different niches of agriculture.

Migrant workers hired under this program work for highly-monitored stays of one to two years. There is little supervision or regulation of their working conditions, in contrast with the SAWP, where consular structures dedicated to supervising them intervene. Employers, for their part, receive no Canadian governmental assistance in dealing with local public or private institutions in the case of labor disputes or early repatriation with the help of consulates. That is, despite shoring up the supposed dynamic of sub-national units in places of both origin and destination, no legal structure or institution exists to regulate or serve as intermediary in conflict resolution between workers and employers.⁸

The workers' vulnerability requires that both governments intervene together. If this worker program is to truly be considered under the law in the sub-national unit, the different levels of government must intervene to negotiate and politically administer it. And, if we really want to talk about sub-national units, they must consider public policies carried out by specific locations.

The LSWP does not necessarily include day-workers. We see here that labor relations are individualized between companies and their workers, leaving to one side any space for

The Seasonal Agricultural Workers Program sub-national dynamic involves the supply and demand of labor, which can be positive since the migrants activate their places of origin by sending remittances home.

negotiation and agreements among workers. Companies can decide what their needs are in terms of forms of work; this has important effects on relations between skilled and non-skilled labor, in which, for example, the unequal wages are made more unequal, with the disadvantage for workers without certified skills.⁹

What we see here is a lack of job security that, given their lack of union representation, undoubtedly minimizes workers' participation not only within the system of production, mainly in the distribution of work, but also in terms of their wage demands.

Strategies of labor flexibility come together in this form of regulating migration through practices akin to sub-contracting, and, as is already the case in some cases of U.S. H2B visas, inter-entrepreneurial relations are created in which workers join production with only minimal conditions of labor co-responsibility. That is, a triangular relationship is created that exempts companies from all legal responsibility *vis-à-vis* the migrant worker. This has sparked a huge number of advisories of violations of working conditions. Therefore, it twists the strategies of the programs and leads to the need to demand public policies managed internationally by sub-national governmental actors that would institutionalize them and at the same time provide social, economic, and political synergy. The idea, then, is to try to take advantage of opportunities abroad and that labor markets in Canada be instruments for local development.¹⁰

That is, we can see an injustice being committed with regard to workers' insertion into the labor market in Canada since a discrepancy exists between the policy and the practice of workers' labor rights. This is due to the restrictive character of work permits since the demands for getting a job and hiring practices can limit labor rights as protectionist measures. And, in this relationship of sub-national units, the bio-politics of destinations take advantage of the labor, but leave to one side the other dimensions of migrant workers' lives.¹¹ Despite the fact that in its 2007 Statement of Objectives, the Labour Mobility Working Group stipulated it would improve temporary workers programs and guarantee the pro-

tection of labor rights, it has not emphasized these issues and has only reinforced the schemes for new job opportunities.¹²

IN CONCLUSION

Temporary migrant worker programs must go beyond the training of human capital and the creation of conditions to guarantee migrants' decent working conditions. They must produce an effect that makes both the places of origin and destination more dynamic. Therefore, it is necessary to ensure their operation from the point of view of the sub-national units where the coordinated regulation of the different levels of government makes possible the operation in a location and guarantees labor risks are minimized. Factors such as migratory patterns, forms of insertion, and the spatial distribution of the population are being restructured given that the central governments and sub-national units gradually stop regulating these labor relations. It is necessary to generate sustainable ways of living and working with working and hiring conditions that strengthen migrants and their communities of origin, establishing a synergy in regional development and ensuring that the benefits are reciprocal. ■■

NOTES

¹ I will use the term "sub-national units" to mean instrumental units based on the decentralization of governments that leads to processes of social and political integration in sub-national entities that implement bilateral practices. See Jacqueline Behrend, "Política subnacional y democracia," *Revista SAAP* vol. 5, no. 2, 2011.

² See http://www.canadainternational.gc.ca/mexico-mexique/eyes_abroad_coupdoeil/MXICO2015SAWP.aspx?lang=eng, accessed October 10, 2016; and "Programa de Trabajadores Agrícolas México-Canadá 2016 rebasa su objetivo: STPS," <http://www.noticiasmvs.com/#!/noticias/programa-de-trabajadores-agricolas-mexico-canada-2016-rebasa-su-objetivo-stps-855>, accessed October 10, 2016.

