

Spring 5-1-2023

An Examination of Legal Responses by United States To Technological Advances In Organized Drug Smuggling

Abdulwahab Aldossary
Indiana State University

Follow this and additional works at: <https://scholars.indianastate.edu/projects>

Recommended Citation

Aldossary, Abdulwahab, "An Examination of Legal Responses by United States To Technological Advances In Organized Drug Smuggling" (2023). *Symposium Projects*. 1.
<https://scholars.indianastate.edu/projects/1>

This Conference Proceeding is brought to you for free and open access by the Honors College at Sycamore Scholars. It has been accepted for inclusion in Symposium Projects by an authorized administrator of Sycamore Scholars. For more information, please contact dana.swinford@indstate.edu.

**AN EXAMINATION OF THE LEGAL RESPONSES BY UNITED STATES TO
TECHNOLOGICAL ADVANCES IN ORGANIZED
DRUG SMUGGLING**

A thesis

Presented to

The College of Graduate and Professional Studies

Department of Criminology and Security Studies

Indiana State University

Terre Haute, Indiana

In Partial Fulfillment

of the Requirements for the Degree

Criminology and Criminal Justice

by
Abdulwahab Aldossary

MAY 2023

© Abdulwahab Aldossary 2023

Keywords: Drug smuggling, globalization, global fluidity, encrypted transaction, drug law
reform

COMMITTEE MEMBERS

Committee Chair: Lisa Kay Decker, J.D.

Associate Professor of Criminology and Security Studies

Indiana State University

Committee Member: Christian W. Gallagher, Ph.D.

Assistant Professor of Criminology and Security Studies

Indiana State University

Committee Member: David Bolk, J.D.

Instructor of Political Science

Indiana State University

ABSTRACT

Recent advances in technology have aided terrorists in their ability to smuggle drugs in order to finance their operations. Drug trading routes have changed and so have methods of transportation and financial transaction. This study investigates the improved technology utilized by transnational organized crime groups and how the present laws and policies address the use of the improved technology for drug smuggling. The study will first look into the current models, such as the Counter-Terrorist Funding and Money Laundering model, and understand its weaknesses regarding drug smuggling within the United States. Moreover, the paper will focus on the current laws pertaining to both drug smuggling and terrorism. Several studies have suggested that previous laws on drug smuggling entities have failed to solve the problem. Because of that, policies and framework objectives need to be examined and updated to eradicate both the drug trafficking and terrorism.

ACKNOWLEDGMENT

All thanks and gratitude are due to Allah (God) who has written every single moment of our lives since day one. I could not have made it this far without his mercy and guidance.

My heart is filled with deep appreciation towards my thesis advisor, Prof. Decker, for her continuous support and unwavering dedication to sharing her knowledge and experience with me. Her guidance and mentorship have been invaluable in making this research paper a success. Even with her busy schedule, Prof. Decker has taken the time to guide me step by step throughout the thesis until I achieved this great result.

I am also grateful to Dr. Gallagher, the second committee member, for his generous contribution of time during the spring break to review and revise the whole thesis. Our meetings were fruitful and valuable, and his feedback greatly improved the quality of my work. And I extend my thanks to Dr. Bolk, the third committee member who provided wonderful comments on the thesis.

To my family, especially my parents, brothers, sisters, cousins (especially Fawaz and Nahar), and all my relatives, I thank you for your constant love, encouragement, and support. Your unwavering faith in me and your endless prayers have been my guiding light throughout this journey. I wish my father could have read my thesis; he started this journey with me and supported me throughout his whole life. Unfortunately, he passed away during my master's studies due to his illness. I know he is proud of me, and I dedicate this achievement to him.

To all my friends, especially Polycarp, thank you for never hesitating to help me and share your knowledge and experience with me. I am also grateful for the new friends I made in Terre Haute, IN, who supported me during my studies (especially Samkari and Sembawa).

My success and the level that I am heading to would not have been achieved without the unwavering support and love of the amazing people I have mentioned above. I am forever grateful for your contributions to my life and this thesis.

TABLE OF CONTENTS

COMMITTEE MEMBERS	ii
ABSTRACT	iii
ACKNOWLEDGMENT	iv
LIST OF FIGURES	viii
INTRODUCTION	9
TERMS AND ACRONYMS.....	15
BACKGROUND AND SCOPE OF THE TERRORIST DRUG SMUGGLING PROBLEM	17
<i>The Hierarchy of Organized Crime Groups in Drug Smuggling</i>	17
<i>The International Flow of Drug Trafficking</i>	19
<i>Electronic Money Laundering</i>	25
<i>Previous Frameworks on Drug Smuggling and Possible Linkages to Terrorism Funding</i>	26
<i>Technological Advancement by Organized Crime Groups</i>	29
<i>Street Level Law Enforcement Interception and Surveillance</i>	30
STATEMENT OF PURPOSE	32
Statement of The Problem	32
METHDOLOGY	34
LITERATURE REVIEW	36

<i>Use of Drones at the U.S. Mexican Border</i>	36
<i>Use of encrypted communication and transaction within and outside the U.S. border</i>	38
<i>Use of Global Fluidity</i>	40
<i>Exploitation of Technological Advancements by Organized Crime Groups</i>	42
<i>Advancement In Criminal Technology</i>	43
CURRENT U.S. LAWS TO COMBAT ORGANIZED DRUG TRAFFICKING	45
<i>Drug Laws</i>	45
<i>The Use of Drones</i>	48
<i>The Use of encrypted communication within and outside the American border</i>	48
<i>Money Laundering in Drug Trafficking Activities</i>	50
<i>High Technology Drug Smuggling</i>	53
PROPOSED SOLUTIONS.....	56
<i>Legal Change Is Needed</i>	56
<i>Drug Laws</i>	59
<i>RICO Act Amendment</i>	62
i. Use of Drones.....	62
ii. Use of encrypted communication along and beyond the American border	63
iii. Use of Global Fluidity	64
Precursor Law Statutes	65
CONCLUSION.....	68
REFERENCES	70

LIST OF FIGURES

Figure 1: The Wheel Network of Drug Trafficking	19
Figure 2: Cocaine-trafficking reception in Europe.....	20
Figure 3: The corridor between Senegal and Guinea, and the geopolitical characteristics underpinning cocaine trafficking in this sub-region.	21

CHAPTER 1

INTRODUCTION

Tracking drug shipments and terrorist finances has become more difficult in the recent years. The trading routes for drugs have evolved, and so have other physical aspects of drug smuggling. In addition to that, there has been an increasing ease of financial transactions among drug smugglers. With the continuous improvements in technology, terrorists using drug smuggling to finance their operations have gained a greater advantage. This has posed new and daunting obstacles for law enforcement organizations in the United States and on its international boundaries. Technology has paved the way for drug smuggling activities, and when it comes to finances, detecting drug transactions has become increasingly difficult. It is also not shocking that the United States has faced negative consequences from drug financing due to the high value of its currency (TFL, 2020). It is reasonable to conclude that technological advancements have significantly transformed the physical aspects of drug smuggling and financing, providing new and innovative methods for traffickers to evade detection and conduct their illegal operations, but also presenting new challenges for law enforcement agencies trying to tackle this growing problem. The problem is that drug trafficking is becoming increasingly difficult to address, especially with the new and sophisticated methods being used. It also becomes more problematic when these new advanced ways create more untraceable means for terrorism funding.

The connection between drug smuggling and terrorism funding is well-established, with drug profits providing a significant source of funding for terrorist groups. As drug smuggling activities increase, so do the profits from drug sales. These revenue streams from drug trafficking can be used to fund a variety of projects, including the purchase of weapons and equipment, training of personnel, and recruitment of new members. Organized crime groups that engage in drug smuggling often rely on creating fear and instability in order to facilitate the passage and distribution of drugs. The importance of studying the research on changes in the physical aspects of drug smuggling lies in understanding how these changes can impact both drug trafficking and terrorism financing. Law enforcement and policymakers may more successfully combat both organized crime and terrorism by better understanding the new techniques and technology employed in drug smuggling. This will disrupt their funding sources and eventually increase public safety and security.

Technological innovations have greatly altered the landscape of drug smuggling. Drug traffickers are now equipped with new and sophisticated methods of transporting drugs. New smuggling methods include drones, submarines, subterranean tunnels, encrypted communication, and other advanced concealment techniques (Leuprecht et al., 2019). Because of this, it has become harder for law enforcement organizations to find and stop these shipments. In response, numerous law enforcement organizations have stepped up the use of technology, including surveillance drones, x-ray scanners, and predictive analytics, to help find and stop smuggling operations (Leuprecht et al., 2019). Despite these initiatives, the illicit drug trade still thrives and has to be properly combated by several organizations and nations.

One technological improvement in drug smuggling is the use of drones. As more people have embraced drone technology, so have drug traffickers, especially at the borders. The U.S. and Mexico border has become a menacing challenge, as realized by border law

enforcement. Drone technology has allowed drug smugglers to bypass traditional methods of detection and transport drugs into the U.S. with greater ease and efficiency (Al-Qubaydhi, Nader, et al., 2022). Drones can fly over the border undetected, carry large quantities of drugs, and land in remote locations. Because of this, it is challenging for law enforcement to stop them. Drones can fly correctly and evade detection by law enforcement agencies because of technology advancements like GPS and route detection. For law enforcement, the novelty of this technology is incomprehensible. The need for advanced technology detection cannot be sufficiently emphasized. Furthermore, this is only one area in which drug smuggling has been enhanced.

The global fluidity that advanced technology presents has improved the logistics of drug smuggling. The ease of transporting drugs from one country to another is concerning. This does not even begin to account for how drug trafficking organizations can operate seamlessly across national borders (Ghodse, 2016). Global elasticity has been promoted by technology, globalization, financial interconnectedness, as well as weaknesses in law enforcement. Drug smuggling organizations have embraced these factors to improve their drug empires. Gone are the days when law enforcement agencies had only to focus on the local drug traffickers to combat the drug issue. Now, the smuggling of drugs through international borders and the presence of sophisticated technology has increased their efficiency of drug traffickers. Many options are presented: land, sea, air, and also mail. However, even with the difficulties presented by these advancements, law enforcement agencies have no alternative but to also incorporate technology into their fight.

Technological advancements have aided in the analytical methods used by law enforcement agencies. Law enforcement can now use technology to form predictive analytics to identify potential smuggling routes and target specific areas (TFL, 2020). Predictive analytics use data and statistical algorithms to determine similar patterns and behavior that

are found in their system's database. The search for these patterns can be utilized in several platforms, including social media, financial records, and GPS data (TFL, 2020). Aside from this, more analysis can be done with surveillance cameras and drones to identify suspicious activity and track movements of suspected smugglers.

Even with the use of these technologies, law enforcement agencies are finding it difficult to combat drug smuggling. For starters, smugglers are always adapting. They do so to avoid detection and interdiction (TFL, 2020). Also, it is quite unfortunate that when law enforcement agencies find new strategies to track drug shipments, smugglers develop new and undetectable ways that would take ages for law officers to figure out. Technology is very expensive, and most agencies lack the funding to properly use it. Because of that they are unable to cover smuggling hotspots to the best of their capabilities (TFL, 2020).

Another problem comes in the form of the human factor. Law enforcement agencies are run by people who can easily be corrupted. Human beings are always prone to err, and they are not perfect. With cash being difficult to trace, it is not hard for smugglers to pay a sum of money to corrupt individuals within agencies (TFL, 2020). In return, they look the other way. Most cartels have benefited from such corruption. When corruption is not possible, cartel members may threaten the family and loved ones of the law enforcement officers (TFL, 2020).

Money laundering is another tool used by drug traffickers that has been improved (TFL, 2020). One instance of enhanced money laundering is the use of virtual currencies. These are techniques for facilitating online transactions over the internet or through secure, dedicated networks. As the word suggests, (cryptocurrency) uses distributed technology and public/private key cryptography. This follows the principle of how every public key matches only one private key that the organized crime groups and their potential customers might

have (TFL, 2020). Together, they are used to encrypt and decrypt messages, and in this case, transactions. If one encodes a message using a person's public key, then they have to use the corresponding private key to decode the message (TFL, 2020). With such standards, it would be difficult for terrorist finances to be detected. In other words, law enforcement agencies will have a difficult time decoding cryptocurrencies, as there are millions of possibilities on how to decode them.

Bitcoin (BTC), Ethereum (ETH), Tether (USDT), Binance Coin (BNB), Binance (USD), and numerous other emerging currencies are well-known virtual currencies (TFL, 2020). With the concept of anonymity and privacy, most of these currencies, when used in some organizations, pose challenges for law enforcement agencies. With the absence of a public blockchain ledger to indicate the transactions of such currencies (for instance bitcoins), it is possible to purchase illegal drugs online (TFL, 2020). The most used software for such purchases includes the Tor network (TFL, 2020). This means that terrorist organizations and other criminal groups can easily use new technologies to launder money and finance their activities. These laws and regulations need to be updated as soon as possible to prevent criminals from using new technologies to their advantage.

The lack of incorporation of new technology in the current rules and regulations is a big problem that has to be addressed. With the rapid pace of technological change, new technologies are constantly emerging and becoming more widely used. However, our laws and regulations often lag, failing to take into account the new technologies and their implications. This can create several problems, ranging from the simple lack of understanding of how a new technology works to more serious issues such as the potential for abuse and misuse. This problem is only going to become more acute as new technologies continue to emerge and become more commonplace.

