

A CHANGING WORLD: CANADIAN FOREIGN POLICY PRIORITIES

No. 3

CIC

CANADIAN INTERNATIONAL COUNCIL
CONSEIL INTERNATIONAL DU CANADA

IN SEARCH OF EFFECTIVE BORDER MANAGEMENT

Geoffrey Hale

February 2009

Canadian International Council
www.canadianinternationalcouncil.org

Conseil international du Canada
www.conseilinternationalducanda.org

ABOUT THE AUTHOR

Dr. Geoffrey Hale is an Associate Professor in the Department of Political Science at the University of Lethbridge, and, in 2006, was a Fulbright Visiting Chair in Canadian Studies at Duke University. He teaches in the fields of public administration, public policy, political economy and business-government relations. A native of Montreal, Dr. Hale was educated at Princeton (BA 1976) and the University of Western Ontario (MBA 1978; Ph.D. 1996). He joined the University of Lethbridge in 1999, after working in business-government relations and in Provincial Government of Ontario.

Dr. Hale is the author of numerous articles on Canada-US relations in the context of ongoing North American economic integration, Canadian fiscal and budgetary policies, and the coordination of economic and social policies. He has published two books, *The Politics of Taxation in Canada* (2001), which was nominated for the 2001-02 Donner Prize for the best book published on Canadian public policy, and *Uneasy Partnership: The Politics of Business and Government in Canada* (2006). His current projects include a book on Canada's international policy relations in North America, co-edited with Monica Gattinger, and a monograph on "influencing American policies towards Canada."

ACKNOWLEDGEMENTS

The author wishes to express his appreciation to officials of the US and Canadian governments who shared their insights and experience with him on terms of confidentiality, and to Christina Marcotte for timely research assistance. Michael Kergin and other members of the CIC Border Issues Working Group provided helpful comments on previous drafts. Funding for different stages of this project was provided by the Canada-United States Fulbright Program and the Canadian International Council.

The opinions expressed in this paper are those of the author and do not necessarily reflect the views of the Canadian International Council, its Senate or its Board of Directors.

If you would like to download a copy of this report please visit www.canadianinternationalcouncil.org

ISSN 1918-803X

© 2009 Canadian International Council

EXECUTIVE SUMMARY

Effective border security is compatible with the efficient management of border processes to allow the free flow of low-risk people and goods for purposes of mutual benefit between countries. Recent economic shocks have demonstrated that neither Americans nor Canadians can take their prosperity and economic security for granted.

The risks of external and domestic terror attacks increasingly resemble long-term challenges to effective security and border management such as organized criminal activity and unregulated migration, rather than the crisis atmosphere which marked initial responses to 9/11. Failure to consider border security and facilitation issues in this context is likely to result in sub-optimal security *and* economic outcomes.

The election of a new President and the formation of a new US administration provide opportunities to examine these challenges from fresh perspectives that acknowledge both past successes and areas for improvement. Effective responses can manage security challenges in ways that foster economic prosperity and societal support while providing attractive examples of free, prosperous and well-functioning societies to a watching world.

Recent years have demonstrated close cooperation in cross border police and intelligence cooperation, both in targeting external threats and increasing operational effectiveness along the border. The Canadian and American governments have created and expanded trusted shipper and traveller programs. However, business groups on both sides of the border have critiqued existing policies on four broad grounds:

- strategic limitations of security policies that fail to consider the potential economic effects of a major catastrophe, whether natural or man-made, on cross border trade and the economic wellbeing of citizens and businesses dependent on related supply chains;
- design flaws in existing border security policies that undermine their avowed intention of combining effective “layered security” measures based on risk management principles with effective border facilitation for low risk trade and travel so that the two broad policy goals do not work at cross purposes;
- significant omissions in infrastructure, staffing, technology and related budget commitments that are practical conditions of reconciling effective security and border facilitation and
- related operational failures of policy implementation.

Key policy responses suggested include:

- strong political leadership and inter-agency coordination to build on the extensive administrative cooperation that has developed between Canada and the United States on a wide range of border, security and law enforcement issues – possibly through a joint border management agency to serve as a vehicle for joint policy coordination and oversight;
- increased cross border cooperation in the planning and implementation of infrastructure improvements, including border facilities and access roads, to reduce avoidable delays and increase the efficient handling of growing volumes of people and products at the border;
- significant increases in the number of border agency staff available for duty along the US-Canada border, with more flexible staffing practices to align staffing more effectively with levels of traffic;
- improved coordination of trusted shipper programs to reduce duplication, harmonize entry requirements, implement proposed land preclearance pilot projects and other measures conducive to “pushing back the border”;
- the development and timely publication of performance benchmarks and related reports which demonstrate the relative effectiveness of specific policies and programs in meeting security and effective border management objectives and aiding in the efficient allocation of resources by government agencies and
- improved consultation and engagement of sub-national governments and societal stakeholders, including economic interest groups, first responders, landowners and environmental interest groups in planning and policy development processes on both sides of the border.

SOMMAIRE EXÉCUTIF

Il est possible de conjuguer une sécurité frontalière efficace avec une gestion efficiente des formalités de frontière en vue d'assurer la libre circulation des biens et personnes à faible risque au bénéfice mutuel du Canada et des États-Unis. Un objectif d'autant plus souhaitable que le récent choc financier a montré que ni l'un ni l'autre pays ne peut tenir pour acquises sa prospérité et sa sécurité économique.

Par rapport à l'ambiance de crise qui a suivi le 11 septembre 2001, les risques d'attentats terroristes intérieurs ou étrangers s'apparentent de plus en plus aux défis de sécurité et de gestion à long terme soulevés notamment par le crime organisé ou l'immigration clandestine. Or le refus d'envisager dans ce contexte la sécurité frontalière et les questions de facilitation produira vraisemblablement des résultats moins qu'optimaux en termes de sécurité et d'économie.

L'élection d'un nouveau président américain et la mise en place de son administration offrent l'occasion de réexaminer ces défis à la lumière des succès obtenus et des domaines à améliorer. Les meilleures réponses devront assurer la gestion des problèmes de sécurité de manière à favoriser la prospérité économique et le soutien sociétal, tout en offrant au monde l'exemple de sociétés libres, actives et prospères.

Ces dernières années ont vu une étroite collaboration entre les corps de police et les services de renseignement des deux pays, pour ce qui est à la fois de cibler les menaces externes et d'accroître l'efficacité opérationnelle à la frontière. Les deux gouvernements ont par exemple établi ou étendu la portée des programmes de voyageurs et d'expéditeurs de confiance. Mais de part et d'autre de la frontière, des groupements d'entreprises ont formulé quatre grandes critiques au sujet des politiques actuelles :

- les restrictions prévues aux politiques de sécurité font l'impasse sur l'éventuelle incidence économique d'une catastrophe majeure – naturelle ou causée par l'homme – sur le commerce transfrontalier et le bien-être économique des citoyens et entreprises qui dépendent des chaînes d'approvisionnement concernées ;
- certaines lacunes de conception dans les politiques de sécurité contreviennent à l'intention déclarée de combiner des mesures de « sécurité multi-niveaux » fondées sur les principes de gestion du risque et une facilitation à la frontière des échanges et déplacements à faible risque permettant l'application conjointe des deux objectifs stratégiques ;
- des manquements significatifs touchant l'infrastructure, le recrutement de personnel, les technologies et les engagements budgétaires qui en découlent freinent la coordination entre sécurité efficace et facilitation à la frontière ;
- La mise en œuvre des politiques souffre de défaillances opérationnelles.

L'étude propose notamment les solutions suivantes :

- renforcer le leadership politique et la coordination interinstitutions pour mettre à profit la coopération administrative que les deux pays ont développée sur de nombreuses questions de frontière, de sécurité et d'application de la loi, en créant par exemple un agence commune de gestion frontalière chargée de coordonner et de superviser les politiques ;
- renforcer la coopération transfrontalière touchant la planification et l'exécution des améliorations à l'infrastructure, y compris aux postes-frontières et aux routes d'accès, afin de réduire les attentes évitables et d'accroître l'efficacité du traitement des volumes grandissants de personnes et de produits ;
- augmenter significativement les effectifs le long de la frontière tout en assouplissant les pratiques de dotation en fonction des niveaux de circulation ;
- améliorer la coordination des programmes d'expéditeurs de confiance pour réduire les chevauchements, harmoniser les conditions d'entrée, appliquer les projets pilotes de prédédouanement à la frontière terrestre et autres mesures susceptibles de « faire reculer la frontière » ;
- élaborer et diffuser en temps voulu des tests de performance et des rapports évaluant l'efficacité de mesures et de programmes visant à répondre aux objectifs liés à une frontière sûre et efficace et à favoriser l'affectation efficiente des ressources par les organismes gouvernementaux ;
- améliorer la consultation et l'engagement des gouvernements sous-nationaux et des acteurs sociétaux, y compris les groupes d'intérêt économiques, les premiers intervenants, les propriétaires fonciers et les groupes environnementaux, en ce qui a trait à la planification et à l'élaboration des politiques des deux pays.

TABLE OF CONTENTS

Page

About the Author and Acknowledgments	
Executive Summary	
Table of Contents	
Introduction	1
Border Management and the “Big Picture” in Canada-US Relations	2
Competing and Conflicting Priorities and Perspectives	5
The Domestic Context for US Homeland Security Policies	8
Other Issues – Migration	9
Other Issues – Economic Insecurity	10
Other Issues – Food and Product Safety	12
Competing Threat Perceptions	12
Economic and Business Concerns – Strategic and Operational	14
Strategic policy limitations	15
Policy Design Flaws	16
Shortcomings in Policy Implementation	17
Regional and Societal Stakeholders	19
Conclusion	21
Acronyms List	24
Bibliography	25
Appendixes	30
About Us	

IN SEARCH OF EFFECTIVE BORDER MANAGEMENT

Geoffrey Hale¹,
CIC Research Associate

INTRODUCTION

Borders exist to define and emphasize differences between states, peoples and different concepts of political, economic and social order. Concepts such as “borderlands,” “economic integration,” and indeed, the “free flow of low-risk people and goods” for purposes of mutual benefit emphasize the similarities and complementarities between (or among) nations and between the communities, individuals and other societal interests of which they are composed.²

The two sets of concepts are mutually compatible. Indeed, the importance of identifying and integrating their different dimensions increases with the degree of interdependence between and among communities and communities of interest that span national borders. During the 1990s, these concepts were broadly understood by governments, economic and societal interests in both the United States and Canada. The seismic shock of 9/11 and the underlying realities of vulnerability to global and home-grown terrorism – as well as more persistent concerns over cross border criminal activity and unregulated migration – prompted a substantial rebalancing of these priorities in subsequent years.

However, three factors suggest the opportunity and the need for a broader review of border management policies which will ensure that the Canadian and American administrations optimize cross border collaboration while containing and reducing identified risks to their citizens and while pursuing policies that contribute to their broader economic wellbeing and security.

Firstly, many policy makers have come to recognize that the risk of domestic terror attacks, while still present, have a closer resemblance to the longer term challenges experienced during the periods of entrenched competition and coexistence between national states and ideological systems that characterized much of the Cold War than to the crisis atmosphere which marked the early stages of that era.³

These challenges reinforce the need for economic and societal resilience over the medium-to-long-term. They also underline the need to manage security challenges so as to foster economic prosperity and the broader societal support that will provide attractive examples of free, prosperous and effectively functioning societies to a watching world.⁴

Secondly, recent economic shocks have demonstrated, once again, the enduring reality that neither Americans nor Canadians can take their prosperity and economic security for granted. Recent economic slowdowns in both countries have somewhat different causes. In the United States, they reflect the deflation of the housing market bubble, tightening credit markets, excessive debt exposure, structural problems facing the auto industry and currency misalignments with major trading partners such as China. In Canada, they reflect spillovers from a slowing US

¹ Dr. Geoffrey Hale is an Associate Professor in the Department of Political Science at the University of Lethbridge and is a 2008-2009 Canadian International Council Research Associate.

² Senate Standing Committee on National Security and Defence. *Canadian Security Guide Book, 2007 Edition*. 39th Parliament, 1st Session. (Ottawa: The Senate, March 2007); Emmanuel Brunet-Jailly, “Borders, Borderlands and Security: European and North American Lessons and Policy Suggestions,” in *Borderlands: Comparing Border Security in North America and Europe*, edited by Emmanuel Brunet-Jailly. (Ottawa: University of Ottawa Press, 2007).

³ James J. Carafano and Paul Rosenzweig. *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom*. (Washington, D.C.: The Heritage Foundation, 2004); Robert Kagan. *The Return of History and the End of Dreams*. (New York: Alfred A. Knopf, 2008).

⁴ Stephen E. Flynn. “America the Resilient: Defying Terrorism and Mitigating Natural Disasters,” *Foreign Affairs*, (March-April 2008).

economy, the effects of volatile commodity prices and exchange rates on the investments of different industry sectors and the effects of a looming global recession on an export oriented economy. These realities coexist with a number of broader international challenges beyond the control of any national government, particularly those posed by emerging economies, such as those of Brazil, India and China.

Failure to address the issues of border security and border thickening increases the risk of turning debates over security and border management into zero, or negative, sum conflicts between states and among their citizens. Such outcomes would undermine the effective allocation of resources among competing societal and bureaucratic interests intended to serve both economic and security objectives. Some observers have suggested that these challenges are already quite visible in appropriations processes for Homeland Security measures in the United States.⁵

Finally, both governments in the United States and Canada are going through periods of political transition. The election of a new President and the formation of a new administration provide opportunities to examine these challenges from fresh perspectives that acknowledge past successes and areas for improvement.

This paper provides a broad overview of opportunities and challenges in the effective management of border issues – acknowledging varied perspectives that exist both within and between the United States and Canada. It notes the multidimensional challenge of effective border management for security, law enforcement and the facilitation of low-risk trade and travel. This paper further assesses the variety of threat perceptions which exist among policy experts and broader audiences and the challenges that these issues pose for effective cross border cooperation, while distinguishing between the nature and severity of risks along the northern and southern American borders. It considers the potential for regional and societal stakeholders to increase the effectiveness of public policies in the pursuit of both prosperity *and* security-related goals. Finally, it suggests a number of priority areas for action – building on the wide variety of recent initiatives originated by governments and different elements of civil society.