³ See <https://www.gob.mx/stps/prensa/inicia-stps-envio-de-trabajadores-agricolas-a-canada>, accessed January 10, 2017. For more statistical data about workers in Canada, see *The Mapping Migration from the Americas Project*, <http://www.mappingmigration.com/homeenglish.html>.

⁴ Ofelia Beceril Quintana, "Relación de género, trabajo transnacional y migración temporal: trabajadores y trabajadoras agrícolas mexicanos en Canadá," paper presented at the first international colloquium "Migración y desarrollo. Transnacionalismo y nuevas perspectivas de integración," in Mexico in 2003, http://meme.phpwebhosting.com/~migracion/ponencias/20_3.pdf, accessed October 4, 2016; and Leigh Binford, Guillermo Carrasco Rivas, and Socorro Arana Hernández, *Rumbo a Canadá: la migración canadiense de trabajadores agrícolas tlaxcaltecos* (Mexico City: Taller abierto, 2004).

⁵ Binford, Carrasco, and Arana, op. cit.

⁶ Becerril, op. cit.

⁷ Jonathan Molinet, "Las unidades subnacionales y las políticas conjuntas en la agenda bilateral migración, medio ambiente, burocracia," <http://lasa.international.pitt.edu/LASA98/Molinet.pdf>.

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⁹ Francisco Zapata, "El trabajo en la vieja y en la nueva economía," in Enrique de la Garza Toledo, Jean-Marie Harribey, and Julio César Neffa, comps., *El futuro del trabajo. El trabajo del futuro* (Buenos Aires: CLACSO, 2001).

¹⁰ Mariana Calvento, "La inserción Internacional de los actores subnacionales: análisis de un proceso contemporáneo," *Interações* vol. 15, no. 2 (July-December 2014).

¹¹ Camelia Tigau, "Migrantes buenos y malos; biopolíticas de selección de trabajadores extranjeros en América del Norte," in Bernardo Bolaños Guerra, *Biopolítica y migración. El eslabón perdido de la globalización* (Mexico City: UAM, 2015).

¹² This group is coordinated by Mexico and Canada's federal governments. The participants are Mexico's Ministry of Labor and the Foreign Relations Ministry; and Canada's Ministry of Citizenship and Immigration and Human Resources and Skills Development Canada. Its function is to encourage the flow of temporary workers in an orderly, legal, safe manner.

Understanding Drug Policy in the United States: Sub-national Trends

Jonathan D. Rosen*



Jerry Lampen/Reuters

In November 2012, two states in the United States, Washington and Colorado, legalized marijuana for recreational purposes. On November 8, 2016, voters in four states, Massachusetts, Maine, Nevada, and California, decided to follow suit. Moreover, 28 out of the 50 states in the United States have legalized medical marijuana. This is despite the fact that marijuana usage is illegal at the federal level. This article examines the recent trends in marijuana

legalization in the U.S., highlighting the complex relationship between the states and the federal government in the U.S. For a variety of reasons, states have decided to legalize marijuana, albeit in various forms. Many advocates of legalizing marijuana in the U.S. argue that this would help reduce drug trafficking and drug-related violence in producing and transit countries. The article begins with a discussion of the U.S. drug war and the consequences of such policies. It then discusses the increasing number of people incarcerated in the U.S. as a result of the drug laws, followed by a discussion about the legalization debate and another on the power of

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the states and states' rights issues. Before a brief conclusion, I discuss the role of states as a model for public policy.

THE U.S.-LED DRUG WAR

The U.S. has seen an evolution in the number of laws designed to combat drug consumption, production, and trafficking. For instance, in 1937, the U.S. Congress passed the Marijuana Tax Act, which, as the name implies, made marijuana illegal at the federal level through taxes. The 1952 Boggs Acts and the 1956 Narcotics Control Act created mandatory sentences for individuals violating drug laws. In fact, people found guilty of violating the marijuana laws for the first time faced between two and ten years in prison.¹

Former U.S. President Richard Nixon launched the "war on drugs" in 1971. While Nixon maintained the need to combat the supply of drugs, he also understood the necessity of investing resources to reduce the demand for them. The argument is that drug traffickers will continue to traffic drugs and other illicit commodities as long as the demand for such products exists. However, other scholars contend that the U.S.-led drug war really began over 100 years ago with the passage of the Harrison Act of 1914, which taxes individuals who import, produce, manufacture, or traffic coca and opium.²