The encrypted transactions presented by the new technology have also made it possible for drug routes to thrive. By making it possible to conduct transactions without revealing the identity of the parties involved, the new technology has made it easier for drug dealers to operate without fear of being caught. In addition, new technology has made it possible for drug dealers to reach a wider audience by making it easier to advertise and sell their products online. In the past, drug dealers would have to rely on face-to-face transactions, which made it difficult to move large quantities of drugs without being detected (TFL, 2020). However, with the new technology, drug dealers can easily coordinate their activities and move large quantities of drugs without being detected. In particular, the use of Bitcoin and other digital currencies has made it possible for drug dealers to operate with a high degree of anonymity. Because of this, it has become increasingly challenging for law enforcement to find and bring charges against drug traffickers.

TERMS AND ACRONYMS

Artificial Intelligence: It is the area of computer science that deals with creating programs that can think creatively to solve problems.

Digital wallet: Software, an electronic device, or an online service that enables people or businesses to conduct transactions electronically by saving users' payment information for multiple payment methods on numerous websites, in addition to other products like gift cards and driver's licenses.

W.M.D. or Weapons of Mass Destruction: Are weapons that can harm or kill both military troops and civilians (nuclear and chemical and biological weapons).

Money Laundering: It is the practice of hiding the source of funds received unlawfully.

Drug Mule: A drug courier with no further financial interest in the narcotics who is paid, forced, or tricked into transferring drugs across an international border.

Virtual Currency: It is a digital representation of value that is only accessible online. It is kept and handled using specialized computer, mobile, or software applications.

Convention: A treaty signed by nations.

Cryptography: It is the study and practice of cracking codes, ciphers, and cryptograms.

Blockchain: A type of public ledger in which transaction information are recorded after proper authentication and verification by the designated network participants. It consists of a series or chain of blocks.

Public Ledger: A record-keeping system that preserves participants' identities in secure and (pseudo-)anonymous form, their respective cryptocurrency balances, and a record book of all the legitimate transactions completed between network participants.

Treaty: It is a formal written agreement between two sovereigns or governments.

Tor network or The Onion Router: One anonymous communication tool is the Tor network, often known as The Onion Router.

Criminal Network: They are groups of people who encourage the commission of unlawful acts in some way and are linked together by links.

Drug Corridor: A term used to describe a number of routes used for drug trafficking throughout the world, which are frequently found close to important thoroughfares, coastline nations, and interstate highways. These routes are often important highways that allow for the transportation of illicit drugs into, out of, and across several nations.

Predicate law: This is the study of how predicates can be used to infer other truths about the world.

Precursor law: It is the study of how preconditions can be used to infer other truths about the world.

BACKGROUND AND SCOPE OF THE TERRORIST DRUG SMUGGLING PROBLEM

The Hierarchy of Organized Crime Groups in Drug Smuggling

Organized crime groups have been involved in drug smuggling for many decades, and drug smuggling is a key component of their illegal activities. These groups are typically highly structured, with a clear hierarchy and division of labor (Benson & Decker, 2010, p. 130). They typically smuggle drugs using a variety of methods, including hidden compartments in vehicles, boats, and airplanes. They also use complex financial networks to launder their profits and conceal the proceeds of their illegal activities. Once the drugs are in a country, they are typically distributed to dealers and street gangs for sale. These organized crime groups are usually connected to other illegal activities as well, such as gambling, prostitution, and loan sharking. They often use violence and intimidation to gain control of these illegal markets (Van Duyne, 1995, p. 342). Drug smuggling is just one way that organized crime groups make money.

The drug smuggling operations of organized crime groups are often highly sophisticated and well-organized. They frequently have access to insider information and corrupt officials who can help them avoid detection (Van Duyne, 1995, p. 341). As a result, these groups are often able to smuggle large quantities of drugs into the country without being caught. The drugs that are smuggled by organized crime groups are often sold on the black market, where they can fetch a high price. The proceeds from the sale of these drugs

are often used to finance more criminal activity, including trafficking in weapons, human beings, and money.

Terrorist groups understand that, for their drug smuggling to succeed, they have to have elaborate criminal networks that comprise different transport specialists, corruption nodes (especially government officials), money laundering, legal actors, bankers, and accountants (Kenney, 2007, p. 14). These networks allow them to move drugs around the globe with relative ease and impunity. The transport specialists help move the illicit drugs, the corruption nodes help facilitate illicit transactions, the money laundered provides the financing, the legal actors help with the paperwork, and the bankers and accountants help move the money around. With such a network, there are various possibilities of criminal nodes in that a particular shipment passes through various people or enterprises until it reaches the desired sellers.

Figure 1 below describes a drug trafficking wheel network (Kenney, 2007, p. 14). Double-headed arrows denote horizontal accountability whereas single-headed arrows reflect relationships based on vertical accountability. The former means that each player is accountable to someone above them in the hierarchy, while the latter means that each player is accountable to their peers. The double-headed arrows suggest a more equal and democratic structure, while the single-headed arrows suggest a more hierarchical one. For each activity, the groups are dependent on multiple peripheral nodes either simultaneously or at various intervals.

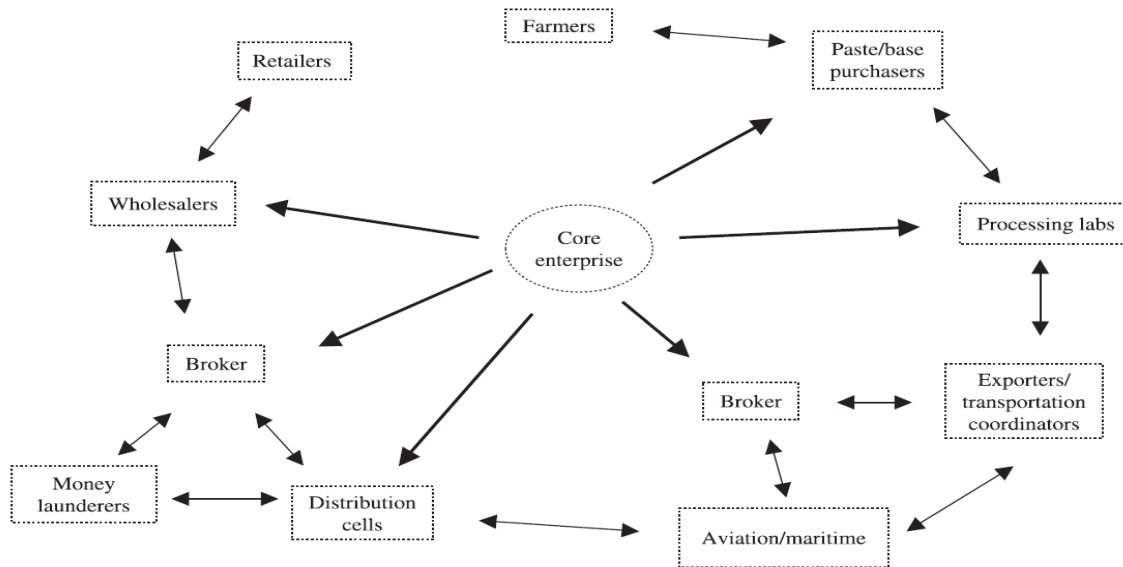


Figure 1: The Wheel Network of Drug Trafficking

Source: Kenney, 2007, p. 14.

The International Flow of Drug Trafficking

For several years now, most of the United States' drugs were transported from the Asian continent via Europe (United Nations, 2023). The continent's convenient location and well-developed infrastructure make it an ideal waypoint for shipments of illicit substances. In recent years, however, this route has become increasingly problematic. European authorities have stepped up their efforts to crack down on drug trafficking, resulting in more seizures and arrests (United Nations, 2023). This has made it more difficult and risky for drug smugglers to ship their wares to the U.S. via Europe. As a result, many have begun to look for alternative routes. One popular route is via South America, where drug cartels have established a strong presence. However, this route is also fraught with dangers, as drug smugglers must contend with treacherous terrain, corrupt officials, and violent gangs (United Nations, 2023).

Another route is via Africa, where drug traffickers have taken advantage of the instability in many countries to establish their operations (United Nations, 2023). Africa has

turned out to be a key passage point for drug traffickers in recent years, taking advantage of the instability in many countries to establish their operations. This route is also extremely dangerous, as drug smugglers must deal with armed militias, corrupt officials, and others who are looking to exploit the situation (United Nations, 2023). The instability in many African countries has allowed drug traffickers to establish their operations there. Drug trafficking into Europe and other regions of the world has increased as a result of this. The drug traffickers have taken advantage of the fact that there are no effective governments in many African countries to stop them from operating. The amount of drugs being transported into Europe and other parts of the world has surged as a result.

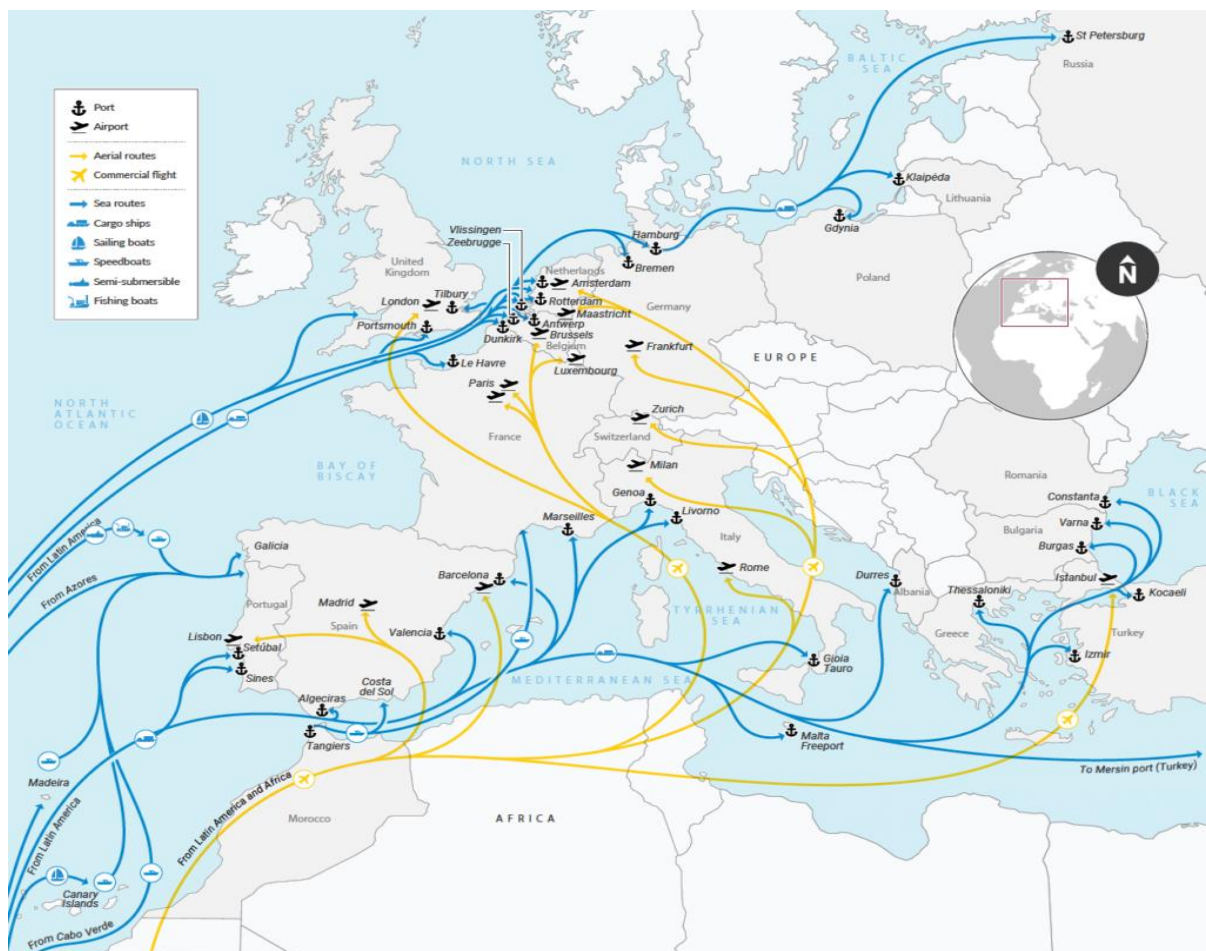


Figure 2: Cocaine-trafficking reception in Europe

Source: McDermott et al., 2022).