BORDER MANAGEMENT AND THE “BIG PICTURE” IN CANADA-US RELATIONS

The effective management of the Canada-US border is one of the most significant concerns faced by the government of Canada. However, it is only one many challenges facing the incoming Obama administration.

Border management encompasses five of the six elements of Canada's 2004 *National Security Policy*, including “intelligence, emergency management, public health, transportation, and border security,”⁶ a mandate that, in many ways, is even broader than that of the US Department of Homeland Security, although heavily qualified by the primary or coordinate roles of provincial governments in three of these five areas.

Border management policies seek to combine security measures to regulate migration, ensure compliance with trade agreements and other national commercial regulations, and combat criminal activities. Since 9/11, they seek to provide “layered security” to defend against potential terrorist attacks, with the facilitation of “low-risk”

⁵ David Heyman and James J. Carafano. *Homeland Security 3.0: Building a National Enterprise to keep America free, safe and prosperous*. (Washington, D.C.: Center for Strategic and International Studies, 18 September 2008), 6.

⁶ Privy Council Office. *Securing an Open Society: Canada's National Security Policy*. (Ottawa: Privy Council Office, April 2004), http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat_e.pdf. ; Patrick Smith. “Anti-terrorism in North America: Is there Convergence or Divergence in Canadian and US Legislative Responses to 9/11 and the US-Canada border,” in *Borderlands: Comparing Border Security in North America and Europe*, edited by Emmanuel Brunet-Jailly. (Ottawa: University of Ottawa Press): 282.

trade and travel across national borders.⁷ Former Assistant Secretary of Homeland Security Stewart Verdery has described these processes as “finding the needle(s), while facilitating the haystack.”⁸

US and Canadian approaches to border management are largely defined by the relative proximity of the border to major population centres in each country, and the relative importance and complexity of border-related issues for varied governmental and societal actors on each side of the border. They also reflects major asymmetries in perceptions of the border and of the relative importance of particular border related issues to policy makers, assorted government agencies, interest groups, economic actors and ordinary citizens in each country.

Its exceptional length, 6,416 kilometers (3,961 miles) along Canada’s main border with the United States, 8,893 km. (5,490 mi.) overall, together with the diversity of demographic and topographical conditions create a wide range of operational challenges. The salience of border issues is typically much greater for Canada because approximately two-thirds of Canadians live within 200 km. (120 mi.) of the border. Although 16 percent of Americans live in the eleven northern Border States, compared with 23 percent in the four states along the US-Mexico border, only approximately five percent of these Americans live within a two hour drive of the Canadian border.⁹ (See Appendix I.) Similar patterns apply in trade and cross border travel. Approximately 79 percent of Canadian goods exports were shipped to the United States in 2006, compared with 22 percent of US merchandise exports to Canada.¹⁰

From an economic perspective, border management is most significant to truck shipments, which have accounted for about 70 percent of Canada’s trade with the United States in recent years.¹¹ Border crossing data published by the US Bureau of Transportation Statistics indicate that 83.9 percent of overall cross border truck traffic in 2006 occurred in five states: Texas (28.2), Michigan (23.4), New York (16.4), California (9.9) and Washington (6.0). The Buffalo-Niagara frontier in Western New York and the Detroit-Windsor crossings are the most heavily traveled points on the Canada-US border. The four busiest northern border crossing areas accounted for 54.6

	N. Border State Population	Reporting Areas	Car Traffic	Truck Traffic
New York	42.0%	7.2%	30.5%	27.4%
Michigan	22.0%	3.6%	28.4%	39.7%
Washington	13.9%	18.1%	16.9%	10.7%
Largest Three states	77.9%	28.9%	75.8%	77.8%
New England (ME, NH, VT)	4.2%	22.0%	16.0%	12.0%
Plains States + ID	17.9%	49.4%	7.7%	10.2%

Table 1: Three Largest States as Percentage of Northern Border Traffic: 2006¹²

⁷ See Ian Macleod. “Obstacle Course,” *The Ottawa Citizen*. (17 November 2007). A3; Michael Levi. *On Nuclear Terrorism*. (Cambridge, MA: Harvard University Press, 2007).

⁸ Stewart Verdery. “Finding the Needle, Facilitating the Haystack,” at US Department of Commerce Conference “International Travel to the U.S.: Dialogue on the current state of play.” (Washington, D.C.: Department of Commerce, 10 June 2004), <http://www.ita.doc.gov/td/sif/Verdery%20Speech.pdf>.

⁹ “Country Data.” US Census Bureau, <http://quickfacts.census.gov/qfd/states/23/23003.html> ; Statistics Canada, <http://www12.statcan.ca/english/census06/data/popdwel/Tabl.cfm?T=501&S=1&O=A>; author’s calculations.

¹⁰ Ian F. Fergusson. “United States-Canada Trade and Economic Relationship: Prospects and Challenges,” CRS Report RL33087. (Washington, D.C.: Congressional Research Service, 29 January 2008), <http://www.nationalaglawcenter.org/assets/crs/RL33087.pdf> 3.

¹¹ Detroit River International Crossing Study. *Draft Environmental Impact Statement*. (Detroit: 1 May 2008), <http://www.partnershipborder-study.com/pdf/us-reports/Section%201.pdf> 1-5.

¹² US Bureau of Transportation Statistics, <http://www.transtats.bts.gov/BorderCrossing.aspx> ; author’s calculations.

percent of cars and 64.7 percent of truck crossings in 2006.¹³ The Detroit area alone provides 19 percent of cars and 27.7 percent of total truck border crossings – greatly increasing concerns over the potential for increased border delays and the renewal of border infrastructure.¹⁴ (See Table 1.)

These figures highlight the extent to which border management issues related to security, migration controls and the facilitation of legitimate trade and travel are interrelated as a result of shared border infrastructure, high (but variable) levels of traffic, as well as ongoing competition for scarce financial and staff resources within and among responsible government agencies.

The growing integration of economic activities across North America and its borderland regions has greatly increased the challenges of broader policy coordination. Cross border manufacturing shipments and perishable agricultural products (as opposed to bulk commodities) are most vulnerable to border related constraints, whether because of just-in-time inventory practices introduced after the signing of the Canada-US Free Trade Agreement, or intensified inspections related to food safety. These vulnerabilities are not just economic abstractions. They affect the livelihoods of hundreds of thousands of American and Canadian citizens who look to governments to protect their interests as part of a broader national interest.

Economic interdependence is also reflected in bilateral tourism and other travel figures. Canadians accounted for approximately 31 percent of overnight visitors to the United States in 2006, up about eight percent from a 1998-2001 low.¹⁵ However, the distribution of these visitors is more dispersed. Snowbird states such as Florida, Arizona and, to some extent, California, are more likely to have higher proportions of longer stay vacations, while northern Border States with smaller populations are likely to have disproportionate levels of Canadian travelers. (See Appendix II.)

The geographical segmentation of border economies can be also seen from border crossing statistics for automobiles – which provide a rough proxy for commuters and other same day travelers crossing the border. The density of automotive border crossings relative to state populations is almost twice as great as the national average in Maine and Vermont – suggesting high levels of cross border interaction with neighbouring areas of New Brunswick and Quebec, especially given the distance of most of these communities from major population centers. (See Appendix III.)

High volumes of cross border automotive travel at major border crossings also have major implications for their ability to process freight shipments – particularly if access roads and other infrastructure constraints make it difficult for pre-screened truck shipments and “trusted travelers” to reach lanes designated to accommodate such groups. A recent study at the Pacific Coast gateway at Blaine, Washington, indicated that waiting times for non-Free and Secure Trade (FAST) lane trucks were, on average, an hour greater than those for pre-cleared shipments in June 2007.¹⁶

However, as a rule, automobile traffic is far heavier across the US-Mexico border, both in absolute terms and in proportion to state populations, than it is along the American northern border. Eight of the ten highest volume crossing areas (over 10,000 inbound vehicles per day) and 12 of the 16 busiest crossings in the United States

¹³ Detroit-Windsor, Buffalo-Niagara, Sarnia-Port Huron and Blaine / White Rock.

¹⁴ United States Bureau of Transportation Studies. US Department of Transportation. “U.S. Border Crossings/ Entries by State/Port and Month/Year Sorted by Month (Ascending).” (Washington, D.C.), <http://www.transtats.bts.gov/BorderCrossing.aspx> ; Geoffrey Hale. “Framing the U.S.-Canada Border: Hardening, Bridging or ‘Fragging,’” paper presented to Border Regions in Transition Conference. (University of Victoria and Western Washington University, 15 January 2008).

¹⁵ International Trade Administration, U.S. Department of Commerce. (2007), http://tinnet.ita.doc.gov/outreachpages/download_data_table/2006%20Appendix%20A%20Visitors.pdf.

¹⁶ Anne Goodchild, Steven Globerman and Susan Albrecht. “Service time variability at the Blaine, Washington International Border Crossing and the Impact on Regional Supply Chains,” *Research Report # 3*. (Bellingham, WA: Border Policy Research Institute, June 2007), http://www.ac.wvu.edu/~bpri/files/2007_Jun_Report_No_3_Service_Time_Variability.pdf 9.

(over 5,000 inbound vehicles per day) are in California, Texas and Arizona. Average daily border crossings in California exceed totals for Canada's entire border with the lower 48 states. These figures have direct implications for personnel assignment in response to the staff shortages which are of concern to business groups as a result of border delays.

Distinctions between conditions on the northern and southern US borders are also visible in the differing emphases in national governments' border management and security priorities and in the responses of ordinary citizens and businesses in these regions. They also demonstrate the fragmentation of political, bureaucratic and societal perspectives of the border and of "borderlands": ill-defined regions straddling the border which are characterized by intensely regionalized or localized patterns of economic, social and cultural interaction among citizens and businesses.¹⁷

Governments, especially in the United States, focus heavily on controlling flows of people and products in order to regulate patterns of migration and broader economic activity. These inspection activities may help to reduce criminal activities and the risk of terrorism. However, the ways in which these policies have been implemented also add substantial and potentially avoidable costs and delays to the normal and legitimate activities of businesses and citizens. Thus, it is not surprising that public and business support for these policies is often contingent on limiting unnecessary interference in their accustomed, and normally legal, activities.

Understanding and reconciling these competing, often conflicting, perspectives and priorities is critical to the effective security cooperation in an increasingly unpredictable world.

COMPETING AND CONFLICTING PRIORITIES AND PERSPECTIVES

Each definition (of homeland security) represents a set of interests that claims a niche in the homeland security ecosystem.¹⁸

The size and scope of border management issues in each country, and their integration with a wide range of security and economic issues, contributes to the emergence of competing policy perspectives within and among government agencies in the United States and Canada. This competition is reinforced by the wide range of business and other societal interests that compete to influence government policies and priorities.

There are at least six different sets of perspectives driving border management issues along the US-Canada border. These perspectives are shaped by a principal emphasis on:

- security issues – whether related to terrorism, crime or migration;
- legal issues – whether in the pursuit of power to achieve particular policy goals, oversee government operations or discipline the exercise of power by governments;
- economic issues arising from cross border trade, tourism and commerce – perspectives of these issues tend to reflect the scale (local, regional, North American, global) of business operations, and whether particular interests are trade dependent or import competing;
- regulatory issues – often related to policy coordination within and between governments, but also to securing relative autonomy for particular regulators, administrative agencies, and relevant provincial, state or congressional actors;

¹⁷ Emmanuel Brunet-Jailly. "Borders, Borderlands and Security: European and North American Lessons and Policy Suggestions", in *Borderlands: Comparing Border Security in North America and Europe*. edited by Emmanuel Brunet-Jailly. (Ottawa: University of Ottawa Press, 2007).

¹⁸ Christopher Bellavita. "Changing Homeland Security: What is Homeland Security," *Homeland Security Affairs*. Vol. 4, no. 2, (June 2008): 1.

- societal issues – reflecting, in particular, the concerns of border communities, immigrant communities and those seeking to make the border a more effective barrier to unwanted people, commodities or environmental effects;
- managerial issues – specifically, how to manage or balance crosscutting political and policy objectives which are oriented to achieving measurable outcomes.

These overlapping and competing policy goals and frames are modelled in Figure 1. Pursuit of these goals may contribute to greater policy centralization and the imposition of particular government priorities, or to policy decentralization, in order to accommodate a wider range of priorities and interests. Policy makers and associated interests may seek to emphasize more restrictive, “hardening” or “thickening” approaches to border management, more flexible, facilitative or “bridging” approaches, or some combination of both. In either case, the positions of different agencies, decision makers and groups exist along a continuum that reflects varied institutional perspectives and combinations of political or policy goals.

<p>Central state to state Negotiations</p> <ul style="list-style-type: none"> • Smart Border Accord (2001) • Container Security Initiative • Trusted Traveler Programs (FAST, NEXUS, SENTRI) • “soft” law (MOUs, MOAs) 	<p>Centralization</p>	<p>Unilateral Action (Executive / Congressional)</p> <ul style="list-style-type: none"> • US VISIT • <i>WHTI (2004)*</i> • <i>Real ID (2005)</i> • <i>Challenging CFIUS (2006)</i> <p>Law enforcement, counter-terrorism emphases in defining, funding homeland security (including ports, borders)</p> <ul style="list-style-type: none"> • “hard” law – e.g. criminal law.
<p>Bridging / Facilitation</p> <ul style="list-style-type: none"> • “soft” law (e.g. AAMVA) • NGA /CSG / Regional governors’ councils • PNWER • BESTT • BC/WA EDL proposal • “All hazards”, “Jurisdictional” perspectives” for organizing, funding homeland security, emergency management functions 		<p>Hardening / Restriction</p> <ul style="list-style-type: none"> • “hard” law (e.g. state measures with enforceable penalties) • Sanctions on illegal immigrants • COOL (Federal/State)
<p>Cross border cooperation of state / provincial governments and / or societal actors</p>	<p>Decentralization</p>	<p>State-level restrictions on migration / product standards</p>

Figure 1: Fraggementation, Security and the Border

*subject to subsequent Congressional review, administrative intervention.