The U.S. has spent billions of dollars on counter-narcotics initiatives with the goal of combatting the supply of drugs. For example, Washington allocated US\$10 billion to Plan Colombia from 2000 to 2015, with the initial goal of reducing drug cultivation, production, and trafficking by 50 percent. In addition, the U.S. has spent US\$2.5 billion on the Mérida Initiative to combat drug trafficking and organized crime in Mexico. Critics of such supply-side strategies have contended that countries in Latin America would not have problems with drug trafficking if such high levels of demand did not exist in the U.S., the number-one drug-consuming country in the world. Thus, the argument is that drug trafficking should not only be viewed as a security issue, but rather a public health problem.³

Moreover, critics of the drug war and supply-side strategies have maintained that such policies have resulted in high levels of violence.⁴ Mexico, for example, witnessed extreme levels of drug-related violence during the Felipe Calderón administration (2006-2012), as more than 100 000 people died during this period. Drug traffickers fight among each other for control of routes and territory. In addition, the Mex-

Many advocates of legalizing marijuana in the U.S. argue that this would help reduce drug trafficking and drug-related violence in producing and transit countries.

ican governments' campaign to combat drug traffickers resulted in a war between the states and these illicit actors, which led to high levels of violence and bloodshed.

The U.S. government has sought to combat drug usage by incarcerating drug users. As a result, the prison population has multiplied over time. For instance, the number of individuals incarcerated for non-violent drug offenses spiked to 400 000 in 1997 from 50 000 in 1980.⁵ The prison population has increased by more than 500 percent over the past 40 years. Today, 2.2 million people are in jails or prisons in the U.S., which means that the U.S. incarcerates more people than any other country in the world.⁶ Moreover, over half the people in federal prisons are there for drug-related crimes. In 2015, law enforcement officials arrested 643 121 people for breaking marijuana laws.⁷

THE LEGALIZATION DEBATE

The legalization of drugs has been a matter for intense debate. While there are those in favor of the complete legalization of all drugs, the legalization of harder drugs such as heroin and cocaine has been a more difficult sell and a controversial issue, as they are very dangerous and viewed as suicidal drugs. However, the U.S. has seen public opinion change over time with regard to the legalization of marijuana. In 1969, for example, 12 percent of the population favored marijuana legalization, compared to 36 percent in 2005. By 2009, 44 percent favored legalization. As of October 2015, 58 percent of the U.S. public believed that this substance should be legal. A Pew Research poll found that 57 percent of people favored the legalization of marijuana in the U.S. in 2016, compared to the 37 percent of individuals who did not approve.⁸

Several arguments are made for legalization for recreational usage, while other individuals contend that marijuana should only be legal for medical purposes. Marijuana has some positive medical benefits. For instance, it is often given to individuals with glaucoma to reduce ocular pressure, and it is

known to reduce pain levels in people with cancer. Furthermore, some argue that more people die from other legal substances, such as alcohol, yet marijuana remains illegal. Thus, some contend that it is hypocritical for marijuana to be illegal while cigarettes and alcohol are legal. Other people argue that the legalization of marijuana would lead to lower profits for criminal organizations, such as the Mexican drug cartels, who traffic this substance. In addition, some people, particularly Libertarians, believe that everyone should have the individual liberty to consume whatever they want. Libertarians contend that the government should play a limited role in individuals' decisions. Others, however, believe that the government should regulate and tax the distribution of marijuana. Currently, eight states tax and regulate marijuana in the U.S.: Washington, Oregon, Nevada, Massachusetts, Maine, Colorado, California, and Alaska.⁹

However, opponents of marijuana legalization argue that it could result in individuals using other harder substances (i.e., marijuana is a gateway drug). Critics also contend that marijuana can have negative health repercussions, such as memory loss, and, therefore, could impact the performance of students. Moreover, some individuals argue that marijuana could result in increased criminal activity as well as accidents (i.e., driving while intoxicated).

THE FEDERAL SYSTEM AND STATES' RIGHTS

The U.S. is a federal system comprised of states that have their own constitutions, laws, and governments. The states in the U.S. have tremendous power compared to the federal government. In other countries with federal political systems, such as Mexico, power is concentrated in the federal government. Moreover, the 50 states in the U.S. are quite different: New York and California, for example, are more liberal than Texas and Nebraska. Individuals and leaders in these states often fight for states' rights issues. The legalization of marijuana in some states has created various challenges since it violates federal laws outlawing marijuana. Furthermore, this

Critics of the drug war and supply-side strategies maintained that such policies resulted in high levels of violence, for example, in Mexico.

is complicated by the fact that the U.S. pushed hard for and signed various international treaties that prohibit drug legalization (for example, the Single Convention on Narcotic Drugs of 1961).