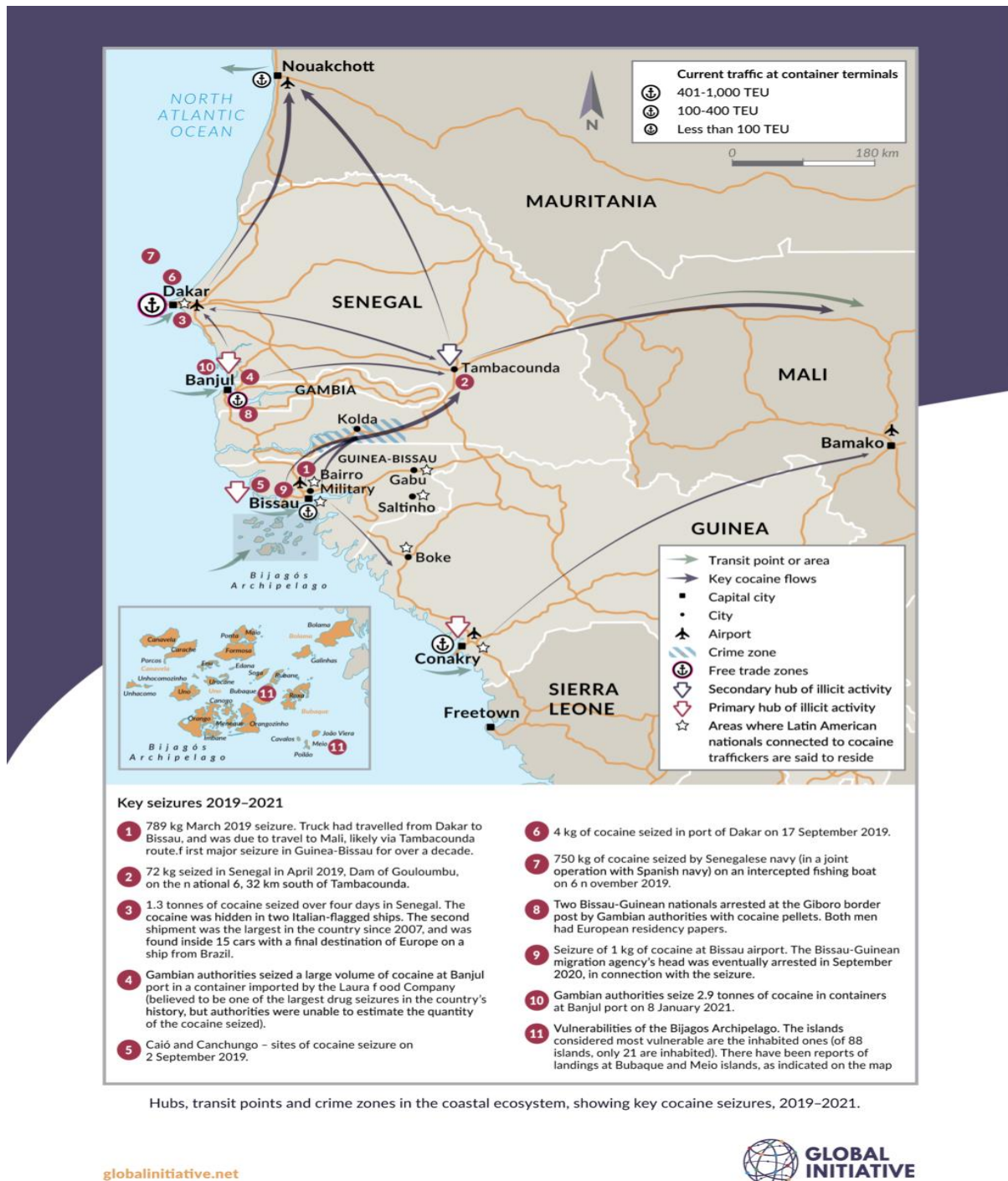


Figure 3: The corridor between Senegal and Guinea, and the geopolitical characteristics underpinning cocaine trafficking in this sub-region.

Source: Global Initiative, 2021.

The drug trade from Asia to Europe is a thriving business that has been going on for many years. The main countries involved in this trade are France, Germany, and Portugal (Insight Crime, 2021). The most commonly traded drugs are cocaine, heroin, and methamphetamine, and the routes used to smuggle them into Europe are constantly changing to avoid detection. But still, the drugs that are transported from Latin America to these European countries are usually cocaine and heroin. The drug trade has had a huge impact on European society, with drug-related crime and addiction causing immense harm. However, the drug trade also provides a lifeline for many people in Asia who would otherwise be living in poverty. For them, the drug trade is a vital source of income and a way to support their families.

Despite the risks, the drug trade from Asia to Europe is likely to continue for many years to come. These drugs are then sold on the streets of these European countries at a high price. The people who are involved in this trade usually have a lot of experience and are very well-organized. They usually use small boats to transport the drugs from Latin America to Europe. These boats are typically manned by a small crew and are loaded with drugs that are then smuggled into European countries. The journey can take several weeks. The drugs are typically hidden in compartments on the boat, and the crew is typically unaware of their presence. Once the boat arrives in Europe, the drugs are unloaded and distributed to dealers. The boats usually depart from Colombia or other Latin American countries and make their way to Spain, Portugal, or other European countries.

Other drug producers utilize go-fast boats for drug transportation. Go-fast boats are small, fast vessels that are difficult to detect and chase. They are typically equipped with powerful engines and can reach speeds of up to 50 knots. This makes them ideal for evading law enforcement and crossing international borders. Drug traffickers often use go-fast boats to transport drugs from Latin America to Europe, where they can fetch high prices. The drug

trade is a dangerous and lucrative business. Drug cartels will continue to use go-fast boats to transport their product to European markets as long as there is demand for illegal drugs.

Figure 2 shows the trafficking routes for drugs from Asia to European nations including France, Germany, and Poland as the final destinations for drugs coming from Latin America (McDermott et al., 2022). The drug trade is a globalized and multi-billion dollar industry, with illicit drugs being produced in countries all over the world. However, the vast majority of drugs that are trafficked internationally come from Latin America. This is because Latin America is the main source of most of the world's cocaine and heroin. Drug cartels in Latin America produce these drugs on a large scale and then transport them to Europe and other markets. They usually use small boats to transport the drugs, as this is the most difficult route for law enforcement to patrol. This route is also known as the "air bridge" because the drugs are typically flown into European airports from Latin America.

One of the primary routes for the transportation of cocaine in Western Africa is the corridor between Senegal and Guinea (Global Initiative, 2021). This corridor is utilized by cocaine traffickers to transmit cocaine from several parts of South America to Europe. The drug is typically smuggled from South America to West Africa, where it is then distributed to Europe and other markets. This corridor is a key transit point for cocaine traffickers, as it provides access to several major cities in the region. In addition, the corridor is used to smuggle other drugs, such as heroin and marijuana (DEA, 2004). The corridor is also used by drug traffickers to smuggle cocaine from Europe to Africa. The corridor is a major transit point for cocaine trafficking because it is located between two major drug trafficking routes: the West African coast and the Maghreb region.

Several geopolitical factors make the Senegal–Guinea corridor an excellent route for the trafficking of cocaine. First, the corridor is located in a region of West Africa that is

relatively stable and free from conflict (Global Initiative, 2022). This makes it an ideal transit point for cocaine traffickers, who can avoid the violence and instability that is common in other parts of the region. However, organized crime gangs typically have control of the route and employ intimidation and violence to safeguard their profits. Second, the corridor is situated between two major drug trafficking routes, which makes it a convenient route for traffickers. Third, the corridor is relatively close to Europe, making it an attractive destination for cocaine traffickers. Finally, the corridor is located in a region of Africa that has a high demand for cocaine.

Figure 3 shows how the North Atlantic Ocean's coastal nations serve as the primary route for South American cocaine to go across West Africa on its way to final markets in Europe (Global Initiative, 2022). Many coastal nations along the North Atlantic Ocean act as the primary conduit for cocaine coming from Latin America through West Africa on its way to end markets in Europe. This is because these countries have the necessary infrastructure and resources to facilitate this type of smuggling operation and support the trafficking of large quantities of cocaine. Additionally, the North Atlantic is a relatively safe and stable region compared to other areas of the world, making it an ideal transit point for illicit goods. The North Atlantic cocaine trade has had a significant impact on the territory, both economically and in terms of security.

West African countries have seen a significant increase in cocaine trafficking activity in current years, which has resulted in a corresponding increase in violence and crime. This has put a strain on the resources of these countries and has hurt their economies. In addition, the North Atlantic cocaine trade has also had a major impact on security in the region, as it has resulted in the increased flow of weapons and other illicit goods. Additionally, the influx of cocaine has put a strain on already-limited resources, such as law enforcement and

healthcare. As a result, the governments of these countries have been working closely with international organizations to try to address the problem.

Electronic Money Laundering

As online financial service companies continue to grow, there is a risk that electronic money laundering will increase. This is because it can be more difficult to track and monitor electronic transactions than traditional financial transactions, and if extreme measures against money laundering are not a high precedence for these companies, then it may be easier for criminals to use them to launder money. Online financial service providers have been involved in some high-profile money laundering instances recently, and if the rise of these businesses is not accompanied by an increase in anti-money laundering measures, this is likely to continue. If those measures against money laundering remain a low priority, then it will be even easier for criminals to launder money electronically. This could have serious implications for the global economy and financial stability and especially if offshore companies continue to offer anonymity and protection from the investigation.

In the hope of combating the increasing rate of drug smuggling in the country, the US government developed the Anti-Money Laundering and Counter-Terrorist Financing Model (AML/CTF) in response to a globalized society (TFL, 2020). The model was designed to ensure drug laws and regulations are enforced within the border and on friendly foreign soil. It also ensured that they were implemented to extreme measures. The AML/CFT is a framework that is utilized by several organizations around the world to mitigate the effect of criminal and terrorist actions in the financial market. Based on data from the International Monetary Fund (IMF), most terrorist groups use legitimate financial organizations to move money around.

The AML was first introduced in 1970. However, following the September 11, 2001 terrorist attack, the government further altered the model's objective to include combating terrorism financing (TFL, 2020). The AML/CFT framework was employed in the makings of numerous anti-money laundering regulations, as well as in preventing the funding of terrorism. They include the IMF/UNODC Model Law on Money Laundering and the Financing of Terrorism (2005) (United Nations, 2023); the UN ODCCP Model Law on Laundering, Confiscation, and International Collaboration Concerning Illegal Trade in Narcotic Drugs, Psychotropic Substances, and Precursors (2003) (United Nations, 2023); UNDCP Model Extradition (Amendment) Bill (2000) (United Nations, 2009); and UN Model Terrorist Financing Bill (2003) (International Monetary Fund, 2022).

The current model for preventing money laundering and funding terrorism (AML/CTF) is not working as intended. There are several reasons for this, the most prominent being that the system is not designed to catch or prevent terrorist financing. Additionally, the AML/CTF only covers formal financial institutions and does not take into account other potential sources of terrorist financing, such as informal networks or private donations. Aside from the formal financial institutions, there are several other potential sources of terrorist financing that are not covered by the AML/CTF regime. These include informal financial institutions such as hawala dealers and moneylenders, as well as non-financial sources such as donations from individuals, charities, or businesses. The lack of coverage of these potential sources of financing means that the AML/CTF regime is not comprehensive in its approach to combating terrorist financing. This could potentially allow terrorist groups to access the financing they need to carry out their activities, posing a serious threat to national security.

Previous Frameworks on Drug Smuggling and Possible Linkages to Terrorism Funding

The convergence thesis was suggested by Williams in 1998, who observed that terrorist groups were increasingly engaging in illegal activities traditionally associated with

organized crime (Williams, 1998). This amalgamation of criminal and terrorist elements into a single phenomenon has been variously referred to as "terrorized crime," "criminalized terrorism," or "terroristic crime." This is because terrorist groups are increasingly engaging in illegal acts such as drug smuggling, money financial crimes, and trafficking of people in order to finance their operations. This has led to a situation where the distinction between organized crime and terrorism is vanishing. Williams argued that this trend represented a new and dangerous form of violence that was more difficult to prevent and respond to than either traditional crime or terrorism (Williams, 1998).

There are a number of reasons why terrorist groups may increasingly turn to criminal activities. First, criminal activities can provide a source of funding for terrorist operations (Fromiti, 2022). Second, engaging in criminal activities can help terrorist groups to gain access to weapons and other resources. Finally, criminal activity can aid terrorist organizations in avoiding law enforcement capture and detection. Law enforcement and security organizations are faced with a number of difficulties as a result of the fusion of terrorism and organized crime. First off, it can be challenging to distinguish between criminal and terrorist conduct, making it difficult to allocate resources and prioritize investigations. Second, the cross-border nature of both terrorism and organized crime makes it difficult to track and disrupt their activities. Finally, the increased use of violence and the willingness of terrorist groups to target civilians makes it difficult to negotiate and resolve conflicts.

An increasing corpus of data suggests close link between organized crime and terrorism (Fromiti, 2022). This so-called "organized crime-terrorism nexus" refers to the joint espionage between these two forces, often with the aim of carrying out illegal activities. It is of great concern to policymakers and law enforcement officials, as it poses a unique and complex challenge to national security. There are several reasons why terrorists and organized crime can decide to collaborate. For one, they often share similar goals and

objectives, such as destabilizing a government or promoting fear and insecurity. What's more, they both rely heavily on illicit financial networks to fund their operations. This makes it easier for them to pool resources and expertise, and to carry out joint ventures. Another theory is that both groups are seeking to exploit weak and failed states. Another is that they are both seeking to undermine the authority of the state. Whatever the reasons, the organized crime-terrorism nexus is a serious security challenge that must be addressed. There are a number of examples of the organized crime-terrorism nexus in action. One of the most well-known is the case of the so-called "Pizza Connection," in which the Sicilian Mafia worked with terrorist groups to smuggle heroin into the United States.