Since 2001, border management in the United States has been dominated by security and law enforcement perspectives. Security policies may complement or conflict with other economic and societal priorities, especially in border regions. Concern over the protection of civil liberties and constitutional rights provide an additional

dimension for consideration of these issues, as do societal perspectives related to personal security, public health, economic wellbeing and the accustomed social and economic interaction of people in border communities and regions.

US Homeland Security analyst Christopher Bellavita identifies seven distinct perspectives of homeland security among policy makers and analysts in the United States. Four of these perspectives focus on the role of the Department of Homeland Security (DHS) and its relations with other public and private sector entities which possess homeland security responsibilities: first, homeland security as *terrorism* or, more precisely, *counterterrorism*; second, an *all-hazards* set of functions; third, *counterterrorism* and preparation for, and response to, *catastrophes*, a blend of the previous two approaches and, last, a perspective which is focused on *jurisdictional hazards*. This fourth perspective is the most decentralized and localized approach which emphasizes specific regional applications of risk management principles.

Three more perspectives contain broad societal considerations: *meta-hazards* engage broader economic and societal concerns, including some of those raised in this paper; a *national security* perspective centered among defence policy analysts, which considers homeland security a subset of broader defence and security issues; *security "uber alles"* which considers post-9/11 American homeland security policies as a systematic assault on historic freedoms and constitutionally protected civil liberties which, in some eyes, serves the "sinister" interests of particular political and economic elites. With the exception of the latter perspective, which ranges from mainstream civil liberties discourse to anti-system conspiracy theories, all of these outlooks substantially reflect some dimension of the bureaucratic politics of US federal agencies and American federalism.¹⁹

Although the US Homeland Security Council, an inter-agency body of cabinet and sub-cabinet level officials reporting to the President, was reportedly considering a shift towards a more explicit recognition of the "all-hazards" character of national homeland security, it is unclear what approach the incoming Obama administration will take to this issue. The principal focus of the *Homeland Security Strategy of the United States* remains preventing and responding to terrorism.²⁰ President Obama's election platform only suggested limited changes in these priorities.²¹

Efforts to strike balances among the priorities noted in Bellavita's first four categories have contributed to a variety of different policy approaches and discourses. These approaches are broadly associated with two broad paradigms of homeland security policy which may be summarized as "risk avoidance" and "risk management": reflecting what Alden has described as internal debates between "cops" and "technocrats."²²

The first perspective tends to be law enforcement oriented, hierarchical in its administrative processes and aimed at privileging security issues over all other considerations, whether economic, societal or relating to civil liberties. The second perspective tends to involve a combination of prescriptive regulations, intergovernmental cooperation and incentives to secure the active cooperation of economic and societal communities. It is more likely to emphasize a balance that accommodates the interests of these groups both in securing the border and in creating systems to facilitate pre-screening and systems engineering. The mobilization of "outside" interests to achieve shared goals may enable officials of border agencies to focus a greater share of available resources on combating criminal activities and the screening of higher risk activities – while contributing to greater degrees of societal preparedness and resilience in response to a wide range of emergencies.²³ In practice, there is an ongoing dialogue between proponents of the two perspectives, and some policy makers borrow freely from both approaches.²⁴

¹⁹ Bellavita. "Changing Homeland Security: What is Homeland Security."

²⁰ Bellavita. "Changing Homeland Security: What is Homeland Security." 4.; United States. Homeland Security Council. (2007): 2-3.

²¹ "Homeland Security." Obama for America. (2008), http://www.barackobama.com/pdf/issues/homeland_security.

²² Edward Alden. *The Closing of the American Border: Terrorism, Immigration and Security since 9/11*. (New York: Harper Collins, 2008): 80-146.

²³ David Heyman and James Jay Carafano. *DHS 2.0: Rethinking the Department of Homeland Security*. (Washington, D.C.: Centre for Strategic and International Studies and Heritage Foundation, 13 December 2004), www.csis.org/hs/041213_dhsv2.pdf 5-8.

²⁴ Geoffrey Hale. "Framing the U.S.-Canada Border: Hardening, Bridging or 'Fragging,'" paper presented to Border Regions in Transition Conference. (University of Victoria and Western Washington University, 15 January 2008).

Other perspectives tend to focus primarily on issues of civil liberties, personal privacy and the protection of identifiable social groups against prescriptive security measures. These perspectives reflect important social values. However, they appear to have had only limited impact on US homeland security policy debates since 2001. In practice, legal requirements for respect of due process are widely perceived to have been secondary to empowering DHS officials in their exercise of administrative discretion.

Canadian governments have dealt with a similar mix of issues, but with very different emphases. In Canada, security issues have been integrated with day-to-day law enforcement efforts that are based on risk management perspectives. In comparison with the US, Canada has a greater economic dependence on export markets, especially American markets. This dependence increases the relative importance of integrating economic and security policies, while investing in the border infrastructure necessary to make these systems function effectively. Civil liberty perspectives, mediated primarily through the Canadian courts, provide significant constraints on the autonomy of policy makers and of security and law enforcement agencies. Demographic considerations also play a significant role, particularly given the importance of immigration in offsetting Canada's aging population and the implications of related societal dynamics on the policy choices of governments.

The Domestic Context for US Homeland Security Policies

Three major factors have driven the evolution of US security and other border related policies since the beginning of the decade. First, reactions to the events of 9/11 and the ongoing possibility of terrorist attacks have forced a major rethinking of security policies and priorities. Second, continuing international conflicts, the interception of both external and domestic plots and the possibility that terrorist groups hostile to the United States could mount another major attack, possibly even with nuclear or biological weapons, have made counterterrorist activity a central priority of the US government, particularly the Department of Homeland Security. One major result of these pre-occupations, as noted repeatedly by former US Ambassador Paul Cellucci, is that "security (has) trumped trade" in US-Canada relations.²⁵ Canadian cooperation on security issues became a necessary precondition for US government cooperation on border facilitation. Third, the persistent growth of illegal migration to the United States, combined with weaknesses in US visa enforcement processes that facilitated the 9/11 attacks, reinforced domestic political pressures to link the two sets of issues within a comprehensive regime of border enforcement policies. This dynamic will be discussed later in this section, together with related issues of domestic income stagnation and economic insecurity.

As a result, the past seven years have seen an institutionalization of security policies. The Bush administration's success in placing security issues at the center of partisan debates between 2002 and 2006 ensured that both major American political parties are firmly committed to giving continued priority to homeland security, and to the ongoing implementation of further security measures such as those proposed by the bi-partisan 9/11 Commission.²⁶ Although there have been significant internal debates over the most effective ways of accomplishing these objectives, they have been sufficiently embedded in US policy discourse and the 2008 Obama Presidential campaign made few departures from the new security orthodoxy.

It is not clear at present how the US government's preoccupation with current economic challenges will affect the political and bureaucratic environment for homeland security policies or the substantial investments in infrastructure, technologies and personnel that are required to follow through on previous policy initiatives and Congressional mandates. In the absence of policy signals indicating the likelihood of significant changes, shifting Congressional priorities suggest that the DHS may have to pursue its current range of mandates while lacking the resources necessary to accomplish them. This lack of resources is troubling because of the relatively labour intensive functions of combining enforcement-oriented approaches to border security with effective border facilitation for low-risk

²⁵ Paul Cellucci. *Unquiet Diplomacy*. (Toronto: Key Porter, 2005):15.

²⁶ National Commission on Terrorist Attacks on the United States. *The 9/11 Commission Report*. (Washington, D.C.: 22 July 2004).

trade and travel. This reality is tacitly acknowledged in DHS' deployment of unmanned Predator surveillance aircraft to patrol long stretches of the northern US border between Minnesota and Montana.

As noted above, homeland security policies overlap with other issues of economic and societal insecurity, including American domestic political debates addressing the breakdown of US migration policies and the rapid growth of illegal immigration in recent years, the growing concerns about food and product safety and the expanding economic insecurity linked to near record trade deficits and stagnant income levels – despite relatively low unemployment levels until 2007. Each set of factors has implications for Canada and bilateral border management.

Other Issues – Migration

Most visibly, the bitter debate over illegal immigration, which gridlocked Congress for much of the period between 2005 and 2007, has focused on the rapid growth of undocumented migrants. These immigrants largely come from Mexico and Central America to the US. Their cumulative numbers were estimated between 12 and 14 million by mid-decade. Related political pressures have resulted in attempted crackdowns along the US-Mexican border, legislation such as the REAL ID Act²⁷ and attempts to control illegal immigration through the construction of security fences, supported with electronic monitoring technologies, along heavily populated stretches of the border.

These efforts to combat illegal immigration also contributed to the 2004 legislation of the Western Hemisphere Travel Initiative (WHTI), requiring that all persons crossing the border carry passports or "other secure documents." Carrying these documents is a normal condition for business travel but a greater inconvenience and disincentive for routine cross border travel, particularly by people living in border regions. These requirements have also led to the mandatory fingerprinting of aliens entering the US, which has not yet included most Canadians except for visa holders, under the partially implemented United States Visitor and Immigrant Status Indicator Technology (US-VISIT) entry-exit screening program. Political resistance to these measures along the US southern border has reinforced political pressures to increase security measures along the Canadian border still further.

Such policies are at cross-purposes with efforts by Canadian governments and business groups to demonstrate that, while law enforcement challenges exist, conditions along the northern and southern borders are different and warrant diverse responses. In the context of business travel, these measures have also complicated efforts to facilitate the cross border mobility of business people, technical and professional staff both in servicing clients and performing a wide variety of internal business functions. Observers on both sides of the border suggest that at least three broad sets of initiatives are necessary to reconcile existing US-Canada border security operations with proclaimed goals of border facilitation for low risk cargo and travelers:

- substantial modernization of border infrastructure facilities as most American infrastructure is more than 40 years old and, according to DHS officials, "not designed for current operations";²⁸
- significant increases in the number of border agency staff available for duty along the US-Canada border, with closer alignment of staffing schedules with levels of traffic²⁹ and

²⁷ The Real ID Act aims at strengthening the security of "foundational" identification documents and limiting access to them to legal residents of the United States. The concept of "secure identification" is intended to combat fraudulent identification documents through the creation of comprehensive administrative systems and standardized documents. More extensive systems using personal biometric identifiers have been developed for international travel.

²⁸ Brenna Neinast and Michele James. "Northern Border Security." Statement to US Senate Committee on Homeland Security and Governmental Affairs. (Havre, MT: 2 July 2008), http://hsgac.senate.gov/public/_files/070208NeinastJames.pdf 10.

²⁹ Staffing shortages, turnover and morale problems resulting in growing delays are often reported in border studies. For example, see: Anne Goodchild, Steven Globerman and Susan Albrecht. "Service time variability at the Blaine, Washington International Border Crossing and the Impact on Regional Supply Chains." *Research Report # 3*. (Bellingham, WA: Border Policy Research Institute, June 2007), http://www.ac.wvu.edu/~bpri/files/2007_Jun_Report_No_3_Service_Time_Variability.pdf; Loren L. Timmerman. "Securing the Northern Border: Views from the Front Lines." Statement to U.S. Senate Committee on Homeland Security and Governmental Affairs. (Havre, MT: 2 July 2008), http://hsgac.senate.gov/public/_files/070208Timmerman.pdf.

- increases in market penetration of trusted traveler programs, which accounted for approximately nine percent of border traffic in mid-2008, and other forms of "secure identification" capable of expediting border crossings.³⁰

The introduction of enhanced driver's licences (EDLs) as the result of a cross border pilot project between Washington state and British Columbia offers a pragmatic, low cost and relatively unintrusive way of achieving broader security objectives, including a reduction in the burgeoning plague of identity theft, without disrupting cross border trade and travel. However, its implementation remains a work in progress and faces challenges similar to those of other "trusted traveller" programs because its effectiveness heavily depends on the availability of adequate staff resources and the continued improvement of border crossing infrastructure and related transportation systems. Government and business leaders working through the Pacific Northwest Economic Region (PNWER) have suggested a series of administrative adaptations that offer practical ways of adopting national policies to the particular situations of different border regions.³¹

It remains to be seen how the combined effects of the economic slowdown, which has reportedly contributed already to lower levels of illegal migration, and the American Presidential transition will affect these issues. However, given the substantial differences in income levels and economic opportunities on each side of the US-Mexico border, these effects are likely to remain central to bilateral relations between the two countries, as well as to broader questions of border management, for the foreseeable future.

Other Issues – Economic Insecurity

Growing economic insecurities resulting from globalization, economic restructuring and "outsourcing" have eroded public support for trade liberalization in the United States, prompting elements in Congress (and elsewhere) to challenge existing treaties and to enact a growing range of trade barriers. More recently, similar measures have been proposed to limit imports that fail to meet US domestic environmental standards. Although such pressures are predictable responses to declines in the business cycle, they reflect widespread public perceptions that borders should be reinforced in the name of "economic security" or "levelling the playing field".

Such perceptions are often shared in Border States where average personal incomes are significantly below the national average³² – particularly in states which compete directly with Canadian imports of primary products, rather than gaining the benefits of shared production processes.

Although aggregate American living standards, measured in terms of gross domestic product (GDP) per capita, are among the highest of any nation in the world, the average incomes of most American households in 2006 were below the last pre-recession peak of 1999-2000, despite modest gains in recent years.³³ These realities are reflected in the interaction of interest group politics and Congress, a game that is also open to cross border interests which seek to maintain a relatively open border and secure recognition or accommodation of comparable rules and processes in Canada.

³⁰ Brenna Neinast and Michele James. "Northern Border Security." Statement to US Senate Committee on Homeland Security and Governmental Affairs. (Havre, MT: 2 July 2008), http://hsgac.senate.gov/public/_files/070208NeinastJames.pdf 8.

³¹ Pacific NorthWest Economic Region. "PNWER Action Plan for Better Border Management." (Seattle, WA: 9 May 2008).

³² Including Ohio (90.3%), North Dakota (90.2%), Maine (87.7%), Montana (84.1%) and Idaho (80.3%). Such protectionist pressures do not appear to be as strong in more prosperous border states such as New York, Minnesota, Washington, New Hampshire, Vermont or Alaska.