Some individuals, such as Ethan Nadelmann of the Drug Policy Alliance, have argued that the movement to legalize marijuana has similarities to the legalization of gay marriage. In June 2015, the United States Supreme Court ruled gay marriage to be legal at the federal level. Thus, states refusing to recognize gay marriage were in violation of the law. This Supreme Court ruling did not happen overnight, but resulted rather from grassroots social movements and years of litigation. In 2003, Massachusetts began to allow gay couples to marry, followed by Connecticut in 2008 and Iowa in 2009. Thus, the decisions of the states to legalize same-sex marriage led to lawsuits that eventually changed the federal law after a ruling by the highest court. Similar to the gay rights movement, more states will likely continue to legalize marijuana, which could eventually result in a Supreme Court case.

As of January 2017, marijuana remains illegal at the federal level, which presents various challenges for states that have legalized it. For example, an individual can enter a medical marijuana dispensary in Colorado and purchase various forms of marijuana from liquids and edible snacks to cannabis that can be smoked. However, businesses cannot deposit their cash earnings in banks because they are insured by the Federal Deposit Insurance Corporation (FDIC), and banks cannot accept cash from clients who earn money from illicit endeavors. This creates various problems for businesses since they could be more likely to be robbed for having such large amounts of cash on hand.

STATES AS EXPERIMENTS

A unique thing about the federal system in the U.S. is that states can function as experiments. In other words, a state can implement a certain policy and the results can be studied to determine its consequences. New policies in certain states can serve as a trial. Such incremental changes have several advantages, since designing a policy based on theory could present various challenges. Often, policies that are intended to be carried out in a particular manner face obstacles during implementation. A gradual approach allows practitioners to make changes to enhance the policy's efficiency. Thus, les-

sons can be learned about what elements of a particular law, policy, or activity work efficiently and what aspects could be improved. Thorough analysis of the results allows practitioners to apply the lessons learned in other states. Moreover, the implementation of a policy in one state will not have major consequences if it is not effective. Occasionally, some initiatives that look great on paper end up failing. However, a failure in several states will have less of an impact than if a particular initiative was implemented in all 50 states.

The big fear for opponents of the legalization of marijuana is that crime and accidents could increase. Furthermore, some worry that substance abuse will spike. The legalization of marijuana for recreational use is a relatively recent phenomenon, which means that in-depth studies over significant periods of time are not yet possible. More research must be conducted in the future to determine the impact of legalization on crime, accidents, and addiction in the states where marijuana is legal. However, a study by the CATO Institute found that the legalization of marijuana in Colorado has not led to large increases in marijuana usage.¹⁰

CONCLUSION

The U.S. has seen a breakdown—or at least a “partial breakdown”—of the prohibition regime over the past few years. The recent trends in the U.S. with regard to the legalization of marijuana show that public opinion about marijuana laws has shifted over time. The changes in drug laws are in part due to grassroots movements in the U.S. that have pushed for their modification for a variety of reasons. Thus, neither the states nor the U.S. government promoted changes to these laws, but, rather, people mobilized and placed these issues on the agenda at the ballot box. Advocacy organizations, NGOs, and other leaders have been instrumental in helping shape the legalization discourse. Some academics and researchers have played important roles in studying drug policies and advocating for alternatives based on sound scientific research and policy analysis.

Many proponents of the legalization of marijuana believe that the benefits outweigh the costs. Some highlight the large number of people who are arrested and incarcerated for violating drug laws. Others contend that the legalization of marijuana in the U.S. will reduce the profits of organized crime groups operating in places like Mexico, which could help decrease levels of drug-related violence.

The legalization of marijuana in the U.S. also demonstrates the role and power of the states. The lesson of marijuana legalization for medical and recreational purposes is that many states do not agree with current U.S. federal drug laws. Thus, people in a variety of cases have acted in an effort to voice their dissatisfaction. As previously mentioned, many states are currently in violation of U.S. federal laws. If more states continue to legalize marijuana, it is likely that the Supreme Court will receive cases about this issue. However, it is not possible to determine how the court will rule. ■■

NOTES

¹ Thanks to Marten Brienen for his helpful comments. For more see Angela Dills, Sietse Goffard, and Jeffrey Miron, “Dose of Reality: The Effect of State Marijuana Legalizations,” *Policy Analysis* no. 799, CATO Institute, September 16, 2016.

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