The transformation thesis is a theory that suggests that criminal activities can mutate or migrate into political terrorism, or vice versa (Fromiti, 2022). This theory has been debated by scholars for many years, and there is no definitive answer as to whether or not it is true. Recent years have seen a lot of debate over the evolution of criminal activity into political terrorism, or vice versa. Some experts believe that this is a natural progression, as criminals become more sophisticated and desperate to achieve their goals. Others believe that the two are completely separate phenomena and that the transformation is more a matter of convenience or opportunity than anything else. Whatever the cause, there is no doubt that the transformation is happening, and it is having a profound impact on the way we view crime and terrorism. For example, the 9/11 attacks were carried out by terrorists who had a criminal background such as drug trafficking. Additionally, some political terrorists have been known to engage in criminal activities such as money laundering in order to finance their operations. And, in many cases, the two are now becoming intertwined, with criminal gangs carrying out terrorist attacks, and terrorist groups engaging in criminal activities to finance their operations. For law enforcement and security agencies, this shift presents a significant problem, for they must now deal with a far more complex and dangerous enemy. It is also a

challenge for society as a whole, as people make an effort to accept the new reality of crime and terrorism. While the transformation thesis is not conclusive, it is an interesting theory that warrants further study.

Technological Advancement by Organized Crime Groups

This ever-changing landscape of both drugs and terrorism presents new challenges for authorities daily, and it can be difficult to keep up. In many cases, the methods used to track down drug smugglers and terrorists are outdated and ineffective. This is a serious issue that requires attention to keep both drugs and terrorism under control. The evolving nature of the internet has made it difficult to regulate the sale and distribution of illegal drugs. The anonymous nature of the internet also makes it a haven for terrorist groups to raise funds and recruit new members. The lack of a clear legal framework surrounding the issue of drugs and terrorism has impeded law enforcement's ability to stay current with emerging trends and technology.

There have been several recent instances of federal and state laws and policies enacted in regard to drug smuggling and terrorism financing. However, many of these laws and policies have neglected to take into account the new modern technologies that are now available. This has created a number of loopholes that smugglers and terrorists can exploit in order to avoid detection and prosecution. One of the most common ways that smugglers and terrorists avoid detection is by using digital currencies such as Bitcoin. These currencies are not subject to the same policies and regulations as traditional fiat currencies and can be used to anonymously send and receive payments. Because of this, it is incredibly challenging for law enforcement to keep track of and trace the flow of these monies. Another way that smugglers and terrorists avoid detection is by using encrypted communication tools such as WhatsApp and Signal. Because of these tools, it is incredibly challenging for law enforcement to listen in on discussions and follow the whereabouts of persons engaged.

Finally, many smugglers and terrorists also make use of anonymous online marketplaces such as the now-defunct Silk Road. These marketplaces allow them to buy and sell illegal goods and services without leaving a trace. If law enforcement is going to be effective in combating drug smuggling and terrorism financing, they need to make sure that their laws and policies take into account the new technologies that are being used by those involved. Otherwise, the smugglers and terrorists will continue to find ways to avoid detection and prosecution.

Street Level Law Enforcement Interception and Surveillance

Law enforcement agencies have long relied on interception and surveillance techniques to investigate and prosecute drug trafficking organizations. However, these organizations have increasingly adopted encryption and other means of concealment, making the collection of evidence by law enforcement more challenging. The ability of law enforcement to investigate and prosecute drug trafficking crimes has been significantly impeded by this tendency, which has also sharply increased the number of unsolved cases.

There are a few different types of anonymizers that are commonly used when surveilling drug traffickers. The most common is a Virtual Private Network (VPN). This type of anonymizer encrypts all traffic between your computer and the VPN server, making it impossible for anyone to spy on your activities. Another popular type of anonymizer is the Tor network. This network routes your traffic through a series of relays, making it very difficult to track your activities. Finally, there are web-based anonymizers that route your traffic through a proxy server. This type of anonymizer can be very effective, but it is important to choose a reputable proxy server that will not sell your data to the highest bidder.

Anonymizers are used to surveil drug traffickers by concealing the identity of the user. By using an anonymizer, drug traffickers can avoid being identified by law enforcement. Anonymizers work by routing the user's traffic through a server that conceals the user's IP

address. Because of this, it is challenging for law enforcement to monitor user activity. Illegal activities conducted through anonymizers can be risky for a number of reasons. First, if the criminal is caught, they can be linked to the anonymous data source and held accountable. Second, anonymizers can be used to hide illegal content, making it more challenging for law enforcement to locate and bring criminals to justice. Finally, anonymizers can be used to communicate anonymously with others involved in criminal activity, preventing communications from being tracked and intercepted by police enforcement.

In the neglect to include new technologies in the drug and terrorism financing laws, a number of problems have risen, as the old methods of detection and prevention are no longer effective. For example, traditional law enforcement techniques such as wiretapping have become obsolete, as smugglers can now use encrypted communications to avoid detection. Similarly, traditional financial institutions are no longer competent to track and interrupt the movement of terrorist financing, as new digital currencies such as Bitcoin can be used to anonymously send and receive funds. The lack of modernization in these laws and policies has made it more difficult for authorities to effectively combat drug smuggling and terrorism financing. In order to keep up with the changing landscape, it is essential that federal and state lawmakers take into account the new technologies being used by criminals. Only then will they be able to develop effective strategies to combat these serious threats on a successful manner.

CHAPTER 2

STATEMENT OF PURPOSE

Statement of The Problem

Drug smuggling has long been acknowledged as a serious problem in the US, having negative effects on national security, public health, and safety. Yet, since current technical advancements and new logistical components of drug smuggling have emerged, law enforcement organizations now face fresh obstacles in their fight against drug trafficking. It has become more challenging to locate and bring drug smugglers to justice in particular because of the low rates of interception and surveillance by law enforcement organizations, the use of electronic money laundering, and out-of-date laws and acts.

Despite numerous attempts to curb drug trafficking, drug smugglers continue to adapt and innovate in their tactics and methods, using new technologies and exploiting weaknesses in the legal system. The use of encrypted communication, drones, and global fluidity in drug smuggling operations has made it easier for smugglers to evade detection and launder their profits. Additionally, current laws and acts may not adequately address these new forms of drug smuggling and the use of modern technologies, leading to a legal response that is ineffective and outdated. These issues are of critical importance as drug smuggling continues to fuel organized crime and terrorist activities, creating a significant threat to public safety and national security. Therefore, it is necessary to examine the threats in reaction to the modifications in the logistical aspects of drug smuggling and modern technological methods

to identify areas for improvement and develop more effective strategies for combating drug trafficking.

METHDOLOGY

Drug smuggling is a global issue that poses a significant challenge to law enforcement agencies worldwide. This study will examine recent advancements in the logistical aspects of drug smuggling and contemporary technical techniques that have made it challenging for law enforcement organizations to successfully contain the illicit drug epidemic. The study will look into the difficulties that law enforcement agencies are having adapting to these developments and the strategies they are using to deal with the problem.

The research will focus on the hypothesis that there is an absence of laws on drones and encrypted communication within and outside the U.S. border, global fluidity, and insufficient laws to combat changing technologies, money laundering and drug trafficking activities. It will examine the current anti-drug smuggling and terrorist funding laws to see if they align with the more modern methods of drug smuggling/terrorist funding. The study will use a mix of secondary analyses of qualitative data. The primary data will consist of existing research to identify the most effective current methods used by organized terrorist groups to smuggle drugs to finance their operations, and "legal research" to identify current anti-drug smuggling and terrorist funding laws.

Qualitative ethnography will be used to understand the real-life environment as given by the different legal reports that are used. This approach is less controlled and more interpretive, providing more than the basis for the analysis of a better solution for this matter. The objective of this research is to provide contextual real-world legal responses to drug smuggling as used by organized terrorist groups, including the newly added methods that

have contributed to its increase. The findings of this research will contribute to the development of effective strategies to help law enforcement authorities fight drug trafficking and associated criminal activity. This study is critical, as it will inform policymakers and law enforcement agencies about the most effective ways to address the issue of drug smuggling and ensure that the U.S. laws align with the current methods of drug smuggling/terrorist funding.

CHAPTER 3

LITERATURE REVIEW

Use of Drones at the U.S. Mexican Border

Recently, as indicated in Shields' article "Air Traffic Control: How Mexican Cartels are utilizing Drones to traffic narcotics in the United States," there have been reports of cooperation between drug cartels and terrorist groups in Mexico and Central America (Shields, 2017). The organized crime-terrorism nexus is an issue that needs to be addressed on a worldwide scale. By better understanding the reasons behind this cooperation, we can more effectively combat both organized crime and terrorism. Studies have suggested better ways to address the organized crime-terrorism nexus. One is to focus on the underlying reasons for the collusion and to address those. Another is to improve intelligence-gathering and law enforcement cooperation in order to disrupt and dismantle the networks involved. Whatever the approach, the organized crime-terrorism nexus is a challenge that that needs to be treated seriously.

A rising body of evidence suggests that Mexican gangs are using drones to smuggle drugs into the U.S. Various studies have shown that these drones are being used to transport drugs across the border, and they are becoming increasingly difficult to detect and intercept (Shields, 2017). In addition to drones having the advantages of being small and low altitude, the cartels have been equipping them with sophisticated jamming technology to evade detection. Law enforcement efforts to counter this method of trafficking have had limited

success, as the drones are constantly evolving to become harder to detect. As the technology behind these drones continue to advance, countermeasures must also evolve to stay ahead of the cartels in the game of maintaining our borders.

One method of counteracting the cartel's efforts has been the implementation of radar systems along the border (Shields, 2017). These systems are more advanced than the conventional radar systems used by law enforcement and are able to pick up on the signature of the drones, as well as their controller signals. By tracking the signals and monitoring areas for suspicious activity, law enforcement can quickly identify and take appropriate action when incursions are being made. Additionally, signal-jamming systems have been installed to disrupt the control signals, making it harder for the drones to enter these areas. Another method of countering the use of drones by drug cartels is to deploy unmanned aerial systems (UAS) of their own. Rather than seeking out the drones, the UASs can intercept them, tracking and disabling them before they can enter the target area. However, this method requires a high level of technical expertise and coordination, and a significant amount of capital to implement. This is quite possible to do with the budget allocated in most border agencies. The article also discusses the limitations of current drone detection systems and proposes a new system that uses transfer learning from deep neural networks to improve accuracy and efficiency.

Unauthorized UAVs pose a major risk to the security of the general people, particularly near the border. The article by Al-Qubaydhi, Nader, et al. "Detection of Unauthorized Unmanned Aerial Vehicles Using YOLOv5 and Transfer Learning." discusses the failures of current drone detection systems (Al-Qubaydhi, Nader, et al, 2022). The article states that most current detection systems rely on human operators to identify and track drones, which can be time-consuming and difficult. In addition, these systems are often unable to properly identify drones, leading to false positives and false negatives. In this study,

a YOLOv5-based object detector was used to detect unauthorized UAVs in images and video. The detector was trained using a transfer learning approach. The results showed that the detector was able to accurately detect unauthorized UAVs in images and video with a high degree of accuracy.

The results also demonstrated that the detection performance was improved by using a larger training dataset (Al-Qubaydhi, Nader, et al, 2022). In addition, the utilization of Darknet-53 Backbone further improved the performance of the model. The proposed detector would be useful for detecting unauthorized UAVs in the wild and can help to ensure the safe operations of UAVs in the future. The article goes on to propose a new drone detection system that uses transfer learning from deep neural networks. This system is designed to be more accurate and efficient than current systems, and it may be able to help solve the problem of detecting drones. However, the article does not discuss any potential failures of this new system.

Use of encrypted communication and transaction within and outside the U.S. border

As viewed in Fromiti's article "Organized crime module 16 key issues: Theoretical frameworks on the linkages between organized crime and terrorism," the author studies the use of encrypted communication and transaction within and outside the United States' border. The study found out that to finance their illegal activities, drug dealers have increasingly turned to the use encrypted transactions. This allows them to escape detection by law enforcement and to move their money around without being traced (Fromiti, 2022). Encrypted transactions are often made using digital currencies such as Bitcoin, which provide a high degree of anonymity. In addition, drug dealers have also been found to use prepaid cards and gift cards to finance their activities. The study also highlights the need for a better understanding of how encryption is being used by organized crime groups and how law

enforcement agencies can address the issue. The problem for law enforcement agencies comes from the fact that most of these encrypted transactions evolve.

As digital commerce has become increasingly prevalent, the need for secure transactions has also grown. Encrypted transactions use a variety of methods to protect data, including public and private key encryption, digital signatures, and hashing (Fromiti, 2022). While the basic principles of encryption have remained the same, the technology has evolved to become more sophisticated and secure. For example, newer methods such as quantum cryptography are beginning to be used to foil even the most sophisticated attempts at data breaches. As the threat landscape continues to evolve, so too will the methods used to protect against it. Encrypted transactions will continue to be a vital part of keeping data safe, and the technology will keep developing to meet the needs of the ever-changing security landscape. The study recommendations include better information sharing between governmental agencies and greater collaboration between law enforcement and businesses from the private sector in order to disrupt encrypted communications used for criminal activities.

In recent years, police forces around the world have increasingly turned to data analytics to help them detect and investigate drug smugglers and digitally-made transactions (Fromiti, 2022). One area where this has proved particularly useful is in the tracing of drug finances, where the use of encrypted transactions can make it difficult to track the flow of money. Police forces have utilized a variety of methods to try and decrypt encrypted transactions, with varying degrees of success. In some cases, they have been able to obtain the private keys needed to unlock the transaction data. In other cases, they have used sophisticated data analysis techniques to try and identify patterns in the data that can help them to trace the money. However, the use of encryption by criminals is constantly evolving, and police forces are having to continually adapt their methods to keep up. As such, it is an

ongoing battle for police forces to try and stay one step ahead of those who are using encryption to finance their illegal activities.