³³ US median pre-tax incomes in 2006 were 3.9 percent below their 1999 peak. Average incomes for the bottom four income quintiles, accounting for 80 percent of Americans, declined between 2000 and 2006. See: Carmen DeNavas et al. "Income, poverty and health insurance coverage in the United States: 2006." (Washington, D.C.: United States Census Bureau, August 2007), <http://www.census.gov/prod/2007pubs/p60-233.pdf>. 38. By contrast, both pre-tax and after-tax incomes have increased for most income groups since 2000, by an overall average of 4.4 percent and 9.5 percent respectively between 2000 and 2006, reflecting the effects of rising energy prices and Canada's then-rising exchange rate against the US dollar. (Statistics Canada; author's calculations).

These pressures, which have been intensified by the effects of the US slide into recession in the second half of 2008, challenge efforts by the Bush and incoming Obama administrations to work with other major industrial countries to coordinate macro-economic policies, stabilize their respective financial sectors and avoid a reversion to the kinds of “beggar-thy-neighbour” economic policies which contributed to the Great Depression in the 1930s. As Canada is one of the “neighbours” in question, this kind of cooperation is central to Canada’s economic security.

Longer term concerns relate to the competitiveness of North American industries when barriers to cross border trade are significantly more intrusive than those imposed on imported goods or components from developing countries. It is important to quantify the specific impact of these issues on North American industries, whether based in security policies, specific trade policies such as rules of origin and other inconsistencies among national trade policies or other regulatory factors. However, it is an undeniable reality that these issues augment risks for Canadian-based operations and workers. There is also a minimal level of awareness outside specialized US policy circles of the implications of global supply chains on the economic wellbeing of communities in many parts of the United States.

The politicization of these debates, and the tendency of different interest groups to mobilize support in Congress and like-minded segments of relevant bureaucracies, creates significant challenges for the Canadian government. Effective administrative cooperation between national governments depends, in large measure, on the development of shared definitions of problems or threats, the identification of technical policy responses and the development of strategies for effective implementation. The greater the range of stakeholders both inside and outside governments, the more important it becomes to incorporate these perspectives into policy creation and implementation.

However, the greater the extent to which particular issues are politicized, either as a result of different threat perceptions or the marginalization of important societal interests in the process of policy design and implementation, Canadian governments must either run the risk of being excluded from such processes or attempt to protect their citizens’ interests through both engagement with US domestic policy debates as well as the administrative processes of the US government.

The Security and Prosperity Partnership process initiated in 2005 was an attempt to bring some political and administrative coordination to a wide range of security, regulatory and border facilitation issues. Nevertheless, the failure of senior political leaders to allow for broader consultation and engagement by Congressional, parliamentary and broader societal interests in all three countries unnecessarily undermined the credibility of these often technical discussions, contributing to the polarization of public debates.³⁴

Efforts to resolve this problem face two major hurdles. The higher political and risk profile of the US-Mexico border challenges the possibility of addressing northern and southern border issues in isolation from one another. However, addressing the US-Canadian and US-Mexican borders through a single process significantly increases the risk to Canadian and often US border state interests because these border thickening measures are frequently imposed without adequate consideration to risk or economic impact. In practice, any politically effective approach will depend on combining a “dual bilateral” strategy that ensures the involvement not only of border agencies but also economic interests and other societal stakeholders – especially those from border communities.

Making such a process function effectively will depend on the ability of security agencies and other policy makers to move closer to a shared perception of the specific nature of threats that must be addressed along the border, and the most effective means of reducing them without undue damage to the interests of other stakeholders.

³⁴ Greg Anderson and Christopher Sands. *Negotiating North America: The Security and Prosperity Partnership*. (Washington, D.C.: The Hudson Institute, October 2007), <http://www.scribd.com/doc/397956/Hudson-Negotiating-North-America-The-Security-and-Prosperity-Partnership>.

Other Issues – Food and Product Safety

Concerns over food and product safety have become increasingly prominent in recent years with border closings related to the Bovine Spongiform Encephalopathy (BSE) scare of 2003-2005, and numerous discoveries of toxic products shipped both from inside and outside North America. Although the BSE problem was subsequently resolved following close cooperation between American, Canadian and Mexican governments, other discoveries have strengthened demands for closer inspections at the border, along with growing fees imposed without regard to product risks or similarities in inspection standards. Some American groups have sought to exploit these concerns by persuading the American Congress and several states to implement Country-of-Origin Labelling legislation, even though such approaches only increase consumer costs without providing corresponding security benefits. Other policy outcomes include the increased use of border inspection fees unrelated to product risk, and other measures intended to externalize the costs of food safety policies.

Relevant agencies within the government of Canada, including Agriculture and Agri-food Canada and the Canadian Food Inspection Agency, have sought to work closely with their US counterparts to provide for a comparable regulatory environment on both sides of the border, in order to reduce disincentives for cross border agricultural trade. However, the effectiveness of such approaches can be limited by administrative inconsistencies and “gaming” by agency officials, interest groups and their political patrons in the pursuit of other objectives.

Competing Threat Perceptions

Cross border cooperation, both on “big picture” policy issues and related administrative issues of implementation, is heavily influenced by the degree to which senior policy makers in Canada and the US share perceptions of external threats to major domestic interests or national security.³⁵

At present, there appears to be a significant gap between the rhetoric of security, which tends to focus on threats of terrorism and the scale of illegal migration, at least in the United States, and the reality of generally close cooperation along the US-Canada border in addressing more conventional issues of organized crime, drug and people smuggling, and more mundane issues of managing the large volumes of legal freight and travellers entering the United States and Canada. However, this can create a “Catch-22” situation in which local inter-agency and cross border cooperation becomes more effective in dealing with ongoing criminal activities, but at the risk of greater tensions with specialized agencies focused on counterterrorism priorities.³⁶

Moreover, there appears to be little recognition in the United States, apart from a relatively small cadre of policy makers, of the cumulative economic costs of poorly designed security and other regulatory measures that reduce the overall efficiency and productivity of American firms and workers – contributing to the further erosion of their living standards.

Expert and media commentaries suggest that although terrorist threats from beyond North America are an ongoing concern among national intelligence and law enforcement agencies,³⁷ an equally significant threat comes from domestic sources in both Canada and the United States. The latter include small groups of jihadist radicals or

³⁵ Richard J. Kilroy. “Perimeter Defense and Regional Security Cooperation in North America: United States, Canada, and Mexico,” *Homeland Security Affairs*. Supplement # 1. (December 2007), <http://www.hsaj.org/pages/supplement/issue1/pdfs/supplement.1.3.pdf>.

³⁶ Bellavita. “Changing Homeland Security: What is Homeland Security.” 6.

³⁷ Stewart Bell. “Solo terrorists pose new threat,” *National Post*. (10 June 2008). A4.; “Fighting al-Qaeda must take priority,” *The Toronto Star*. 11 August 2006. Editorial.; David Ignatius. “Portents of a nuclear al-Qaeda,” *The Washington Post*. (11 October 2007). A25; Ian Macleod. “Obstacle Course,” *The Ottawa Citizen*. (17 November 2007). A3 ; Brigitte McCann. “Bienvenue à Montréalistan,” *Le Journal de Montreal*. (16 March 2007).; Bruce Hoffman. “The myth of grass-roots terrorism,” *Foreign Affairs*. (March-April 2008).; Adrian Humphreys and Stewart Bell. “Hezbollah has cells in Canada,” *National Post*. (20 June 2008). A1.

disaffected loners mobilized through the internet.³⁸ As such people constitute a small fraction of the communities from which they are drawn, and the cooperation of law abiding members of these communities in detecting and reporting jihadist activities is vital for effective police work, it is often politically easier to externalize public perceptions of risk by pointing to the Mexican and Canadian borders as the principal sources of risk.

As a result, Canadian diplomats in the United States devote considerable time and energy to managing exaggerated or sensationalized perceptions of risk, whether among government officials or the American public, which are derived from suggestions that past Canadian governments have not taken threats to domestic or North American security as seriously as they should have done.

These concerns include the “porous border,” Canadian immigration policies, screening of refugees and prospective immigrants, “radicalized” immigrant communities and the supposed indifference of Canadian government officials. Certain groups have a vested interest in promoting such perceptions, whether to expand their own budgets, increase perceived risks in the hope of being able to exert greater influence over the public policy agenda, or to mobilize concerns about security to advance their interests in other ways, whether in pursuit of higher increasing television ratings or attempting to harass imports from other countries.

Even so, police sources suggest that the greatest threat to the integrity of national borders and the security of law abiding citizens comes from organized criminal gangs and is often related to the smuggling of drugs – although such networks are also involved in people smuggling activities.³⁹ Intelligence and police sources have noted the extensive penetration of ports and airports by organized crime.⁴⁰ While individual cases of corruption among police and border agencies have been unearthed, there is no evidence of the sort of systemic corruption or violence that currently threatens the integrity of the Mexican state and the lives of honest officials in that country.⁴¹

This situation reflects the realities of American security expert Stephen Flynn’s “hardened border paradox.” Flynn suggests that “draconian measures to police invariably provide incentives for informal arrangements and criminal conspiracies to overcome cross-border barriers to commerce and labor movements” unless corresponding benefits are provided to ordinary citizens and businesses for their cooperation with extraordinary security measures.⁴²

The International Border Enforcement Teams, (IBETs) established in seventeen districts along the US-Canadian border, are a practical and reasonably effective response to cross-border criminal activity. Police and border services officials from the US and Canada work closely together, sharing intelligence, setting priorities, coordinating operations with state and local police forces and identifying barriers to cooperative police work in ways that allow

³⁸ For example, see: Associated Press. “3 Texans arraigned on terror charges,” *The Washington Times*. (13 August 2008). A1.; Spencer S. Hsu. “FBI disrupts New York City tunnel plot,” *The Washington Post*. (7 July 2006).; Jeff Sallot. “CSIS kept tabs on 274 terror suspects last year,” *The Globe and Mail*. (27 October 2006). A1.; Stewart Bell. “Jihadization of youth a rapid process,” *National Post*. (26 January 2007). A1.; Stewart Bell. “Solo terrorists pose new threat,” *National Post*. (10 June 2008). A4; David Ignatius. “Thinking through doomsday,” *The Washington Post*. (23 May 2008). A17.; Ian Macleod. “The warning lights are all blinking red,” *The Ottawa Citizen*. (23 February 2008). B1-3.; Marc Sageman. “The Next Generation of Terror,” *Foreign Policy*, (March-April 2008).

³⁹ Criminal Intelligence Service Canada. *2004 Report on organized crime in Canada*. (Ottawa: 2004), http://www.cisc.gc.ca/annual_reports/annual_report_2004/documents/cisc_2004_annual_report.pdf; Noor Javed. “Toronto link alleged in human smuggling,” *The Toronto Star*. (29 November 2007). A1.; Wilson Ring. “Indictments in Canada border crossing,” *The Buffalo News*. (29 November 2007). A1.

⁴⁰ Criminal Intelligence Service Canada. *2004 Report on organized crime in Canada*. (Ottawa: 2004), http://www.cisc.gc.ca/annual_reports/annual_report_2004/documents/cisc_2004_annual_report.pdf; Jerry Amernic. “What port security?” *National Post*. (1 April 2008). A12; Colin Freeze and Tu Thanh Ha. “Gangs infiltrating Canadian airports,” *The Globe and Mail*. (11 December 2008). A1.

⁴¹ Manuel Roig-Franzia. “Terms set for anti-drug aid from US – Mexico,” *The Washington Post*. (5 October 2007). A14.; Manuel Roig-Franzia. “Drug trade tyranny on the border,” *The Washington Post*. (16 March 2008). A1.

⁴² Stephen E. Flynn. “The False Conundrum: Continental Integration vs. Homeland Security,” in *The Rebordering of North America*, edited by Peter Andreas and Thomas Bierstecker. (New York: Routledge, 2003): 112.

them to overcome, or work around, institutional barriers within and between countries, while respecting national and local laws. Innovative programs such as “Shiprider” allow for cross-training and joint cross border operations in coastal and inland waters such as the St. Lawrence Valley and Great Lakes regions. Indeed, police officials and others report that inter-agency competition within each country (often a more serious problem in the United States)⁴³ is usually a greater barrier to operational effectiveness than national borders.⁴⁴

ECONOMIC AND BUSINESS CONCERNS – STRATEGIC AND OPERATIONAL

Existing security policies are not without their critics. Security policy specialists, both inside and outside Washington, note the frequent lack of coordination within the DHS, the tendency towards isolated or “stove-piped” decision making within its 22 legacy agencies, the fragmentation of Congressional policy making and oversight among as many as 86 Congressional committees and sub-committees, erratic relations between federal and state officials in areas of shared responsibility and a tendency to consult with private sector groups on whom governments rely to implement many areas of government policies only after major decisions have already been made.⁴⁵

An assessment of broader policy discussions involving security and border facilitation suggests that issues of border facilitation and related coordination with homeland security policies amount to a “niche market” at the margins of broader discussions of homeland security policies – both in business engagement with Washington’s sprawling homeland security bureaucracy and the equally disjointed process of Congressional policy making and oversight.

Such policies overlook border policy specialists’ observations that greater interaction of communities and interests across national borders, amplified by market forces and cultural linkages, increase the likelihood that national governments’ border security policies will depend on a combination of inter-governmental cooperation and that of social and economic interests in borderlands regions.⁴⁶

Business groups in both countries have been critical of poorly designed and implemented policies and program that either fail to deliver promised benefits or do so at costs sufficient to discourage participation by all except the most trade dependent industries and firms.⁴⁷ Business critiques fall into four major categories:

- strategic limitations of security policies that fail to consider the potential economic effects of a major catastrophe, whether natural or man-made, on cross border trade and the economic wellbeing of citizens and businesses dependent on related supply chains;

⁴³ In 2007, former US Ambassador to Mexico Jeffrey Davidow suggested that such jurisdictional competition is endemic in American law enforcement circles. See also Jerry Markon. “FBI, ATF battle for control of cases,” *The Washington Post*. (10 May 2008). A1.

⁴⁴ RCMP presentations. Border Regions in Transition Conference. (Victoria, BC and Bellingham, WA: January 2008).

⁴⁵ David Heyman and James Jay Carafano. *DHS 2.0: Rethinking the Department of Homeland Security*. (Washington, D.C.: Centre for Strategic and International Studies and Heritage Foundation, 13 December 2004), www.csis.org/hs/041213_dhsv2.pdf; Jerry Markon. “FBI, ATF battle for control of cases,” *The Washington Post*. (10 May 2008), A1.; Paul N. Stockton and Patrick S. Roberts. “Findings from the Forum on “Homeland Security after the Bush Administration: Next Steps in Building Unity of Effort,” *Homeland Security Affairs*. Vol. 2. (June 2008), <http://www.hsaj.org/?article=4.2.4>.

⁴⁶ Emmanuel Brunet-Jailly. “Borders, Borderlands and Security: European and North American Lessons and Policy Suggestions,” in *Borderlands: Comparing Border Security in North America and Europe*. edited by Emmanuel Brunet-Jailly. (Ottawa: University of Ottawa Press, 2007): 351-57.

⁴⁷ Canadian Chamber of Commerce and United States Chamber of Commerce. “Finding the Balance: Reducing Border Costs While Strengthening Security.” (Ottawa, Washington, DC: February 2008), <http://www.chamber.ca/cmslib/general/0802FindingTheBalance20083393251.pdf>; Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee*. (Washington, D.C.: January 2008), http://www.dhs.gov/xlibrary/assets/SBODAC_011608-Accessible.pdf.

- design flaws in existing border security policies that undermine their avowed intention of combining effective “layered security” measures based on risk management principles with effective border facilitation for low risk trade and travel, so that the two broad policy goals do not work at cross purposes;
- significant omissions in infrastructure, staffing, technology and related budget commitments that are practical conditions of reconciling effective security and border facilitation and
- related operational failures of policy implementation.

Strategic policy limitations

Most business groups express support for the “layered defence” paradigm that is central to US Homeland Security strategies, even though these groups tend to lean far more strongly towards its interpretation on the basis of “risk management” principles and stakeholder engagement, rather than “risk avoidance” based on command-and-control approaches to regulation.

At the strategic policy level, groups such as the North American Competitiveness Council and the US and Canadian Chambers of Commerce point to three major policy failures. Governments have failed to prepare contingency policies for the reopening of the border in the event of a significant natural or human induced disaster: a policy which was proposed by the 2007 summit of North American leaders.

There have been long delays in replacing or expanding aging border crossing infrastructure and related approach routes, which have failed to keep up with growing levels of traffic and the operational requirements of governments. Such challenges are most evident in high traffic locations such as the Detroit-Windsor crossing, the Buffalo-Niagara frontier and crossings linking British Columbia’s Lower Mainland with US Pacific North West.

Moreover, bureaucratic squabbling and legal issues have prevented governments from moving forward with pilot projects for land preclearance, which is a key aspect of “pushing back the border” to relieve congestion, process goods and travellers more efficiently and allow both businesses and individual citizens to reap the benefits of participation of trusted shipper and traveller programs as intended in the 2001 Smart Border Accord.

These failures have contributed to costly and growing delays at the border, and greater unpredictability in traffic flows that have required businesses to implement costly back-up measures – sometimes described as “just in case” (as opposed to “just-in-time”) approaches to supply chain management. The North American Competitiveness Council has estimated these costs at more than US\$11 billion annually.⁴⁸ These failures, which have reduced the credibility of the trusted shipper and shipper policies at the heart of integrating border security and facilitation, undermine the public and stakeholder support necessary to sustain these policies. At a strategic level, inadequate policy coordination has the effect of “shifting economic growth” away from North America, particularly as border impediments make it easier for many industries to import directly to North America rather than negotiating the poorly coordinated bureaucratic impediments along the border.⁴⁹

⁴⁸ Danielle Goldfarb. *Is Just-in-Case Replacing Just-in-Time? How Cross-Border Trading Behaviour Has Changed Since 9/11*. (Ottawa: Conference Board of Canada, June 2007), <http://sso.conferenceboard.ca/e-Library/LayoutAbstract.asp?DID=2050> ; Glen Hodgson. “Canada-U.S. Competitiveness: Addressing the Canadian Economic Contradiction,” *One Issue, Two Voices*. Is. 7. (Washington, DC: Canada Institute, Woodrow Wilson International Centre for Scholars, June 2007), <http://www.wilsoncenter.org/topics/pubs/Competitiveness.pdf> ; John Austin, Elaine Dezenski and Britany Affolter-Caine. *The Vital Connection: Reclaiming Economic Leadership in the US-Canadian Great Lakes Region*. (Washington, D.C.: The Brookings Institution, March 2008): 10-12.

⁴⁹ Glen Hodgson. “Canada-U.S. Competitiveness: Addressing the Canadian Economic Contradiction” in *One Issue, Two Voices*. is. 7. (Washington, D.C.: Canada Institute, Woodrow Wilson International Centre for Scholars, June 2007), <http://www.wilsoncenter.org/topics/pubs/Competitiveness.pdf>.

Policy Design Flaws

Both business and technical critiques of current border management policies suggest that they may be conceptually sound, but are often undermined by significant flaws in policy design, possibly because of the absence of clear policy goals or standards for policy effectiveness. This is sometimes described as the “ready, fire, aim” approach to public administration. While understandable in the aftermath of 9/11, it is rarely a viable approach to any complex policy process over the long-term.

Both business groups and policy scholars note the absence of clear performance measurements to establish a basis for program success, whether in terms of broader homeland security policies, or those relating to effective border management.⁵⁰ Presentations to parliamentary and congressional committees suggest that there is little consensus over the kind of measurement parameters that should be adopted, whether based on activity levels or outcomes. This lack of consensus reflects in part the reactive response to the events of 9/11 in the development of the Smart Border Accord, but also the absence of either national or bi-national consultative processes with key business and community stakeholders during the earlier stages of policy development – particularly in the United States. These weaknesses have been reinforced by the adversarial character of Congressional policy processes in the 109th Congress, following the release of the 9/11 Commission Report and subsequent guerrilla actions by competing interests.

A related flaw in policy processes – particularly for efforts to achieve greater cargo and container security – has been the failure to translate the broad policy goals of the 2001 Smart Border Accord into practical steps that ensure that the relatively up-front high costs of meeting standards necessary to participating in trusted shipper (or trusted traveller) programs are matched with corresponding benefits – thus further reducing incentives for program participation. (For example, a October 2007 sampling of northbound truck traffic at Buffalo, NY and Blaine, WA, indicated that 25 percent and 5 percent of trucks respectively used dedicated FAST lanes for low-risk shippers.⁵¹ This results in a vicious circle where a relatively small percentage of shippers qualify for expedited handling, thus increasing delays in reaching the border and the proportion of shipments subject to secondary inspections. Such negative outcomes result in the inefficient allocation of already limited staff resources, thus making it still harder for Customs Trade Partnership Against Terrorism (C-TPAT), Partners in Protection (PIP), FAST or NEXUS⁵² approved shippers and travellers to access “express” lanes at the busiest land border points.

These effects, combined with the cumulative costs of additional and duplicative fees, longer wait times and private sector contingency costs incurred to avoid the disruption of freight schedules and just-in-time supply chains, seriously diminish the relative benefits of border facilitation measures contained in the Smart Border Accord. To the extent that such fees and inspections are imposed without regard to levels of risk, to costs incurred by governments to make selective inspections at the border or to safety measures taken by private sector firms, they substitute a costly, inefficient one-size-fits-all policy that further undermines the application of risk management principles in a form of barely disguised bureaucratic protectionism. Other policy design flaws noted include the absence of reciprocal recognition of trusted shipper and related transportation worker screening programs in Canada and

⁵⁰ Bellavita. “Changing Homeland Security: What is Homeland Security.” 2.; Canadian Chamber of Commerce and United States Chamber of Commerce. “Finding the Balance: Reducing Border Costs While Strengthening Security.” (Ottawa, Washington, D.C.: February 2008), <http://www.chamber.ca/cmslib/general/0802FindingTheBalance20083393251.pdf> 1; Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee.* (Washington, D.C: January 2008). 3; Davidson et al have suggested a number of metrics to allow more precise comparison of infrastructure supply and performance against demand. See: David Davidson, Stacia Dreyer and Bryant Hammond. “Initiating an Investigation of the Border’s Performance,” *Border Policy Brief*. Vol. 3. no. 6. (Bellingham, WA: Border Policy Research Institute, November 2008).

⁵¹ Border Policy Research Institute and Regional Institute. “Adopting the Border to Regional Realities,” in *Border Brief*. (Bellingham, WA and Buffalo, NY: Western Washington University and University of Buffalo, September 2008): 5.

⁵² C-TPAT is a voluntary US “trusted shipper” program; PIP is its Canadian counterpart; FAST is a bonding program for shippers, transport companies and drivers allowing for expedited processing at the border and NEXUS is a joint Canada-US “trusted traveler” program based on enhanced security checks and offering expedited passage at the border.

the United States – thus requiring companies in both countries to duplicate the costly and time-consuming processes of obtaining security clearances.⁵³

The US government's Open Borders Advisory Committee reports that international tourism in the United States declined 17 percent between 2000 and 2006, despite the discounted value of the American dollar against many foreign currencies.⁵⁴

Shortcomings in Policy Implementation

There is virtual unanimity among policy commentators, including but not limited to business groups, that the policy mandates of the Department of Homeland Security and the Canada Border Services Agency have grown significantly faster than the number of personnel available to carry out these responsibilities or of the level of training necessary to do so efficiently, effectively and fairly.

In Canada, reasons for personnel shortfalls include the elimination of the working alone policy at smaller ports of entry and ongoing labour-management disputes over a variety of other safety issues. The arming of border guards in response to prolonged union demands in response to border runners⁵⁵ and limited police support of border points has led to major complications in reassigning staff, including summer student employees and others unable or unwilling to pass firearms training programs.

In the United States there have been overwhelming political pressures to assign a large majority of newly hired staff to the US-Mexico border in response to high levels of criminal activity and illegal migration. Customs and Border Protection (CBP) staff levels along the northern border have increased, although far short of both DHS plans and required levels.⁵⁶ In addition to front line officers, both business and internal government reports note a shortage of support staff, from those processing customs documents to those needed to offload trucks to permit secondary inspections – thus limiting effective 24/7 commercial operations of many ports of entry. Business groups have also noted weaknesses in training for inspections of business and professional visas, often resulting in unpredictable and seemingly arbitrary disruptions of cross border business travel, while union groups note rising levels of turnover and absenteeism arising from staff shortages and mandatory overtime rules.⁵⁷ Similar comments have been made by a US government advisory body on staff shortages at airports.

Their own analysis shows that CBP does not have enough officers to staff 19 of the top 20 U.S. airports adequately. [...] insufficient CBP staffing undermines the U.S. international policy goal of expanding air

⁵³ Major business groups have pointed to the increased use of secondary inspections and other random checks of shipments for "trusted shippers." They also note US Animal and Plant Health Inspection Service (APHIS) fees imposed in 2006 to cover the cost of inspection for imported fruits and vegetables into the United States. All commercial shippers and airline passengers must pay the fee, regardless of the kinds of cargo carried. See: North American Competitiveness Council. *Building a Secure and Competitive North America: 2007 Report to Leaders*. (Washington, D.C.: August 2007), http://www.uschamber.com/publications/reports/07_nacc_report.htm ; Canadian Chamber of Commerce and United States Chamber of Commerce. "Finding the Balance: Reducing Border Costs While Strengthening Security." (Ottawa, Washington, D.C.: February 2008), <http://www.chamber.ca/cmslib/general/0802FindingTheBalance20083393251.pdf>.

⁵⁴ Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee*. (Washington, D.C.: January 2008), http://www.dhs.gov/xlibrary/assets/SBODAC_011608-Accessible.pdf 7.

⁵⁵ Border runners are drivers who pass through border crossings without stopping. Although the extent of the problem is disputed, union officials have expressed concern with having to confront armed fugitives fleeing from the US. See: Michael Den Tandt. "Border guards call for armed patrol," *The Globe and Mail* (22 March 2005); see also "Senate Standing Committee on National Security and Defence. *Canadian Security Guide Book, 2007 Edition*. 39th Parliament, 1st Session. (Ottawa: The Senate, March 2007): 19-22 and 49-51.

⁵⁶ United States. Government Accountability Office. (2007); Loren L. Timmerman. "Securing the Northern Border: Views from the Front Lines," Statement to US Senate Committee on Homeland Security and Governmental Affairs. (Havre, MT: 2 July 2008).

⁵⁷ Canadian Chamber of Commerce and United States Chamber of Commerce. "Finding the Balance: Reducing Border Costs While Strengthening Security." (Ottawa, Washington, DC: February 2008), <http://www.chamber.ca/cmslib/general/0802FindingTheBalance20083393251.pdf>; Loren L. Timmerman. "Securing the Northern Border: Views from the Front Lines."

service and the economic growth that comes with it. Open Skies air liberalization agreements can “open” skies only when there are CBP officers available upon landing.⁵⁸

The introduction and implementation of new technologies is critical for combining border security and facilitation, particularly as DHS has opted for greater reliance on technology-driven approaches rather than more physically-intrusive measures along the US-Canada border.⁵⁹ DHS’ capacity to process growing volumes of travellers at the border without major delays is heavily dependent upon machine readable travel documents, including passports and EDLs, as well as the widespread installations of Radio Frequency Identification (RFID) technologies that allow CBP officers to identify travellers as they approach the border. Although new “E-passports” are being phased in over several years and enrolment in trusted traveler programs has grown steadily during the past two years, only approximately nine percent of border crossings are accounted for by “trusted traveller” programs, while EDL programs are in their infancy.

However, as any user of new computer operating systems knows, new technologies are often far from foolproof. Business groups report substantial problems with CBP computer systems, especially those related to the Automatic Commercial Enrollment (ACE) program. Union officials note that hardware problems often result in up to five minute delays in rebooting computers at every staff rotation or shift change, resulting either in longer line-ups or requiring CBP officers to “fly blind” in screening travellers.⁶⁰ RFID chips are vulnerable to new tampering technologies, effectively avoiding security measures unless national governments exchange “key signature codes” through the Public Key Directory (PKD). Canada has yet to subscribe to the PKD.⁶¹ There appears to be a major disconnect between Congressional proposals seeking a more comprehensive exit control system for foreign visitors and the long, complicated and far-from-complete processes of making an entry system work effectively.