The Fromiti study has shown that it is possible to trace drug finances in encrypted transactions. This is a breakthrough in the fight against drug trafficking, as it allows law enforcement to track the flow of money from drug dealers to drug cartels (Fromiti, 2022). The studies have shown that by analyzing the blockchain data of certain cryptocurrencies, it is possible to identify which transactions are associated with drug activity. This information can then be used to track the flow of money and ultimately disrupt the finances of drug cartels. However, the rise of cryptocurrencies has made this task much more difficult. Cryptocurrencies are often used to buy illegal drugs online, and their encryption makes it very hard to trace the source of the funds. There are a few methods that have been proposed for tracking cryptocurrency transactions, but so far none of them have been very effective. The most promising method is to try to identify the wallets that are used to store the proceeds of drug sales. This can be done by looking for patterns in the transactions, such as repeated transfers to and from the same wallet. However, even this method is not perfect, and it is very difficult to track down all of the wallets that are used in this way. As a result, the tracing of drug finances in encrypted transactions is still a very difficult task.

Use of Global Fluidity

The United States has long been concerned about the migration of drug money. There have been numerous high-profile cases involving the in recent years, especially with the movement of drug money through the U.S. financial system (Fromiti, 2022). In response to the high-profile cases, the U.S. government has adhered to several steps to try to prevent the movement of drug money. One of the most important steps has been to require financial institutions to report suspicious activity. This reporting requirement has led to the discovery of several cases where the financial system was being used to transport drug money. In

addition, the U.S. government has worked with foreign governments to try to track and seize drug money that is being moved internationally. Moreover, the U.S. government has taken actions to try to prevent drug money from being used to buy assets on U.S. soil. For instance, the government has passed laws making it unlawful to purchase specific types of real estate with proceeds from the sale of drugs. Also, the government has tried to freeze the assets of individuals and groups that are thought to be involved in drug trafficking. The American government has had some success in its efforts to stop the flow of drug money. Yet, the issue continues to be of great concern, particularly in light of the development of technology, and the government is constantly looking for fresh solutions.

Globalization and new technologies have presented difficulties for drug law enforcement in the twenty-first century, claims Ghodse (2016). It has proven challenging for law enforcement organizations to efficiently target and apprehend people involved in drug manufacture, trafficking, and consumption due to their worldwide nature (Ghodse, 2016). In addition, modern technology has made it simpler for drug traffickers to organize their actions and communicate with one another, making it more challenging for law enforcement to interfere with their business. Ghodse argues that drug law enforcement agencies need to adapt their strategies and tactics in order to address these challenges. In particular, he suggests that international cooperation and information sharing are essential for law enforcement agencies to be able to effectively target those involved in drug trafficking. Additionally, Ghodse (2016) argues that law enforcement agencies need to make use of new technologies to monitor and disrupt the activities of drug traffickers. Finally, Ghodse emphasizes the importance of monitoring public perception and ensuring public support for law enforcement efforts in order to ensure that drug law enforcement is effective.

Since the early 1980s, the U.S. government has worked with foreign governments to try to track and seize drug money that is being moved internationally (Ghodse, 2016). This

effort has been hampered by the fact that drug traffickers often use sophisticated financial techniques to move their money around, making it difficult to track. Yet, the American government has had success in this area recently and has captured millions of dollars' worth of drug money. The cooperation between the US government and the UN Office on Drugs and Crime has made this feasible (UNODC). Even with the efforts to track down the drug smugglers, frameworks, laws, regulations, and policies surrounding drugs and terrorism have yet to catch up with modern times.

Exploitation of Technological Advancements by Organized Crime Groups

Organized crime continues to take advantage of the technological advances for offensive and defensive purposes. For example, they may use social media to recruit new members and to communicate with each other. They may also use encryption to protect their communications and to hide their activities from law enforcement. In addition, they may use technology to facilitate money laundering and other financial crimes. They may use online tools to launder money and to buy and sell illegal goods and services. Organized crime groups are likely to continue to develop, and possibly employ, cyber capabilities to achieve their goals. As cyber capabilities mature and the cyber threat landscape evolves, organized crime groups may be capable of launching cyberattacks that cause significant disruption or result in large-scale theft. Organized crime groups are likely to continue to develop their own cyber capabilities, as well as steal and purchase them.

Technology and organized crime will continue to be entwined in the future and may even become more important as the number of tech-savvy criminals grows. From crime syndicates such as MS-13 to sophisticated cybercrime networks and lone wolves, criminals will continue to use technology as a tool to accomplish their objectives. Internet of Things (IoT) development will lead to another shift in the criminal front, creating new avenues for criminal activity and exploitation.

Advancement In Criminal Technology

As the world increasingly moves online, opportunities for all forms of crime are expanding. With more and more people communicating, transacting, and doing business online, there are more opportunities for criminals to exploit. Both financial and cybercrimes, including hacking and identity theft, are on the rise. Financial crimes include fraud and money laundering. Even established criminal activities like prostitution and drug trafficking are finding a new home online. As the internet continues to grow and evolve, so too will the criminal underworld. In his article, Ghodse (2016) states that as online communication, finance, and commerce continue to increase, chances for all forms of crime are likely to increase. This is because more people are using these services and more money is being exchanged online. Criminals can take advantage of this by carrying out scams and frauds, or by stealing people's personal and financial information. People may suffer a considerable deal of physical and financial harm as a result of this. It is therefore important that everyone takes precautions when using these services, and that they report any suspicious activity to the authorities.

The literature on drug trafficking and terrorism financing has increased in recent years, with a number of studies providing valuable insights into the efficacy of law reforms in this area. In particular, research has shown that drug trafficking is a significant source of funding for terrorist groups and that laws targeting this activity can have a significant impact on the financial resources available to these groups (Tofangsaz, 2015). Studies have also shown that drug trafficking and terrorism financing are closely linked, with a significant portion of drug trafficking proceeds being used to finance terrorist activities. This has led to calls for increased cooperation between law enforcement agencies in targeting both drug trafficking and terrorism financing. There is a growing consensus among experts that law reforms targeting drug trafficking and terrorism financing are essential in order to effectively

combat these activities. The current literature provides a valuable resource for policy-makers and law enforcement officials in this area and should be used to inform future decision-making in this area. However, as much as drug trafficking and terrorism are closely linked, it is ideal to first get the changes implemented in order to advocate for law reforms.

CHAPTER 4

CURRENT U.S. LAWS TO COMBAT ORGANIZED DRUG TRAFFICKING

Drug Laws

The United States has a number of federal and state regulations regarding drug possession and trafficking activities such as drug possession, manufacture, distribution, and trafficking. The primary federal law regulating drugs is the Controlled Substances Act (CSA), Public Law 91-513, 84 Stat. 1236 (1970), which was enacted by Congress (Stolberg, 2016). It controls the production, importation, ownership, consumption, and distribution of specific substances. Drugs are categorized by the CSA into five schedules depending on their safety profile, propensity for abuse, and medical applications. Whereas Schedule V medicines have a low potential for misuse and are frequently used for medical purposes, Schedule I drugs are regarded as the most hazardous, have a high potential for abuse, and have no generally acknowledged medical use.

These medicines are in schedule I because they have a high risk of misuse and addiction and no currently recognized medicinal value. Some examples include marijuana, LSD, and heroin. Although these medicines are in schedule II, they do have recognised medicinal uses that are subject to stringent regulations and have a high risk of abuse and addiction. Examples include cocaine, methamphetamine, and fentanyl. These medicines are classified as schedule III because they have a moderate to low risk of abuse and addiction and recognized medicinal applications. Examples include several depressants and anabolic

steroids. These medications are in schedule IV because they have established medicinal uses and a low risk of abuse and addiction. Benzodiazepines and a few other stimulants are examples. These medications are in schedule V because they have established medicinal uses and the lowest risk for misuse and addiction. Examples include codeine-containing cough medications. The categorization of a drug into a specific schedule can have significant legal implications, such as determining the severity of penalties for drug-related offenses and regulating the medical use of certain substances.

84 Stat. 1236, the CSA Pub. L. No. 91-513 (1970) imposes penalties for drug-related offenses that vary depending on the schedule of the drug involved and the severity of the offense (Stolberg, 2016). For example, possession of a Schedule I or II drug can result in a maximum 20-year jail sentence and a maximum fine of \$1 million for a first offense, while possession of a Schedule V drug may result in a misdemeanor charge with a lesser penalty. The penalties for manufacturing, distributing, or trafficking drugs are even more severe and can include life imprisonment and fines of up to \$10 million for repeat offenders.

The Anti-Drug Abuse Acts of 1986, Pub. L. No. 99-570, 100 Stat. 3207 (1986) and Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, 102 Stat. 4181 (1988) increased punishments for drug-related crimes and money for programs that treat and prevent drug use (Delgado, 1981). The U.S. Congress passed the Anti-Drug Abuse Acts of 1986 and 1988 as two pieces of legislation to combat the nation's rising drug misuse and trafficking issues. The 1986 Act strengthened the punishments for drug-related offences, including the imposition of mandatory minimum sentences for specific drug offenses. To coordinate the country's efforts in drug control, it also created the Office of National Drug Control Policy. The 1988 Act increased the severity of drug-related punishments and provided funds for programs that treat and prevent drug use. It established the Drug Enforcement Administration's Domestic Cannabis Eradication/Suppression Program, which sought to end illegal marijuana cultivation

in the United States, and the Drug-Free Workplace Program, which required federal contractors and grantees to maintain drug-free workplaces (U.S. Drug Enforcement Administration, 2022).

While federal law provides a framework for drug regulation and enforcement, each state also has its own laws related to drug manufacture, possession and trafficking (Office of National Drug Control Policy, 2020). These laws can vary widely in terms of penalties and sentencing. Some states have even legalized or decriminalized certain drugs, such as marijuana and psychedelics. For instance, marijuana will be legal for recreational use in 19 states and the District of Columbia as of March 2023, while it will also be permitted for medical use in 37 states and territories (Roberts, 2023). Similar to Oregon, California, and Colorado, other states have decriminalized the use and possession of small amounts of specific psychedelics for therapeutic purposes (Roberts, 2021). However, it is crucial to note that while these regulations may allow for legal usage of some medicines, they still prohibit drug trafficking and sale outside of regulated channels. Penalties for illegal dealing in drugs such as marijuana can then become consequential.

States may also have drug-specific laws that impose additional penalties or restrictions. For instance, some states have laws requiring mandatory minimum sentences for specific drug-related offenses, while others have rules that impose heavier punishments for drug offenses committed close to schools or other public spaces. Drug possession and trafficking laws have largely been successfully enforced. These limitations come in when they fail to reduce the drug use, addiction, trafficking and smuggling into the country. Some people suggest that they have instead fuelled the growth of black markets and organized crime.

The Use of Drones

At present, there are no specific laws governing the use of drones in the United States' fight against drug smuggling. However, only New Jersey has prohibited the use of Unmanned Aircraft Systems (UAS) or drones for the delivery of medical marijuana (State of New Jersey, 2023). The New Jersey Department of Health has specified that medical marijuana may only be dispensed by a licensed dispensary to a registered patient or caregiver in person at the dispensary location (State of New Jersey, 2023). This means that medical marijuana cannot be delivered to patients or caregivers through the use of drones or any other unmanned systems. Still, the Federal Aviation Administration (FAA) has issued guidance on the use of drones for law enforcement purposes, which includes the war on drugs (Fennelly & Perry, 2020). The FAA guidance requires that drones be operated in a way that respects their Fourth Amendment rights without doing so, and that they be used in a way that is consistent with other laws and regulations. For example, drones cannot be used to conduct warrantless searches or seizures, and they must be utilized in a manner that respects people's right to privacy. Despite the lack of precise regulations limiting drone usage in the drug war, the FAA provides some guidelines on how they can be used. Additionally, state and local governments may have their own rules and regulations governing the use of drones in their jurisdictions (McNeal, 2022).

The Use of encrypted communication within and outside the American border

The drug war in the US has resulted in tougher regulations on encrypted transactions and communication. Even while there are still some legal ways to utilize encryption, the overall picture has altered recently. The USA PATRIOT Act, Public Law No. 107-56, 115 Stat. 272, and the Electronic Communications Privacy Act (ECPA), 18 U.S.C. 2510-2522 (2001) are two major pieces of legislation that have been used to regulate encryption and other forms of communication. The ECPA is a U.S. federal law enacted in 1986 that sets

forth rules regarding the interception of electronic communications, including email, wiretapping, and other forms of electronic surveillance. The ECPA has been amended several times since its initial enactment to account for changes in technology and to clarify the rules and exceptions to the general prohibition on electronic surveillance. For that, it allows law enforcement to access some encrypted communications without a warrant if they are determined to be related to a crime (Kerr, 2014).