As noted above, risk management principles are often applied inconsistently to inspections of truck and rail freight, resulting in unnecessary duplications and eroding shipper confidence in the efficiencies promised to participants in trusted shipper programs. Business groups also report growing problems for agricultural trade and food processes, due to intensified inspection regimes regardless of risk, and their effective exclusion from both benefits of trusted shipper and pre-clearance processes. Duplications of inspections and screening for cargo and air travellers, contribute to the inefficient use of public service resources that are already stressed, while contributing to additional delays. Harmonization or mutual recognition of qualifying and screening criteria for cargo, container and traveller security could address some of these challenges.

American business groups have called for a single “Business Process Task Force” to evaluate and make recommendations on the organization of both security and related functions.⁶² Despite this recommendation, practical realities suggest that any such process will require additional sector-specific consultations which will take into account different business processes in industry sectors and the effects of current and proposed rules on smaller firms engaged in cross border trade.

⁵⁸ Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee*. (Washington, DC: January 2008), http://www.dhs.gov/xlibrary/assets/SBODAC_011608-Accessible.pdf.

⁵⁹ Ben Bain. “A tale of two borders,” *Washington Technology*. (6 March 2008), http://www.washingtontechnology.com/online/1_1/32375-1.html; Brenna Neinast and Michele James. “Northern Border Security.” Statement to US Senate Committee on Homeland Security and Governmental Affairs. (Havre, MT: 2 July 2008), http://hsgac.senate.gov/public/_files/070208NeinastJames.pdf.

⁶⁰ Canadian Chamber of Commerce and United States Chamber of Commerce. “Finding the Balance: Reducing Border Costs While Strengthening Security.” (Ottawa, Washington, D.C.: February 2008), <http://www.chamber.ca/cmslib/general/0802FindingTheBalance20083393251.pdf> 1; Loren L. Timmerman. “Securing the Northern Border: Views from the Front Lines.” 3.

⁶¹ Ruwantissa Abaratne. “The E-Passport and the Public Key Directory,” *Air and Space Law*. Vol. 30. no 4-5. (September 2005).; Steve Boggan. “Passports – This isn’t supposed to happen: how a baby became Bin Laden,” *The Times*. (London: 6 August 2008).

⁶² Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee*. (Washington, D.C.: January 2008), http://www.dhs.gov/xlibrary/assets/SBODAC_011608-Accessible.pdf 9.

Offloading some responsibilities to the private sector in such cases is inevitable, particularly when it contributes to the more effective integration of business and security-related processes away from ports of entry and airports. However, there is a natural tendency to resist the offloading of regulatory measures. This tendency is evident in the proposed US-VISIT air exit screening which is to be carried out by airlines, not only unduly complicating business processes, but leaving the impression that even if governments do not know what they are doing, they expect business to figure it out for them.⁶³

These concerns are not unique to business groups. Many other societal groups express concerns that security and facilitation issues have been managed in ways which foster a growing "us-and-them" gulf between government agencies and the citizens they are ostensibly seeking to protect. The greater the distance, both temporal and psychological, from the events of 9/11, the harder it becomes to draw conclusive linkages between particular security measures and the achievement of desired security goals.⁶⁴

Promoting public confidence in border security and facilitation can be enhanced by the development of appropriate benchmarks for evaluating the effectiveness of particular policies and programs. The timely publication of such data would both indicate their effectiveness in meeting these goals and objectives and assist in the more efficient allocation of limited resources by government agencies in both countries.

The sustainability and effectiveness of homeland and border security measures must ultimately depend on the support, engagement and participation of citizens and stakeholder groups whose lives and livelihoods are directly affected by these processes. The development of regional border partnerships involving national and local authorities and community representatives offers several possible models to build this kind of sustainable border partnership responsive both to regional and local conditions and interests as well as national policy priorities.

Regional and Societal Stakeholders

The regional variations in border conditions, traffic levels and security risks noted earlier in this paper demonstrate the challenges of implementing effective border management policies that recognize and accommodate diverse regional interests and concerns while also allowing for the effective use of resources to target regionally significant risks.

These issues highlight the different approaches to intergovernmental cooperation, both within and between countries, occasioned by each country's distinctive approach to federalism and the division of responsibilities between federal and sub-national governments. These issues also highlight the very different character and density of regional cross border networks which have proven increasingly effective in developing effective, regionally-appropriate policy responses to the challenges of border management and security.

The regional dimensions of cross border cooperation on border management are most prominently developed in four areas: transportation and infrastructure planning, emergency management, law enforcement and environmental issues. On the East and West Coasts, cooperation between state and provincial governments is more or less institutionalized through the Council of New England Governors and Eastern Canadian Premiers and the Pacific-NorthWest Economic Region, respectively. The former has served as an intergovernmental forum since 1973; the latter is a public-private sector body that brings together political, bureaucratic, business and community leaders from five north-western states and four Canadian jurisdictions.⁶⁵

⁶³ Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee*. 33-37.

⁶⁴ Frank P. Harvey. "The Homeland Security Dilemma: Imagination, Failure, and the Escalating Costs of Perfecting Security," *Canadian Journal of Political Science*. Vol. 40 no. 2 (2007).

⁶⁵ Washington state, Oregon, Montana, Idaho and Alaska; Alberta, British Columbia and Yukon, joined by Saskatchewan in 2009.

Border infrastructure is generally controlled by federal governments in each country, although physical ownership of properties varies widely, being vested in a mix of national and bi-national agencies, state governments and private firms. (See Appendix IV.) Highways leading to the border may be the responsibility of federal, state or local governments in the United States, but are a provincial responsibility in Canada – although requirements for land use planning and environmental assessments are typically multi-jurisdictional. The eight border bridges between New Brunswick and Maine traced for this study,⁶⁶ the latest scheduled for opening mid-2009, are all jointly owned by the provincial and state governments, with main responsibility for project management alternating between the two governments.⁶⁷

The presence of multiple stakeholders and overlapping regulatory systems, none of which typically have exclusive jurisdiction, creates incentives for intergovernmental cooperation and the extensive involvements of regional and local stakeholders and community interests. While embedding security and border agencies such as DHS, CBP and Canada Border Services Agency (CBSA) in such settings is necessary, mutual accommodation is essential if such multi-stakeholder processes are to have any practical likelihood of success. Such projects usually have long time horizons. The new St. Stephen-Calais Crossing, the first major bridge across the border built in almost 40 years, has taken almost six years to complete, even after federal funding commitments in late 2003. The new Detroit-Windsor Bridge and related highway projects are expected to take at least 12 years to complete after Michigan extended initial funding commitments in 2001, including seven years to obtain final site approval.⁶⁸

The failure of the DHS and the CBSA to work out their differences in the development of land preclearance projects necessary for the development of new border infrastructure projects, in some cases because of legal and constitutional constraints imposed by Canadian courts, suggests the potential value of incorporating other stakeholders into the process. This incorporation is necessary to secure the requisite buy-in from the numerous political, bureaucratic and societal stakeholders of these processes. In this way, it may be possible to integrate security concerns more extensively into processes of border management than otherwise might be the case.

Cooperation in emergency management, another major component of public safety and homeland security, is another example of successful multi-stakeholder processes involving multiple levels of government, as well as societal actors. State, provinces and local governments play leading roles in emergency management, both in planning and emergency response, as do major elements of the private and non-profit sectors. Such coordination is particularly important given the U.S. federal government's extensive role in emergency management – often in sharp contrast to the relatively limited role of its Canadian counterpart.

Although border communities and provincial utilities in Quebec and New Brunswick have a long history of cross border collaboration with their neighbours in upper New England and New York state, cross border cooperation on emergency management issues is probably most extensive in the Pacific North West – in many cases coordinated through PNWER. The latter has established a Border Solutions Council to prod both central governments to cooperate on needed improvements in border management to support the upcoming 2010 Winter Olympics in Vancouver. Cooperation involves joint planning, exercises and the development of legal and policy initiatives to facilitate cross border cooperation with respecting jurisdictional boundaries.

⁶⁶ Edmonston, NB – Van Buren, ME; Clair, NB – Fort Kent, ME; St. Leonard, NB – Van Buren, ME; St. Croix, NB – Vanceboro, ME (Transport Canada, 2006); and three between St. Stephen, NB and Calais, ME.

⁶⁷ I-95 Coalition. "Calais/St. Stephen Border Crossing ITS Program Development Support," *Coalition Connection*. (2003), <http://66.167.232.132/pm/ViewProject.asp?pid=192#>; Transport Canada. "Surface Infrastructure Programs: Bridges – International Structures." (Ottawa: 12 July 2006), <http://www.tc.gc.ca/programs/surface/bridges/internationalstructures.htm>.

⁶⁸ Detroit River International Crossing Study. *Draft Environmental Impact Statement*. (Detroit: 1 May 2008), <http://www.partnershipborderstudy.com/pdf/us-reports/Section%201.pdf>.

Washington state and British Columbia have worked closely to develop a workable initiative for enhanced drivers' licences, which subsequently became a model for other jurisdictions in each country. There has also been close collaboration on security, transportation and tourism-related strategies for the upcoming 2010 Olympic Games in Vancouver.⁶⁹ These examples demonstrate the potential for regionalized cooperation on border security and facilitation – rooted in the shared interests of the citizens and governments of these regions. However, their success also requires that federal agencies in both countries take their recommendations seriously – and that opportunities for policy input and response take place in sufficient time to commit the personnel and financial resources necessary to implement them.

Practical cooperation is also visible in regionalized approaches to law enforcement involving a mix of national, state and local police services. The Integrated Border Enforcement Teams established in 13 distinct border regions provide a framework for close cross border collaboration in intelligence sharing, priority-setting and joint operations. Both the IBET concept and more recent forms of maritime cooperation through the Shiprider program initially emerged from cooperation among police and border agencies, including the US Coast Guard on the West Coast. Such approaches leverage the strengths of agencies in both countries, while respecting national sovereignty through the principles of joint operations, deputizing law enforcement officials to serve in cross border settings and operating under the laws and policies of the jurisdiction in which they are physically located.

Both security threats and patterns of economic interaction vary widely from region to region along the border. These examples demonstrate the value of developing regionally sensitive patterns for border management that allow for more effective cooperation among governments, law enforcement and other relevant government agencies and economic and community interests. They also demonstrate both the potential and the reality for greater security and border facilitation to be mutually reinforcing.

These initiatives suggest the value of expanding joint planning programs for border infrastructure and related access facilities, broadening consultation and contingency planning processes, and increasing joint exchange programs to encourage the mutual familiarization of security and border management processes by officials from both countries.

CONCLUSION

The main emphasis of Canada's relations with the United States since the mid-1980s has been to maximize the economic advantages to be derived from open trade, investment and travel. Since 2001, an effective condition of securing these benefits has been to reduce real or perceived risks that political indifference or administrative negligence could allow Canada to become a conduit or staging point for terrorist attacks against the United States – thus strengthening the position of US domestic interests indifferent to the economic costs of thickening the border.⁷⁰

The current political transition in the United States provides an excellent opportunity to take stock of both successes and shortcomings in combining enhanced, sustainable levels of security and border facilitation for routine, low-risk trade and travel across and within national borders by millions of Americans and Canadians.

First, governments and businesses on both sides of the border have made significant investments in new border management systems and infrastructure that have increased their capacity to provide effective security – although many of these initiatives are works in progress and could benefit from detailed external review. Sufficient incidents

⁶⁹ For example, see: Pacific NorthWest Economic Region. "PNWER Action Plan for Better Border Management." (Seattle, WA: 9 May 2008).

⁷⁰ Anne McLellan. "Securing Canada: Laying the Groundwork for Canada's First National Security Policy," Speech to Canadian Club of Ottawa. Ottawa: Public Safety and Emergency Preparedness Canada. (25 March 2004).; Patrick J. Smith. "Anti-terrorism in North America: Is there Convergence or Divergence in Canadian and US Legislative Responses to 9/11 and the US-Canada border," *Borderlands: Comparing Border Security in North America and Europe*, edited by Emmanuel Brunet-Jailly. (Ottawa: University of Ottawa Press).

of homegrown violence have been intercepted by domestic and cross border police cooperation to warrant continued vigilance, but also confidence in the relative effectiveness of existing legal and administrative safeguards in Canada and the US.

However, building a secure, efficient border to accommodate future economic growth will require strong political leadership and inter-agency coordination to build on the extensive administrative cooperation that has developed between Canada and the United States on a wide range of border, security and law enforcement issues. The creation of a joint border management council reporting to cabinet officers in the United States and Canada, as recommended recently by Kergin and Mathiessen,⁷¹ would provide the necessary focal point for overseeing border management priorities that can often be side-tracked amid competing bureaucratic priorities in each country.

Cross border intelligence and police cooperation provides a model for effective cross border law-enforcement, with minor tweaks to increase operational efficiency – although the hardened border still provides substantial returns to criminal organizations that are both creative and persistent in their activities. Some observers have suggested that the effectiveness of this approach to shared security may not be recognized at “head office” in Washington. The recognition of operational successes is a key factor in future resource allocation decisions, and in making the most of complementarities between law enforcements and counterterrorism operations. The close and creative collaboration of US and Canadian law enforcement and border agencies through IBETS is one of the central factors that distinguishes the relative quality and effectiveness of border management on the northern border from that along the US-Mexico border.

Second, complementary or parallel systems to enhance the security and efficiency of routine trade and travel between the two countries have been introduced – although, as previously discussed, improvements can be made that enhance the accessibility of such programs and their integration with day-to-day activities of individuals, families and businesses without reducing existing levels of security. The Container Security Initiative (CSI), FAST, NEXUS and Enhanced Drivers’ Licences are all works in different stages of progress.

However, the ways in which these programs have been implemented has also contributed to the thickening of the border, which increases the difficulty of cross border economic cooperation based on complex supply chains and the myriad interactions of citizens and communities across national borders. Pushing security back from the border, or integrating certain aspects of continental security, particularly for rail and truck freight, can create more opportunities for “win-win” approaches by citizens and businesses, although national governments are unlikely to give up provisions for fail-safe measures for people or goods that are not integrated into low-risk trade and travel programs and other secure, traceable forms of documentation.