Similar to this, the USA PATRIOT Act, Pub. L. No. 107-56, 115 Stat. 272 (2001), grants the government the right to eavesdrop on and decrypt the communications of certain people and organizations it suspects of engaging in terrorism (Lee, 2003). The USA PATRIOT Act is a U.S. federal law that increases the government's capacity to conduct surveillance and look into potential terrorist activities. It was passed in reaction to the terrorist attacks of September 11, 2001. The law provides for the sharing of information between government organizations and the business sector and expands eavesdropping and monitoring of electronic communications, including email. The USA PATRIOT Act has received a lot of attention and controversy due to concerns over its impact on civil liberties and privacy.

Moreover, it's critical to remember that international laws and regulations may vary. For example, countries like Russia, China, and the United Kingdom may have different laws when it comes to encryption. It's important to check with the specific regulations for each country before attempting to use encryption for communication or transactions. Finally, many companies now have their own regulations surrounding the use of encryption. For instance, Apple has made some changes to its iCloud encryption standards in response to the U.S. government's demands for access. Similar to this, several businesses have put encryption rules in place to safeguard their clients' information. Generally, as the need for data and information protection grows and new laws are put into place, the usage of encryption is

becoming more and more crucial. When it comes to protecting data and communication, it's critical to be aware of the potential risks connected to encryption and to make educated judgments about how to utilize it.

Money Laundering in Drug Trafficking Activities

Money laundering has been in existence since the 1980s and continues to manifest further in drug trafficking groups (TFL, 2020). Under Section 1956 of the 18 U.S. Code, it is illegal to participate in financial transactions with the intent of advancing the conduct of designated illegal activity, which includes drug smuggling businesses. A federal legislation that makes money laundering acts illegal, particularly those connected to drug trafficking, is Section 1956 of the 18 U.S. Code, which deals with the laundering of monetary instruments. The practice of money laundering, which involves using the proceeds of unlawful operations like drug sales to perform financial transactions in order to disguise the source and ownership of the cash, is forbidden by law. The focus of the law is on preventing individuals from using money earned through illegal drug activities to hide the true source of the funds, rather than regulating the structure of financial regulations. Additionally, some have prosecuted people who engage in U.S. tax evasion or file fraudulent tax returns using the same statute. The goal of the regulation is to prevent people from engaging in financial transactions to disguise the source and ownership of cash by using earnings from criminal operations, such as drug sales. This practice is known as money laundering (TFL, 2020). It also qualifies if the seller knew the transaction was being done in whole or in part to hide the illegal nature, where it came from, who owned it, or how much control it had over the proceeds of a certain illegal conduct.

Using a method known as "structuring," money launderers can get around a requirement under federal or state law to record transactions (Hayes, 2003). In order to do this, a large sum of money must be divided up into smaller transactions that don't require

mandatory reporting. For example, if the threshold for reporting is \$10,000, the launderer might break up \$50,000 into five transactions of \$9,000 or less. By doing so, they can avoid raising suspicion and triggering a report of the transactions to law enforcement agencies. However, structuring itself is a crime and can lead to prosecution under state and federal laws.

Denial of federal benefits is one of the federal and state punishments for drug and terrorism financing, among others. Federal drug trafficking penalties under 21 U.S.C. 853 and the USA/Patriot Act, as well as forfeiture of personal property and real estate under 21 U.S.C. 862. They are designed to deny benefits to those who are involved in illegal activity. Convicted drug traffickers are not permitted to receive any federal benefits, including Social Security, Medicaid, and other programs, in accordance with 21 U.S.C. 862. The federal government is permitted by the Controlled Substances Act to refuse benefits including student loans, scholarships, and contracts to anyone who has been convicted of drug crimes. This clause imposes additional sanctions in addition to criminal ones in order to deter drug use and trafficking. 21 U.S.C. 853 permits the government to take and forfeit the real and personal property of people who have been found guilty of financing terrorism and drug trafficking. The Comprehensive Drug Abuse Prevention and Control Act contains a provision that permits the government to take assets and property related to drug trafficking charges. This provision is intended to disrupt drug trafficking activities by depriving individuals and organizations of the proceeds of their illegal activities. Those who engage in drug trafficking or other illegal behavior may be subject to it as punishment.

Federal Sanctions for Drug Trafficking, the laws governing the trafficking of controlled narcotics, including as marijuana, cocaine, heroin, and methamphetamine, are outlined in 21 U.S.C. 841. The Comprehensive Drug Abuse Prevention and Control Act has a section that specifies the criminal consequences for drug trafficking violations. The law sets

forth minimum and maximum sentences depends on the kind and amount of narcotics used in the crime. This provision has been used to prosecute individuals and organizations involved in drug trafficking. The penalties imposed under this statute depend on how much of a controlled narcotic was used, the offender's criminal history, and whether the offense involved violence or the threat of violence. The maximum penalty for drug trafficking is life in prison. These laws help to keep our communities safe by deterring criminal activity and making it harder for criminals to make money off of their illicit actions. They also provide stiff penalties for those who are caught trafficking or possessing the drugs and make it illegal to intentionally support terrorist organizations with money. It helps to stop the spread of illegal narcotics and the funding of terrorism by upholding these rules.

Those who possess controlled narcotics may face penalties under the Federal Drug Possession Penalties under 21 U.S.C. 844(a). The amount of drugs involved determines the severity of the sanctions and whether the offender has prior convictions for drug offenses. For instance, a first-time offender found guilty of having a little amount of marijuana could spend up to a year in jail and be fined \$1,000. A repeat offender who is found to be in possession of bigger amounts of some banned substances, however, may be sentenced to up to 20 years in prison and a fine of up to \$1 million. Moreover, a fine and/or a few months in jail are possible penalties for having a small amount of marijuana for personal use, while possession of large quantities of drugs like cocaine or heroin can result in several years or even decades in federal prison (21 U.S.C. § 844). These penalties are designed to deter drug use and trafficking, and to punish those who violate drug laws.

The USA PATRIOT Act is a federal law that was enacted in 2001 as a result of the terrorist attacks on September 11, 2001. The law significantly expands law enforcement and gives intelligent organizations the power to investigate and deal with terrorist activity. Moreover, the PATRIOT Act has provisions that target the financing of terrorism. For

instance, it is illegal under the law to intentionally give resources or material assistance to a designated terrorist organization. Giving a recognized terrorist organization material support or resources knowingly becomes illegal under the statute. This covers resources including cash, gear, instruction, and other kinds of assistance. The legislation also makes money laundering illegal. It involves transporting money covertly from one location to another without revealing its origin or final destination. Additionally, the PATRIOT Act grants the government more latitude to freeze and take the assets of alleged terrorists and those who support them. The PATRIOT Act has been a controversial law since its inception. Some people argue that the law goes too far in eroding civil liberties, while others argue that it is necessary to protect the country from terrorist threats.

High Technology Drug Smuggling

In addition to the money laundering laws that were mentioned in the previous paragraphs, there are also a number of laws that address high-tech drug smuggling. One such law is 109-177, the Fight Methamphetamine Epidemic Act of 2005. The sale of some over-the-counter drugs that can be used to make methamphetamine is restricted under this regulation. To help fight the manufacturing and distribution of methamphetamine, the Combat Methamphetamine Epidemic Act of 2005 (CMEA) was passed (Pub. L. No. 109-177). Ephedrine or pseudoephedrine, which are essential components in the synthesis of methamphetamine, are prohibited from being sold by the CMEA. The law mandates businesses to keep these products behind the counter, limit the quantity sold to an individual, and require photo identification and a signature from the purchaser. For individuals who knowingly or recklessly offer these products in contravention of the law, the CMEA additionally imposes criminal penalties. According to the law, these prescriptions must be kept behind the counter or in a locked cabinet, and anyone purchasing them is required to

provide identity and sign a logbook. The quantity of these medications that a person may purchase in a specific period of time is also restricted by law.

Another law that addresses high-tech drug smuggling is the Electronic Prescriptions for Controlled Substances Act, Pub. L. No. 111-273 (EPSCA). This law was enacted in 2010 and requires that all prescriptions for controlled substances be transmitted electronically from the prescribing healthcare provider to the dispensing pharmacy. The law allows for electronic prescriptions for controlled substances, which helps to reduce the likelihood of prescription fraud and abuse. The EPSCA requires a secure electronic prescription system that includes identity verification, audit trails, and other security measures to prevent unauthorized access or use of patient information. This is intended to prevent prescription drug fraud and abuse, as well as to make it more difficult for criminals to obtain controlled substances through fraudulent means.

The Controlled Substances Act (CSA), Public Law 91-513, 84 Stat. 1236, enacted in 1970. (1970) is another federal law that addresses drug possession, manufacture, distribution, and trafficking. The CSA controls the manufacture, sale, and consumption of controlled substances and divides pharmaceuticals into various schedules according to their propensity for abuse and accepted medical applications. This legislation also imposes penalties for the possession, sale, or distribution of narcotics listed in each category, and those penalties can change depending on the drug's type and quantity, the incident's location, and the offender's criminal history. State laws that deal with drug possession, manufacturing, distribution, and trafficking are likewise many, and they might differ from one state to the next. The use of marijuana for therapeutic or recreational purposes is permitted in some states, while others have very strict laws regarding the possession and sale of any controlled substances.

From the above discussions, it is seen that most United States, international and regional laws focus on the drug use, possession, street dealings, and purchases. They have failed to put forward the laws on use of drones for drug smuggling, use of encrypted communications and technology for drug smuggling and also the global fluidity. These loopholes in the existing laws create a significant challenge for law enforcement agencies to combat the drug trade effectively. Drug traffickers and smugglers have been taking advantage of these legal gaps to facilitate their illegal activities, resulting in the proliferation of drug trafficking networks worldwide. To address these challenges, there is a need for law reforms to address new methods of drug smuggling, including the use of drones and encrypted communications technology. Additionally, there is a need to implement model for combating money laundering and financing of terrorism reforms to tackle the global fluidity of drug trafficking. It is therefore imperative for policymakers to review and strengthen current laws and regulations to address these emerging challenges in drug trafficking.

In addition to the need for law reforms regarding the use of drones and encrypted communications for drug smuggling, there is also a crucial need for reformation of the model for combating money laundering and financing of terrorism. Due to the international nature of the drug trade, it is simple for criminals to transfer money across countries and conceal their illicit funds. In order to tackle money laundering and terrorist financing, the government must act decisively. This requires a comprehensive approach that includes improved monitoring and regulation of financial institutions, enhanced international cooperation, and the implementation of stricter penalties for those found guilty of financial crimes. By implementing these reforms, the government can effectively disrupt the drug trade and prevent the flow of illicit funds, ultimately protecting public safety and maintaining financial system transparency.

CHAPTER 5

PROPOSED SOLUTIONS

Legal Change Is Needed

The United States needs to reform its current drug laws to more effectively combat the changes in drug smuggling transportation techniques and methods, so as to reduce terrorism funding. Current regulations do not adequately address the changes in methods and techniques as well as the financial aspects of these illicit activities. To be successful, the U.S. must prioritize legal reforms that specifically target these activities. My proposed solutions would focus on the identification and targeting of items that are used collectively in drug smuggling and terrorist financing and would differ from existing drug laws by addressing the unique ways in which these activities intersect. The current system is not working effectively to prevent either of these activities from taking place (Tofangsaz, 2015, p. 113).

Smuggling and financing are two of the main ways that terrorist organizations are able to operate and fund their activities. To address the issues of drug smuggling and terrorist financing, legal reform needs to go beyond the current penalties in place for drug crimes. Powerful financial penalties and seizure of assets, as proposed under RICO, could act as a deterrent and disrupt illegal operations before they occur. Unique solutions not currently in existence include the ability to capture and charge individuals before smuggling occurs, without having to prove actual smuggling in the precursor statute. Whichever approach is taken, it is clear that something needs to be done to deal with the issues of drug trafficking and funding for terrorism. The current system is not working, and legal reform is needed to make a difference. These proposals offer a more targeted approach to the problems at hand.

In recent years, laws on drug smuggling and terrorist financing have not caught up with the changing times. This is due to the increase in cross-border crime and the changing nature of terrorist organizations (TFL, 2020). Drug smuggling and terrorist financing are both global problems that require a coordinated response from the international community. There are a number of reasons why legal reform is needed on drug smuggling and terrorist financing. First, it has become more challenging as cross-border crime has increased and prosecute those involved in these activities. Second, the changing nature of terrorist organizations has made it more difficult to identify and track their financing. Finally, the globalization of the economy has made it easier for those involved in drug smuggling and terrorist financing to move their money around the world. The need for new laws on drug smuggling and terrorist financing is clear. However, it is also clear that this is a complex problem that will require a concerted effort from the international community. The current laws are not adequate to deal with the problem. The problem has been getting worse over the years, and the current laws are not effective in dealing with it. The current laws need to be reformed in order to improve the effectiveness of the solution.

Studies on legal reform on drug smuggling and terrorist financing have shown that to effectively combat these crimes, there is a need for more coordination and collaboration amongst law enforcement organizations (Tofangfaz, 2015). In particular, there is a need for better information sharing between agencies, as well as more effective laws and regulations to prevent these crimes. There is also a need for greater public awareness of the dangers of drug smuggling and terrorist financing, as well as more education on how to prevent and report these crimes. Another study has shown that law reform that includes new technologies is the way to do it (Passas, 2017). This is because new technologies can help to improve the efficiency of the law, as well as make it more accessible to the public. For example, new technologies can help to streamline the process of filing court documents and make it easier

for people to access legal information. In addition, new technologies can also help to improve the quality of legal services by making it easier for lawyers to share information and collaborate on cases. Moreover, new technologies can also help to improve the quality of the law by making it easier to find and use relevant information.

Without adequate laws against crime involving information technology, criminals will have refuge from prosecution. Such sanctuaries would provide safe havens for criminals to engage in activities such as cybercrime, money laundering, and terrorism. As the world becomes increasingly reliant on information technology, crimes involving this technology are becoming more and more common. Unfortunately, many jurisdictions do not have adequate laws to deal with these crimes. This is particularly a problem in developing countries, where the law is frequently weak and corruption is rampant. The lack of laws would make it hard for law enforcement to prosecute criminals, and the lack of punishment would make it attractive for criminals to operate in these jurisdictions.

In order to prevent these jurisdictions from becoming sanctuaries for criminals, it is essential that adequate laws against information technology crime are enacted and enforced. There are several ways to address this. One is to strengthen the legal framework around information technology crimes. This can be done by enacting new laws or by amending existing laws to make them more effective. Another approach is to provide more training for law enforcement and judicial officials so that they can better investigate and prosecute these crimes. Finally, it's critical to increase public awareness of the issue so that people be more vigilant about protecting themselves from becoming victims of these crimes. Jurisdictions that do not take steps to address this problem are at risk of becoming sanctuaries for criminals. This not only puts their citizens at risk but also undermines the rule of law and allows criminals to operate with impunity. It is therefore essential that action is taken to address this problem.

Drug Laws

The drug trade is an international industry that is estimated to be worth billions of dollars each year. Narcotics are trafficked all over the world, and the trade has a significant impact on the economies of both developed and developing countries (Qureshia, 2017). The trafficking of narcotics is a serious problem that has negative consequences for all involved. The issue is addressed by a variety of international treaties and agreements, but the trade continues to grow. Qureshia's article provides an overview of the global laws that relate to the manufacturing and trafficking of narcotics. The section begins out by going through the international drug conventions. It then looks at the both the UN Convention against Transnational Organized Crime and the UN Convention on the Law of the Sea, which are essential in the battle against drug trafficking, were adopted on November 15, 2000, and December 10, 1982, respectively (1833 U.N.T.S. 3 and 2225 U.N.T.S. 209). The 1982 adoption of the UN Conventions on the Law of the Sea (UNCLOS) established the legal guidelines for activity in the world's oceans and seas. It establishes standards for enterprises, the environment, and the management of natural resources while defining the rights and obligations of nations in their use of the oceans around the world. The UN General Assembly approved the UN Convention against Transnational Organized Crime (UNTOC) in 2000 with the intention of eradicating transnational organized crime.

The article also looks at the Controlled Substances Act of the United States, 21 U.S.C. 801 et seq. and the U.K. Misuse of Drugs Act, c. 38 (U.K.), which provide a framework for drug control in those countries. The Misuse of Drugs Act, c. 38 (U.K.) is a piece of legislation that was enacted in the U.K. in 1971 (The National Archives, 2022). The Act seeks to regulate the production, supply, and possession of controlled drugs, which based on their potential for abuse and degree of harm, are divided into three groups. The first category, Class A, includes drugs like heroin, cocaine, and ecstasy. The possession, supply, and

production of Class A drugs are considered the most serious offenses under the Act and can result in significant penalties, including imprisonment. The second category, Class B, includes drugs like cannabis and amphetamines. The penalties for possession, supply, and although the penalties for producing Class B drugs are less severe than those for Class A narcotics, they are nevertheless severe. The third and final category, Class C, includes drugs like anabolic steroids and some types of tranquilizers. Possession, supply, and production of Class C drugs carry the lowest penalties under the Act.

The Misuse of Drugs Act also created the Advisory Council on the Misuse of Drugs, which is tasked with advising the government on matters relating to drugs and offering suggestions on how to classify narcotics. An important international convention that prohibits the transnational trafficking of drugs is the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Dec. 20, 1988, 1582 U.N.T.S. 95. It requires states to take steps to criminalize the trade, to cooperate in international efforts to suppress the trade and to pass legislation that prohibits and penalizes the manufacture and trafficking of narcotic drugs. These international statutes and agreements are essential for controlling the drug trade and its harmful effects. The continued growth of the drug trade, however, suggests that current measures may not be sufficient. As such, it is important to study the changes in the logistical aspects of drug smuggling and modern technological methods in order to better understand how to combat this global issue.

The primary international organization in charge of coordinating drug control and crime prevention is the United Nations Office on Drugs and Crime (UNODC) (Qureshia, 2017). It works to counter drug trafficking and related crimes and to promote greater international cooperation in this area. The UNODC publishes the annual World Drug Report, which outlines the situation of the drug trade globally and the initiatives taken by states to control and suppress this global phenomenon. At the regional level, some countries have

signed bilateral agreements on drug control, such as the Amman Declaration of 2000 and the Caribbean Regional Drug Control Agreement of 1999.

The Amman Declaration of 2000 is a declaration made by the Special Session on Drugs of the General Assembly (UNGASS) of the United Nations (UN) in Amman, Jordan. The declaration reaffirmed the UN's commitment to the global fight against drug abuse and drug trafficking, calling for increased international cooperation in this regard. The Amman Declaration recognized that drug abuse and drug trafficking are global problems that require a coordinated global response. The declaration also highlighted the importance of addressing the underlying social, economic, and cultural factors that contribute to drug abuse and drug trafficking.

The Caribbean Regional Drug Control Agreement of 1999 is an agreement among Caribbean countries aimed at combating drug trafficking in the region. The agreement provides for cooperation among participating countries in areas such as drug enforcement, drug prevention, and drug treatment. The agreement also calls for the establishment of a regional drug control commission to oversee the implementation of the agreement and to coordinate drug control efforts among participating countries. The Caribbean Regional Drug Control Agreement recognizes that drug trafficking seriously jeopardizes the safety and stability of the region and seeks to address this problem through increased cooperation and coordination among participating countries.

Regional organisations such as the European Union and the Organization of American States (OAS) (EU) also focus on drug control, and have been involved in regional projects such as the Drug Monitoring Platform and the Joint Caribbean Action Plan on Drug Control (Qureshia, 2017). Accordingly, at the global level, the United Nations Office on Drugs and Crime (UNODC) has been a prominent advocate of drug control, and to coordinate global

drug policy, the International Narcotics Control Board (INCB) was established. The INCB keeps an eye on how the UN drug control conventions are being followed, and it also provides technical assistance and resources to nations, promoting harm reduction approaches and best practices surrounding drug control.

RICO Act Amendment

As part of the Organized Crime Control Act, the Racketeer Influenced and Corrupt Organizations (RICO) Act, 18 U.S.C. 1961–68 (1970), was passed into law in 1970. (Floyd, 2012). The RICO Act targets organized crime and racketeering, which involves any illegal activity that uses deception, violence, or intimidation to obtain money or power. Under the RICO Act, a "predicate act" is a specified criminal offense that can be used to create a pattern of racketeering behavior. The RICO Act makes it illegal for anyone associated with an enterprise to purchase or maintain any stake in a company involved in racketeering activity, either interstate or foreign commerce (Legal Information Institute, 1970). The RICO Act also allows for civil suits to be filed against individuals or organizations that engage in racketeering activity, and provides for criminal penalties, including fines and imprisonment. In the context of drug laws, the RICO Act has been used to bring charges against drug traffickers who are also involved in organized crime or racketeering activities. This allows law enforcement to target not only individual drug traffickers but also the larger criminal organizations that may be involved in drug trafficking.

i. Use of Drones

Drones can be used for several criminal activities, and one law that could easily facilitate the mitigation of drug smuggling as well as inclusion of other laws in the use of drones is the RICO Act (18 USC 1961–1968) (1970). However, when it comes to addressing the use of drones for drug smuggling under the RICO Act, the law could be amended to include language specifically targeting the use of drones as a "predicate act"

in drug trafficking. This would involve defining the possession or use of drone technology in drug smuggling as a specific predicate act and clarifying what that means in terms of the RICO statute. By doing so, the RICO Act would gain additional power to combat the use of high-tech methods in drug smuggling. The RICO Act could also be used to prosecute individuals and organizations involved in the operation and financing of drug-smuggling drones. This could involve charging individuals with racketeering, money laundering, and other criminal offenses related to their involvement in drug trafficking activities.

ii. Use of encrypted communication along and beyond the American border

By expanding the definition of "racketeering conduct" to include the use of encrypted communication in support of drug trafficking, the RICO Act, 18 U.S.C. 1961-68 (1970), can be used to combat the use of encryption in drug smuggling. This would make it simpler for law enforcement to bring charges against people who hide their drug-related activities via encryption. The RICO Act can also be used to impose criminal and civil penalties on individuals and organizations that provide encrypted communication services that knowingly facilitate drug trafficking. This can be achieved by expanding the definition of "enterprise" under the RICO Act to include providers of encrypted communication services that are used in furtherance of drug trafficking. Moreover, the RICO Act can be used to require internet service providers and other communication companies to cooperate with law enforcement agencies in investigating drug trafficking activities that involve the use of encrypted communication. This can be achieved by adding a provision to the RICO Act that requires communication companies to give law enforcement organizations the knowledge and resources they access to their networks to investigate and prevent drug-related activities.

iii. Use of Global Fluidity

Globalization and advancements in transportation and communication technologies have enhanced the ease of movement of illegal drugs across international borders. Organized crime groups have taken advantage of this fluidity to move drugs across borders and evade law enforcement. For that reason, provisions that explicitly target the use of international borders and transportation infrastructure for drug trafficking in a globalized environment can be added to the RICO Act, 18 U.S.C. 1961-68 (1970). dealing with the problems brought on by drug trafficking in a globalized world, the RICO Act can be amended to specifically target the use of international borders and transportation systems for drug trafficking. This could involve the formation of international cooperation. The United States and other countries could have agreements to share intelligence, coordinate law enforcement efforts, and monitor cross-border movements of people, goods, and funds.

Another proposal is to expand its jurisdiction to include foreign individuals and organizations involved in drug trafficking. This would enable U.S law enforcement agencies to pursue drug traffickers who operate from outside the United States and use international networks to transport drugs into the country. In addition, the RICO Act can be amended to include provisions that specifically address the use of global financial systems for drug trafficking. This would require the reporting of questionable transactions by financial institutions related to drug trafficking and provide information that could assist law enforcement in tracking down drug traffickers and their networks. These changes to the RICO Act would strengthen its ability to combat drug trafficking in a globalized world and enables law enforcement to more successfully pursue larger criminal groups engaged in drug trafficking.

Precursor Law Statutes

Drug precursor legislation are laws that regulate and criminalize the production, sale, and possession of chemicals used to produce banned substances. The Controlled Substances Act (CSA) in the US establishes the legal foundation for the control of drug precursors. 84 Stat. 1236, the CSA Pub. L. No. 91-513 (1970) identifies specific chemicals that are used in the production of controlled substances and establishes penalties for their manufacture, distribution, and possession. Traditionally, precursor chemicals such as ephedrine, pseudoephedrine, and phenylacetone have been the focus of drug precursor statutes. However, with the rise of technology and globalization, modern advancements in the drug trade have given rise to new precursor activities that must be addressed. For example, drones have been increasingly used to transport drugs across borders, and encrypted transmissions are used to evade law enforcement detection. These new methods are not currently covered by the CSA, making it necessary to update the law to keep pace with the changing landscape of drug trafficking.

The use of drones, encrypted transmissions, and global fluidity can be considered precursor activities under the L. No. 91-513, CSA, 84 Stat. 1236 (1970). In the context of the use of drones, the law currently includes provisions that make it illegal to manufacture, distribute, or possess a few of the precursor compounds utilized in the manufacture of illegal drugs like methamphetamine and cocaine. The law also prohibits the transportation of these precursor chemicals across state and international borders. However, the CSA does not currently address the use of drones in drug smuggling. An amendment to the law could be added to specifically criminalize the use of drones to transport controlled substances across state or international borders. The amendment could also include provisions for increased penalties for those who use drones in drug smuggling operations. The amendment could require the registration and licensing of drones used in commercial operations to help law

enforcement track and identify those who are using drones for illicit purposes. This could include mandatory reporting requirements for drone manufacturers and operators to bring up any suspicious behavior involving the use of drones for drug smuggling.

One example of a state-level statute that has specifically targeted drug precursor chemicals is Indiana's meth precursor statute Ind. Code Ann. § 35-48-4-14.5 (West). This law focuses on the distribution and ownership of substances that are frequently used to make methamphetamine, such as ephedrine and pseudoephedrine. The CSA Pub. L. No. 91-513, 84 Stat. 1236, is similar (1970) can be amended to include provisions that specifically address the use of drones in drug smuggling, making it illegal to use drones to transport controlled substances across state or international borders. To further combat drug trafficking, the amendment to the CSA could also include provisions for increased penalties for those who use drones in drug smuggling operations. This could include the registration and licensing of drones used in commercial operations to help law enforcement track and identify those who are using drones for illicit purposes. Additionally, the amendment could require mandatory reporting requirements for drone manufacturers and operators to bring up any suspicious behavior involving the use of drones for drug smuggling.