Access to such measures should be increased in ways that are cost-efficient for individuals and businesses, and which do not measurably increase broader security threats. The Enhanced Driver’s Licence initiative is a good example of designing such systems in ways that goals of security and border facilitation complement one another without creating risks either to national security or civil liberties – or huge costs to governments or citizens. It also demonstrates the gains obtainable when security measures are integrated with, or engineered into, existing administrative or economic systems rather than being layered on top of them, one after another after another.

Such approaches require a realistic, citizen-centered view of national and regional borders as administrative boundaries between politically distinct, economically, and sometimes culturally overlapping countries. To be successful in the medium-and-long-term – that is beyond the usual time horizons of politicians focused on the current news cycle or the next election – they must be cross-ideological and trans-partisan. A fit, working border, rather

⁷¹ Michael Kergin and Birgit Mathiessen. *Border Issues Report: A New Bridge for Old Allies*. (Toronto: Canadian International Council, November 2008).

than its aging cousin that is thickening visibly around the middle, requires the recognition that the successful prosecution of any long war against foreign ideological extremism and its terrorist elements must be based on both a domestic and regional consensus to be sustainable over the long haul.

On issues of physical and economic wellbeing and security for Canadians and Americans, there should be no Liberals or Conservatives, Republicans or Democrats. There should be people who can master the border-related arts of walking and chewing gum at the same time: combining secure and efficient borders that economically empower citizens as well as protecting them.

A working border requires vigilance on security issues, but also the capacity to recognize and correct the bureaucratic rigidities and arbitrary action of which all large organizations are capable without adequate internal and external disciplines. It should further be recognized that these trends tend to isolate citizens from those who would rule over them. It thus runs the risk of undermining the popular consent and participation that true security requires in democratic societies.

Empowering citizens to take a larger share of responsibility for their own security and that of their fellow-citizens is likely to pay higher dividends in building and sustaining popular support for security measures, thus making it easier to sustain them. The process of engaging citizens and communities in the planning and implementation of a new border crossing between Detroit and Windsor, while long and time-consuming, demonstrates the benefits of thinking through such arrangements cooperatively to "get the border right."

The same goes for the artificial dichotomy between homeland security and economic wellbeing and security. Failed states around the world, and failed neighbourhoods in our own countries, show how difficult it is for citizens and businesses to prosper when human security is constantly at risk. At the same time, poorly conceived or implemented security policies, which undermine prosperity and opportunity for ordinary citizens in our shared continent, run the risk of turning security and opportunity (or security and freedom) into zero-sum games.

Neither Fortress America nor Fortress North America are viable concepts. Our two countries are too interdependent, with one another and with countries around the world, to successfully isolate ourselves from all the potential contagions of the wider world. Maintaining a fit, working US-Canada border requires the same kinds of planning, foresight, cooperation and mutual respect among governments, specialized agencies and the private sector that prepared for, and activated, the International Energy Agency's effective response to Hurricane Katrina.⁷² The lessons of Katrina, which included governmental, private sector and societal responses from Canadians that reflected the best in our shared relations, should guide our future approaches to managing cross border security, trade and travel.

A cooperative approach to border security, management and facilitation that involves cooperation not just between governments, but with the private sector, border communities and civil society organizations in our two countries (and between the United States and Mexico, as far as practical) is the best guarantee of sustainable borders that support effective physical security, economic viability, adaptability to changing global conditions and social cohesion.

⁷² International Energy Agency. "IEA response systems for oil supply emergencies." (Paris: 2007), http://www.iea.org/textbase/nppdf/free/2007/fs_response_system.pdf 10-12.

ACRONYMS LIST

ACE	Automatic Commercial Enrollment
APHIS	Animal and Plant Health Inspection Service
BSE	Bovine Spongiform Encephalopathy
CBP	Customs and Border Protection
CBSA	Canada Border Services Agency
CSI	Container Security Initiative
C-TPAT	Customs Trade Partnership Against Terrorism
DHS	Department of Homeland Security
EDLs	enhanced driver's licences
FAST	Free and Secure Trade
GDP	gross domestic product
IBETs	International Border Enforcement Teams
PIP	Partners in Protection
PKD	Public Key Directory
PNWER	Pacific Northwest Economic Region
RFID	Radio Frequency Identification
US-VISIT	United States Visitor and Immigrant Status Indicator Technology
WHTI	Western Hemisphere Travel Initiative

BIBLIOGRAPHY

Books (and chapters in books)

Alden, Edward. *The Closing of the American Border: Terrorism, Immigration and Security since 9/11*. New York: Harper Collins, 2008.

Brunet-Jailly, Emmanuel. "Borders, Borderlands and Security: European and North American Lessons and Policy Suggestions," in *Borderlands: Comparing Border Security in North America and Europe*. edited by Emmanuel Brunet-Jailly. Ottawa: University of Ottawa Press, 2007. 351-57.

Carafano, James J. and Paul Rosenzweig. *Winning the The Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom*. Washington, D.C.: The Heritage Foundation, 2004.

Cellucci, Paul. *Unquiet Diplomacy*. Toronto: Key Porter, 2005.

Davidow, Jeffrey. *The Bear and the Porcupine: The US and Mexico*. Princeton, NJ: Markus Weiner, 2007.

Flynn, Stephen E. "The False Conundrum: Continental Integration vs. Homeland Security," in *The Rebordering of North America*. edited by Peter Andreas and Thomas Bierstecker. New York: Routledge, 2003. 110-27.

Kagan, Robert. *The Return of History and the End of Dreams*. New York: Alfred A. Knopf, 2008.

Levi, Michael. *On Nuclear Terrorism*. Cambridge, MA: Harvard University Press, 2007.

National Commission on Terrorist Attacks on the United States. *The 9/11 Commission Report*. Washington, D.C.: 22 July 2004.

Smith, Patrick J. "Anti-terrorism in North America: Is there Convergence or Divergence in Canadian and US Legislative Responses to 9/11 and the US-Canada border," in *Borderlands: Comparing Border Security in North America and Europe*. edited by Emmanuel Brunet-Jailly. Ottawa: University of Ottawa Press. 277-310.

Academic journal articles and policy papers

Abaratne, Ruwantissa. "The E-Passport and the Public Key Directory," *Air and Space Law*. Vol. 30. No. 4-5. September 2005. 255-68.

Anderson, Greg and Christopher Sands. *Negotiating North America: The Security and Prosperity Partnership*. Washington, D.C.: The Hudson Institute, October 2007, <http://www.scribd.com/doc/397956/Hudson-Negotiating-North-America-The-Security-and-Prosperity-Partnership>.

Austin, John, Elaine Dezenski and Britany Affolter-Caine. *The Vital Connection: Reclaiming Economic Leadership in the US-Canadian Great Lakes Region*. Washington, D.C.: The Brookings Institution, March 2008.

Bellavita, Christopher, "Changing Homeland Security: What is Homeland Security?" *Homeland Security Affairs*. Vol. 4 no. 2 June 2008.

Border Policy Research Institute and Regional Institute. "Adopting the Border to Regional Realities," *Border Brief*. Bellingham, WA and Buffalo, NY: Western Washington University and University of Buffalo, September 2008.

- Davidson, David, Stacia Dreyer and Bryant Hammond. "Initiating an Investigation of the Border's Performance," *Border Policy Brief*. Vol. 3. no. 6. Bellingham, WA: Border Policy Research Institute, November 2008.
- DeNavas, Carmen, et al. "Income, poverty and health insurance coverage in the United States: 2006." Washington, D.C.: United States Census Bureau, August 2007, <http://www.census.gov/prod/2007pubs/p60-233.pdf>.
- Department of State and Department of Homeland Security. *Preserving our Welcome to the World in an Age of Terrorism – Report of the Secure Borders and Open Doors Advisory Committee*. Washington, D.C.: January 2008, http://www.dhs.gov/xlibrary/assets/SBODAC_011608-Accessible.pdf.
- Fergusson, Ian F. "United States-Canada Trade and Economic Relationship: Prospects and Challenges." CRS Report RL33087. Washington, D.C.: Congressional Research Service, 29 January 2008, <http://www.nationalaglawcenter.org/assets/crs/RL33087.pdf>.
- Flynn, Stephen E. "America the Resilient: Defying Terrorism and Mitigating Natural Disasters," *Foreign Affairs*. March-April 2008.
- Goldfarb, Danielle. *Is Just-in-Case Replacing Just-in-Time? How Cross-Border Trading Behaviour Has Changed Since 9/11*. Ottawa: Conference Board of Canada, June 2007, <http://sso.conferenceboard.ca/e-Library/LayoutAbstract.asp?DID=2050>.
- Goodchild, Anne, Steven Globerman and Susan Albrecht. "Service time variability at the Blaine, Washington International Border Crossing and the Impact on Regional Supply Chains," *Research Report # 3*. Bellingham, WA: Border Policy Research Institute, June 2007, http://www.ac.wvu.edu/~bpri/files/2007_Jun_Report_No_3_Service_Time_Variability.pdf.
- Harvey, Frank P. "The Homeland Security Dilemma: Imagination, Failure, and the Escalating Costs of Perfecting Security," *Canadian Journal of Political Science*. Vol. 40 no. 2. 2007. 283-316.
- Heyman, David and James Jay Carafano. *DHS 2.0: Rethinking the Department of Homeland Security*. Washington, D.C.: Centre for Strategic and International Studies and Heritage Foundation, 13 December 2004, www.csis.org/hs/041213_dhsv2.pdf.
- Heyman, David and James Jay Carafano. *DHS 3.0: Building a National Enterprise to Keep America Safe, Free and Prosperous* (Washington, DC: Center for Strategic and International Studies and Heritage Foundation, 18 September), online at: http://www.csis.org/media/csis/pubs/080918_homeland_sec_3dot0.pdf.
- Heyman, David and James J. Carafano. *Homeland Security 3.0: Building a National Enterprise to keep America free, safe and prosperous*. Washington, D.C.: Center for Strategic and International Studies, 18 September 2008, www.csis.org/media/csis/pubs/080918_homeland_sec_3dot0.pdf.
- Hodgson, Glen. "Canada-U.S. Competitiveness: Addressing the Canadian Economic Contradiction" in *One Issue, Two Voices*. issue 7. Washington, DC: Canada Institute, Woodrow Wilson International Centre for Scholars, June 2007, <http://www.wilsoncenter.org/topics/pubs/Competitiveness.pdf> 2-9.
- Hoffman, Bruce. "The myth of grass-roots terrorism," *Foreign Affairs*. March-April 2008.
- Kergin, Michael and Birgit Mathiessen. *Border Issues Report: A New Bridge for Old Allies*. Toronto: Canadian International Council, November 2008.

Kilroy, Richard J. "Perimeter Defense and Regional Security Cooperation in North America: United States, Canada, and Mexico," *Homeland Security Affairs*. Supplement # 1, December 2007, <http://www.hsaj.org/pages/supplement/issue1/pdfs/supplement.1.3.pdf>.

North American Competitiveness Council. *Building a Secure and Competitive North America: 2007 Report to Leaders*. Washington, D.C.: August 2007, http://www.uschamber.com/publications/reports/07_nacc_report.htm.

North American Competitiveness Council. *Meeting the Global Challenge: Private Sector Priorities for the Security and Prosperity Partnership of North America*. Washington, D.C.: April 2008, http://www.uschamber.com/publications/reports/0804_global_challenge.htm.

Privy Council Office. *Securing an Open Society: Canada's National Security Policy*. Ottawa: Privy Council Office, April 2004, http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat_e.pdf.

Senate Standing Committee on National Security and Defence. *Canadian Security Guide Book, 2007 Edition*. 39th Parliament, 1st Session. Ottawa: The Senate, March 2007.

Stockton, Paul N. and Patrick S. Roberts. "Findings from the Forum on "Homeland Security after the Bush Administration: Next Steps in Building Unity of Effort," *Homeland Security Affairs*. Vol. 2. June 2008, <http://www.hsaj.org/?article=4.2.4>.

United States Homeland Security Council. *Homeland Security Strategy of the United States*. Washington, D.C.: The White House, October 2007, <http://www.whitehouse.gov/infocus/homeland/nshs/NSHS.pdf>.

Verdery, Stewart. "Finding the Needle, Facilitating the Haystack." US Department of Commerce Conference "International Travel to the U.S.: Dialogue on the current state of play." Washington, D.C.: Department of Commerce, 10 June 2004, <http://www.ita.doc.gov/td/sif/Verdery%20Speech.pdf>.

News articles

Amernic, Jerry. "What port security?" *National Post*. 1 April 2008. A12.

Associated Press. "3 Texans arraigned on terror charges," *The Washington Times*. 13 August 2008. A1.

Bain, Ben. "A tale of two borders," *Washington Technology*. 6 March 2008, http://www.washingtontechnology.com/online/1_1/32375-1.html.

Bell, Stewart. "The path to terror in Canada," *National Post*. 2 September 2006. A1.

Bell, Stewart. "Jihadization of youth a 'rapid process,'" *National Post*. 26 January 2007. A1.

Bell, Stewart. "Solo terrorists pose new threat," *National Post*. 10 June 2008. A4.

Boggan, Steve. "Passports – This isn't supposed to happen: how a baby became Bin Laden," *The Times*. London: 6 August 2008.

Den Tandt, Michael. "Border guards call for armed patrol," *The Globe and Mail*. 22 March 2005.

"Fighting al-Qaeda must take priority," *The Toronto Star*. 11 August 2006. Editorial.