Global fluidity refers to the capacity for drug trafficking in the context of drug traffickers to operate across international borders and make use of global connections to move drugs and illicit funds. The Foreign Narcotics Kingpin Designation Act Title 21, United States Code, Section 1901 et seq (FNKDA) is one law that could be updated to specifically target this precursor activity. The FNKDA is a U.S. law that enables the U.S. president to impose economic and financial sanctions on individuals and organizations involved in international narcotics trafficking. Currently, the law includes provisions that freeze the assets of designated drug traffickers and prohibit U.S. citizens and companies from engaging in financial transactions with them. However, the law could be amended to include

provisions that specifically target the use of global fluidity by drug traffickers. This could include penalties for companies that facilitate the movement of illicit funds across borders, greater international cooperation to disrupt drug trafficking networks that rely on global financial systems, and enhanced monitoring of financial transactions.

By targeting the use of global fluidity, the U.S. government could disrupt the flow of drug money and prevent drug traffickers from accessing the resources they need to continue their illicit activities. This could include measures such as targeted sanctions against individuals and organizations involved in drug trafficking and greater cooperation with international financial institutions. Updating the FINKDA to include the use of global fluidity as a precursor to drug smuggling would be an important step in combating drug trafficking and reducing the harm it causes to individuals and communities around the world.

CONCLUSION

This research has highlighted the challenges faced by law enforcement agencies in combating drug smuggling and the support for terrorism, especially in the setting of technologies such as drones, globalization, and encrypted communication. The literature review has shown that these technologies have become increasingly prevalent in drug smuggling operations, making it challenging for police enforcement to carry out their duties address the issue. A survey of U.S. laws has also revealed significant gaps in the legal framework for addressing drug smuggling, particularly with regard to drones, encrypted communication, and global fluidity. Despite some efforts to address drug smuggling through existing laws such as the RICO Act, there is a clear need for new drug smuggling "precursor" laws that target these specific activities.

The RICO Act can be amended to include provisions that specifically target the use of drones, encrypted communication, and global fluidity in drug trafficking. This could involve criminalizing the use of drones and encrypted communication in drug trafficking and expanding the definition of "enterprise" to include providers of encrypted communication services. The RICO Act could also be used to require communication companies to cooperate with law enforcement agencies in investigating drug trafficking activities. Moreover, international cooperation agreements between countries and the United States to share intelligence, coordinate law enforcement efforts, and monitor cross-border movements of people, goods, and funds are necessary. Finally, precursor laws such as the Controlled Substances Act should also be amended to address the use of drones in drug smuggling

operations and to require the registration and licensing of drones used in commercial operations to help law enforcement track and identify those who are using drones for illicit purposes. It is only through a comprehensive and coordinated effort that law enforcement can effectively combat drug trafficking in the modern era.

REFERENCES

- 18 U.S.C. § 1956 (1986) Laundering of Monetary Instruments.
- 18 U.S.C. 1961–68 (1970) Racketeer Influenced and Corrupt Organizations (RICO) Act
- 21 U.S.C. § 862 (1970) Denial of Federal Benefits.
- 21 U.S.C. § 853 (1970) Forfeiture of Personal Property and Real Estate.
- 21 U.S.C. § 841 (1970) Federal Drug Trafficking Penalties.
- 21 U.S.C. § 844 Federal Drug Possession Penalties.
- Al-Qubaydhi, Nader, et al. “Detection of Unauthorized Unmanned Aerial Vehicles Using YOLOv5 and Transfer Learning.” *Electronics (Basel)*, vol. 11, no. 17, 2022, p. 2669.
<https://doi.org/10.3390/electronics11172669>. Accessed 18 Dec. 2022.
- Benson, J. S., & Decker, S. H. (2010). The organizational structure of international drug smuggling. *Journal of Criminal Justice*, 38(2), 130-138. <https://doi.org/10.1016/j.jcrimjus.2010.01.001>
- Combat Methamphetamine Epidemic Act, Pub. L. No. 109-177
- DEA. (2004). DEA briefs & Background, drugs and drug abuse, state factsheets, Texas. *PsycEXTRA Dataset*. <https://doi.org/10.1037/e305382005-001>

Delgado, C. (1981). An examination of various legislative acts which allow for treatment in

Lieu of incarceration for drug related offenses. *Drug Dependence and Alcoholism*,

663-671. https://doi.org/10.1007/978-1-4757-0220-0_78

Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2522 (1986).

Electronic Prescriptions for Controlled Substance Act, Pub. L. No. 111-273.

Fennelly, L. J., & Perry, M. A. (2020). Unmanned aerial vehicle (Drone) usage in the 21st

century. *The Professional Protection Officer*, 183-189. [https://doi.org/10.1016/b978-](https://doi.org/10.1016/b978-0-12-817748-8.00050-x)

[0-12-817748-8.00050-x](https://doi.org/10.1016/b978-0-12-817748-8.00050-x)

Floyd, J. E. (2012). Introduction: RICO State by State: A Guide to Litigation Under the State

Racketeering Statutes. *American Bar Association Section of Antitrust Law*, 2(4).

Fromiti. (2022). *Organized crime module 16 key issues: Theoretical frameworks on the*

linkages between organized crime and terrorism. United Nations Office on Drugs

and Crime. [https://www.unodc.org/e4j/en/organized-crime/module-16/key-](https://www.unodc.org/e4j/en/organized-crime/module-16/key-issues/theoretical-frameworks-on-the-linkages-between-organized-crime-and-terrorism.html)

[issues/theoretical-frameworks-on-the-linkages-between-organized-crime-and-](https://www.unodc.org/e4j/en/organized-crime/module-16/key-issues/theoretical-frameworks-on-the-linkages-between-organized-crime-and-terrorism.html)

[terrorism.html](https://www.unodc.org/e4j/en/organized-crime/module-16/key-issues/theoretical-frameworks-on-the-linkages-between-organized-crime-and-terrorism.html)

Ghodse, H. (2016). Globalization and new technologies: Challenges to drug law

enforcement in the 21st century. *International Drug Control into the 21st Century*,

143-162. <https://doi.org/10.4324/9781315252063-18>

Global Initiative. (2021, August 27). *West Africa's cocaine corridor: Building a subregional*

response. <https://globalinitiative.net/analysis/west-africas-cocaine-corridor/>

Hayes, A. (2003, November 26). *What is a Smurf and how does Smurfing*

work? Investopedia. <https://www.investopedia.com/terms/s/smurf.asp>

Ind. Code Ann. § 35-48-4-14.5 (West).

- Insight Crime. (2021, March 8). *The cocaine pipeline to Europe / GI-TOC / InsightCrime*. Global Initiative. <https://globalinitiative.net/analysis/cocaine-to-europe/>
- International Monetary Fund. (2022). *Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT)*. <https://www.imf.org/external/np/leg/amlcft/eng/aml4.htm>
- Kenney, M. (2007). The Architecture of Drug Trafficking: Network Forms of Organisation in the Colombian Cocaine Trade. *Global Crime*, 8, 233-259. <https://doi.org/10.1080/17440570701507794>
- Kerr, O. S. (2014). The Next Generation Communications Privacy Act. *University of Pennsylvania Law Review*, 162(2), 373-419. <http://www.jstor.org/stable/24247892>
- Legal Information Institute. (1970). Racketeer Influenced and Corrupt Organizations Act. Retrieved from https://www.law.cornell.edu/wex/racketeer_influenced_and_corrupt_organizations_act_rico
- Lee, L. T. (2003). The USA PATRIOT Act and telecommunications: Privacy under attack. *Rutgers Computer & Tech*, 29(371).
- Leuprecht, Christian and Cockfield, Arthur and Simpson, Pamela, Tracking Transnational Terrorist Resourcing Nodes and Networks (2019). Florida State University Law Review, Vol. 46, p. 289, 2019, Available at SSRN: <https://ssrn.com/abstract=3601189>
- McDermott, J., Bargent, J., Held, D. D., & Ramirez, M. F. (2022, July 26). *The cocaine pipeline to Europe / GI-TOC / InsightCrime*. Global Initiative. <https://globalinitiative.net/analysis/cocaine-to-europe/>
- McNeal, G. (2022, March 8). *Drones and aerial surveillance: Considerations for legislatures*. Brookings. <https://www.brookings.edu/research/drones-and-aerial-surveillance-considerations-for-legislatures/>

- Office of National Drug Control Policy. (2020). *Methamphetamine and Precursors: Summary of State Laws* (G1999ONDCP03A). Legislative Analysis and Public Policy Association.
- Passas, N. (2017). Cross-border crime and the interface between legal and illegal actors. *Transnational Financial Crime*, 443-462. <https://doi.org/10.4324/9781315084572-25>
- Qureshia, W. A. (2017). THE MANUFACTURING AND TRAFFICKING OF NARCOTICS: AN OVERVIEW OF GLOBAL LAWS. *50 J. Marshall L. Rev.* 813.
- Roberts, A. (2021). An overview of decriminalization efforts in regard to psychedelic plants in the United States, 2019-2020. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3944724>
- Roberts, C. (2023, January 18). *4 states have a good shot at legalizing recreational marijuana in 2023*. MJBizDaily. <https://mjbizdaily.com/4-states-have-a-good-shot-at-legalizing-recreational-marijuana-in-2023/>
- Shields, B. (2017). Air Traffic Control: How Mexican Cartels are utilizing Drones to traffic narcotics in the united states by penns st. *5 Penn. St. J.L. & Int'l Aff*, 207.
- State of New Jersey. (2023, March 16). *Medicinal cannabis program*. The Official Web Site for The State of New Jersey. <https://www.nj.gov/cannabis/medicinalcannabis/medicinal/>
- Stolberg, V. B. (2016). Controlled Substances Act. *The SAGE Encyclopedia of Pharmacology and Society*. <https://doi.org/10.4135/9781483349985.n121>
- TFI. (2020). National Strategy for Combating Terrorist and Other Illicit Financing. *Office of Terrorism and Financial Intelligence (TFI)*.
- The National Archives. (2022). Misuse of Drugs Act 1971. <http://www.legislation.gov.uk/ukpga/1971/38/contents>

Tofangsaz, H. (2015). Rethinking terrorist financing; where does all this lead? *Journal of Money Laundering Control*, 18(1), 112-130. <https://doi.org/10.1108/jmlc-12-2013-0049>

United Nations. (2009, October 28). *Model extradition (Amendment) Bill 2000*. United Nations and the Rule of Law. <https://www.un.org/ruleoflaw/blog/document/model-extradition-amendment-bill-2000/>

United Nations. (2023). *Model treaties and laws*. United Nations : Office on Drugs and Crime. <https://www.unodc.org/unodc/en/legal-tools/model-treaties-and-laws.html>

United Nations Office on Drugs and Crime. (2000). Amman Declaration: International Conference on the Illicit Traffic in Narcotic Drugs, Psychotropic Substances and Precursors. Retrieved from <https://www.unodc.org/unodc/en/data-and-analysis/amman-declaration.html>

United Nations Office on Drugs and Crime. (2014). Drug Monitoring Platform and the Joint Caribbean Action Plan on Drug Control. Retrieved from <https://www.unodc.org/ji/en/capacity-building/drug-monitoring-platform-and-the-joint-caribbean-action-plan-on-drug-control.html>

United Nations Office on Drugs and Crime. (1999). Caribbean Regional Drug Control Agreement. Retrieved from <https://www.unodc.org/unodc/en/data-and-analysis/caribbean-regional-drug-control-agreement.html>

United Nations Office on Drugs and Crime. (1999). United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. https://www.unodc.org/pdf/convention_1988_en.pdf

United Nations, Division for Ocean Affairs and the Law of the Sea. (2019). United Nations Convention on the Law of the Sea. https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

- United Nations Office on Drugs and Crime. (2004). United Nations Convention against Transnational Organized Crime and the Protocols thereto.
<https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
- United Nations. (2023). *Drug trafficking*. United Nations: Office on Drugs and Crime. <https://www.unodc.org/unodc/en/drug-trafficking/index.html>
- USA PATRIOT Act, Pub. L. No. 107-56, 115 Stat. 272 (2001).
- U.S. Congress. (1970). Controlled Substances Act. Retrieved from
<https://www.dea.gov/controlled-substances-act>
- U.S. Congress. (1970). Comprehensive Drug Abuse Prevention and Control Act of 1970. Retrieved from <https://www.govinfo.gov/content/pkg/STATUTE-84/pdf/STATUTE-84-Pg1236.pdf>
- U.S. Congress. (1986). Anti-Drug Abuse Act of 1986. Retrieved from
<https://www.govinfo.gov/content/pkg/STATUTE-100/pdf/STATUTE-100-Pg3207.pdf>
- U.S. Congress. (1988). Anti-Drug Abuse Act of 1988. Retrieved from
<https://www.govinfo.gov/content/pkg/STATUTE-102/pdf/STATUTE-102-Pg4181.pdf>
- U.S. Drug Enforcement Administration. (2022). Controlled Substances Act.
<https://www.dea.gov/controlled-substances-act>
- Van Duyne, P. C. (1995). The phantom and threat of organized crime. *Crime, Law and Social Change*, 24(4), 341-377. <https://doi.org/10.1007/bf01298354>
- Willaims, J. (1998). Globalization, Convergence Theory, and History. *Journal of Economic History*, 56(2), 1-30.

Yepes, C. V. (2011). Compliance with the AML/CFT international standard: Lessons from a cross-country analysis. *SSRN Electronic*

Journal. <https://doi.org/10.2139/ssrn.1899578>