- Freeze, Colin and Tu Thanh Ha. "Gangs infiltrating Canadian airports," *The Globe and Mail*. 11 December 2008. A1.
- Hsu, Spencer S. "FBI disrupts New York City tunnel plot," *The Washington Post*. 7 July 2006.
- Humphreys, Adrian and Stewart Bell. "Hezbollah has cells in Canada," *National Post*. 20 June 2008. A1.
- Ignatius, David. "Portents of a nuclear al-Qaeda," *The Washington Post*. 11 October 2007. A25.
- Ignatius, David. "Thinking through doomsday," *The Washington Post*. 23 May 2008. A17.
- Javed, Noor. "Toronto link alleged in human smuggling," *The Toronto Star*. 29 November 2007. A1.
- Macleod, Ian. "Obstacle Course," *The Ottawa Citizen*, 17 November 2007. A3.
- Macleod, Ian. "The warning lights are all blinking red," *The Ottawa Citizen*, 23 February 2008. B1-3.
- Markon, Jerry. "FBI, ATF battle for control of cases," *The Washington Post*. 10 May 2008, A1.
- McCann, Brigitte. "Bienvenue à Montréalistan," *Le Journal de Montreal*. 16 March 2007.
- Ring, Wilson. "Indictments in Canada border crossing," *The Buffalo News*. 29 November 2007. A1.
- Roig-Franzia, Manuel. "Terms set for anti-drug aid from US – Mexico," *The Washington Post*. 5 October 2007. A14.
- Roig-Franzia, Manuel. "Drug trade tyranny on the border," *The Washington Post*. 16 March 2008. A1.
- Sageman, Marc. "The Next Generation of Terror," *Foreign Policy*, March-April 2008.
- Sallot, Jeff. "CSIS kept tabs on 274 terror suspects last year," *The Globe and Mail*. 27 October 2006. A1.

Other sources

- Canadian Chamber of Commerce and United States Chamber of Commerce. "Finding the Balance: Reducing Border Costs While Strengthening Security." Ottawa, Washington, D.C.: February 2008, <http://www.chamber.ca/cmslib/general/0802FindingTheBalance20083393251.pdf>.
- Criminal Intelligence Service Canada. *2004 Report on organized crime in Canada*. Ottawa: 2004, http://www.cisc.gc.ca/annual_reports/annual_report_2004/documents/cisc_2004_annual_report.pdf.
- Detroit River International Crossing Study. *Draft Environmental Impact Statement*. Detroit: 1 May 2008, <http://www.partnershipborderstudy.com/pdf/us-reports/Section%201.pdf>.
- Hale, Geoffrey. "Framing the U.S.-Canada Border: Hardening, Bridging or 'Fragging,'" paper presented to Border Regions in Transition Conference. University of Victoria and Western Washington University, 15 January 2008.
- "Homeland Security," Obama for America. 2008, http://www.barackobama.com/pdf/issues/homeland_security/.

I-95 Coalition. "Calais/St. Stephen Border Crossing ITS Program Development Support," *Coalition Connection*. 2003, <http://66.167.232.132/pm/ViewProject.asp?pid=192#>.

International Energy Agency. "IEA response systems for oil supply emergencies." Paris: 2007, http://www.iea.org/textbase/nppdf/free/2007/fs_response_system.pdf.

McLellan, Anne. "Securing Canada: Laying the Groundwork for Canada's First National Security Policy," Speech to Canadian Club of Ottawa. Ottawa: Public Safety and Emergency Preparedness Canada. 25 March 2004.

Neinast, Brenna and Michele James, "Northern Border Security." Statement to US Senate Committee on Homeland Security and Governmental Affairs. Havre, MT: 2 July 2008, http://hsgac.senate.gov/public/_files/070208NeinastJames.pdf.

Pacific NorthWest Economic Region. "PNWER Action Plan for Better Border Management." Seattle, WA: 9 May 2008.

Statistics Canada. *Income in Canada: 2006*. Cat. # 75-202. Ottawa: 5 May 2008.

Timmerman, Loren L. "Securing the Northern Border: Views from the Front Lines." Statement to US Senate Committee on Homeland Security and Governmental Affairs. Havre, MT, 2 July 2008, http://hsgac.senate.gov/public/_files/070208Timmerman.pdf.

Transport Canada. "Surface Infrastructure Programs : Bridges – International Structures." Ottawa: 12 July 2006, <http://www.tc.gc.ca/programs/surface/bridges/internationalstructures.htm>.

United States Bureau of Transportation Studies. "U.S. Border Crossings/Entries by State/Port and Month/Year Sorted by Month (Ascending)." Washington, D.C.: US Department of Transportation, <http://www.transtats.bts.gov/BorderCrossing.aspx>.

United States Government Accountability Office. *Customs and Border Protection Needs to Improve Workforce Planning and Accountability*. Washington, D.C.: April 2007, <http://www.gao.gov/new.items/d07529.pdf>.

APPENDIX I BORDERLANDS POPULATION

United States	Border State Population 2006	Border Counties #	% of state	Border region #	% of state
Maine	1,322,000	245,680	18.6%	464,242	35.1%
N. Hampshire	1,315,000	33,019	2.5%	33,019	2.5%
Vermont	624,000	90,223	14.5%	543,081	87.0%
New York	19,306,000	1,496,202	7.7%	3,414,271	17.7%
Michigan	10,096,000	3,015,113	29.9%	5,871,944	58.2%
Minnesota	5,167,000	251,239	4.9%	368,614	7.1%
N. Dakota	636,000	41,439	6.5%	230,607	36.3%
Montana	945,000	164,386	17.4%	282,969	29.9%
Idaho	1,466,000	10,831	0.7%	183,613	12.5%
Washington	6,396,000	404,113	6.3%	3,097,921	48.4%
Alaska	670,000	3,100	0.5%	89,854	13.4%
	47,943,000	5,755,345	1.9%		
Northern border states	16.0%				
Pennsylvania	12,441,000			279,811	2.2%
Ohio	11,478,000			744,840	6.5%
Northern border region (120 miles to border)				15604786	5.2%

Canada	Total Population	Border region #	% of province
New Brunswick	729,997	369,019	50.6%
Quebec	7,546,131	5,800,733	76.9%
Ontario	12,160,282	10,317,720	84.8%
Manitoba	1,148,401	1,008,990	87.9%
Saskatchewan	968,157	331,754	34.3%
Alberta	3,290,350	307,345	9.3%
BC	4,113,487	3,201,600	77.8%
Yukon			
Canada – Total	31,612,897	21,337,159	67.5%

Sources: County data, US Census Bureau; <http://quickfacts.census.gov/qfd/states/23/23003.html>;
 Statistics Canada, <http://www12.statcan.ca/english/census06/data/popdwell/Table.cfm?T=501&S=1&O=A>;
 author's calculations.

APPENDIX II CANADIAN VISITORS, VISITOR NIGHTS IN PROPORTION TO STATE POPULATION SHARES

Top Ten States	Overnight Visitor (%)	Visitor Nights (%)	% of Visitors % of U.S. Population	% of Visitor Nights
Florida	9.5%	32.0%	160.2%	536.9%
California	4.7%	7.7%	39.3%	64.5%
New York	11.8%	6.1%	185.8%	96.3%
Arizona	2.3%	6.3%	111.1%	310.5%
Washington	8.1%	4.4%	383.4%	207.2%
Nevada	4.1%	3.5%	499.3%	420.1%
Michigan	6.0%	2.8%	181.0%	85.2%
Texas	1.5%	2.6%	19.6%	34.0%
Maine	3.4%	2.1%	779.8%	481.4%
Massachusetts	2.7%	1.9%	125.1%	89.7%
Other Northern Border States				
Vermont	2.9%	1.6%	1421.5%	759.9%
Montana	2.3%	1.4%	750.2%	454.3%
Minnesota	2.8%	1.2%	164.2%	73.4%
New Hampshire	1.6%	0.9%	378.2%	204.1%
North Dakota	2.3%	0.9%	1077.6%	443.9%

Sources: International Trade Administration, US Department of Commerce (2007), http://tinet.ita.doc.gov/outreachpages/download_data_table/2006%20Appendix%20A%20Visitors.pdf; author's calculations.

APPENDIX III
BORDER CROSSINGS (INCOMING)
– PASSENGER CARS AND TRUCKS – USA – 2006

	Number of Reporting Areas	Cars per Day	Percentage of Car Traffic	Trucks per Day	Percentage of Truck Traffic	Border Traffic Intensity: State Population	
						Cars	Trucks
Northern Border	83	82,025.2	25.3%	17505.6	58.2%	63.2	145.3
New York	6	25,026.1	7.7%	4792.9	16.4%	45.9	97.2
Michigan	3	23,280.3	7.2%	6948.5	23.4%	81.6	266.0
Washington	15	13,880.6	4.3%	1869.3	6.0%	76.8	107.3
Maine	12	9,637.6	3.0%	1264.3	4.0%	258.0	351.1
Vermont	6	3,850.9	1.2%	842	2.7%	218.4	495.3
Minnesota	8	2,757.3	0.9%	214.3	0.7%	18.9	15.2
North Dakota	18	1,752.0	0.5%	954.8	3.1%	97.5	551.1
Montana	13	1,351.9	0.4%	460.9	1.5%	50.6	179.1
Idaho	2	488.5	0.2%	158.6	0.5%	11.8	39.7
Southern Border	25	241,905.7	74.6%	12995.1	41.7%	125.7	70.3
Texas	11	122,108.4	37.7%	8812.9	28.2%	183.8	137.6
California	6	93,933.2	29.0%	3056.9	9.9%	91.2	31.2
Arizona	6	23,964.0	7.4%	1009.6	3.2%	137.5	60.1
New Mexico	2	1,900.1	0.6%	115.7	0.4%	34.4	21.7
Alaska	4	271.6	0.1%	25.9	0.1%	14.3	14.2
Total	113	324,202.5	0.0%	31255.2	100.0%	100.0	100.0

Source: US Bureau of Transportation Statistics, <http://www.transtats.bts.gov/BorderCrossing.aspx>; author's calculations.

APPENDIX IV

A SHARED BORDER – IN MORE WAYS THAN ONE

OWNERSHIP OF CROSS-BORDER INFRASTRUCTURE IN ST. LAWRENCE RIVER / GREAT LAKES REGION

Baudette-Rainy River International Bridge	Rainy River, ON / Baudette, MN	Town of Rainy River / Town of Baudette	1960
Fort Frances – Int'l Falls Int'l Bridge	Ft. Frances, ON / Int'l Falls, MN	International Bridge and Terminal Company and the Minnesota Dakota and Western Railway (Abitibi Consolidated Ltd. / Boise Cascade Ltd.)	1908 / 1979
Pigeon River Bridge	Highway 61 ON/MN	Province of Ontario / State of Minnesota	1917 / 1964
Sault Ste. Marie Int'l Br.	Sault Ste. Marie ON/MI	Joint International Bridge Authority (bi-national) – International Bridge Administration (Michigan DOT) and the St. Mary's Bridge Corp. (The Federal Bridge Corporation)	
Blue Water Bridge	Sarnia / Port Huron	Blue Water Bridge Canada (federal) and Michigan DOT	1938 / 1999
Ambassador Bridge	Detroit / Windsor	Detroit International Bridge Co. (private)	1929
Detroit-Windsor Tunnel	Detroit / Windsor	Detroit and Canada Tunnel Corp. (Cities of Windsor and Detroit)	1930
Peace Bridge	Buffalo / Fort Erie	Buffalo & Fort Erie Public Bridge Authority (bi-national: Gov't of Canada / NY state)	1927
Whirlpool Bridge	Niagara Falls ON/NY	Niagara Falls Bridge Commission (bi-national: Ontario / New York state)	1855 / 1897
Rainbow Bridge	Niagara Falls ON/NY	Niagara Falls Bridge Commission	1939
Lewiston-Queenston Br.	Lewiston, NY / Queenston, ON	Niagara Falls Bridge Commission	1962 / 2005
Thousand Islands Br.	Ivy Lea, ON / Alexandria Bay, NY	Thousand Islands Bridge Authority (Jefferson County, NY) and The Federal Bridge Corporation Ltd. (Gov't of Canada)	1938 / 1959
Ogdensburg-Prescott International Bridge	Ogdensburg, NY / Prescott, ON	Ogdensburg Bridge and Port Authority (NY state) – sole owner	1960
Seaway Int'l Bridge	Cornwall, ON / Massena, NY	International Bridge Corp. (bi-national) – Seaway Development Corp. (US Dept. of Transportation) and The Federal Bridge Corporation Ltd. (Gov't of Canada)	1958 / 1962

Source: Transport Canada. "Surface Infrastructure Programs : Bridges – International Structures," (Ottawa, 12 July 2006). Accessed 7 August 2008, <http://www.tc.gc.ca/programs/surface/bridges/internationalstructures.htm>; assorted bridge and authority websites.

The Canadian International Council (CIC) is a non-partisan, nationwide council established to strengthen Canada's role in international affairs. With local branches nationwide, the CIC seeks to advance research, discussion and debate on international issues by supporting a Canadian foreign policy network that crosses academic disciplines, policy areas and economic sectors.

The CIC features a privately funded fellowship program and a network of issue-specific Working Groups. The goal of the CIC Working Groups is to identify major issues and challenges in their respective areas of study and to suggest and outline the best possible solutions to Canada's strategic foreign policy position on those issues. The CIC aims to generate high end, empirically valid research and impactful foreign policy advice on each issue that are grounded in scholarship.

CIC BOARD OF DIRECTORS

Chair

Jim Balsillie, *Co-CEO, Research In Motion*

Co-vice Chairs

Bill Graham, *Chancellor of Trinity College and Chair, Atlantic Council of Canada*

John MacNaughton, *Chair of the Board, Business Development Bank of Canada*

Executive Vice-Chair

Hugh Segal, *Former President, Institute for Research on Public Policy (IRPP)*

Directors

Scott Burk, *President, Wealhouse Capital Management*

André Desmarais, *President and Co-CEO, Power Corporation of Canada*

John English, *Executive Director, Centre for International Governance Innovation*

Brian Flemming, *Member, Halifax Branch, Canadian International Council*

Edward Goldenberg, *Partner, Bennett Jones LLP*

Douglas Goold, *President, Canadian International Council*

Pierre Marc Johnson, *Senior Counsel, Heenan Blaikie LLP*

Don Macnamara, *President, Victoria Branch, Canadian International Council*

Indira Samarasekera, *President, University of Alberta*

Janice Stein, *Director, Munk Centre for International Studies*

Jodi White, *President, Public Policy Forum*

45 Willcocks Street, Box 210
Toronto Ontario M5S 1C7
TEL: 416-977-9000, 1-800-668-2442
FAX: 416-946-7319