

**“THE WORLD’S LONGEST UNDEFENDED BORDER?”  
THE POLICING OF CANADA’S BORDERS SINCE 9/11**

by

Milan Pavlic  
B.A. (Honours), University of Victoria, 2001

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# APPROVAL

**Name:** Milan Pavlic  
**Degree:** Master of Arts, Department of Political Science  
**Title of Project:** “The World’s Longest undefended Border?”  
The Policing of Canada’s Borders Since 9/11

**Examining Committee:**

**Chair:**

---

**Dr. Andrew Heard, Professor**  
Department of Political Science

---

**Dr. Douglas Ross, Professor**  
Senior Supervisor  
Department of Political Science

---

**Dr. Lynda Erickson, Professor**  
Supervisor  
Department of Political Science

---

**Dr. Anil (Andy) Hira, Associate Professor**  
Internal Examiner  
Department of Political Science

**Date Defended/Approved:** August 21st, 2006



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## **ABSTRACT**

This paper explores Canadian border security policy after 9/11 in the context of 'police borders' as articulated by Peter Andreas. The concept of 'police borders' is an alternative to traditional theoretical perspectives in international relations, where the role of borders has been 'recrafted' towards the prevention of 'clandestine transnational actors' instead of focusing on military or economic concerns. This paper argues that post-9/11 the U.S.-Canada border has shifted in the direction of a police border. However, new security efforts from the Canadian government have not necessarily addressed continuing weaknesses or American security concerns. Borders are being reinforced in North America, whereas under the Schengen Agreement, the European Union has facilitated the effective disappearance of borders among member states while hardening the perimeter of Europe. As the result of current trends in American foreign policy and illegal immigration, the United States will likely continue to tighten the U.S.-Canada border.

*To my husband, Rick Sousa*

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## **LIST OF ACRONYMNS**

<b>CBP</b>	United States Customs and Border Protection
<b>CBSA</b>	Canadian Border Service Agency
<b>CCRA</b>	Canada Customs and Revenue Agency
<b>CIC</b>	Citizenship and Immigration Canada
<b>CSIS</b>	Canadian Security and Intelligence Service
<b>CTA</b>	Clandestine Transnational Actors
<b>CEUDA</b>	Customs Excise Union Douanes Accise
<b>DHS</b>	Department of Homeland Security
<b>DFA</b>	Department of Foreign Affairs
<b>EU</b>	European Union
<b>FAST</b>	Free and Secure Trade
<b>IBET</b>	Integrated Border Enforcement Team
<b>ICE</b>	United States Immigration and Customs Enforcement
<b>INSET</b>	Integrated National Security Enforcement Teams
<b>NAFTA</b>	North American Free Trade Agreement
<b>NATO</b>	North Atlantic Treaty Organization
<b>RCMP</b>	Royal Canadian Mounted Police

<b>SSCNSD</b>	Standing Senate Committee on National Security and Defence
<b>SPP</b>	Security and Prosperity Partnership of North America
<b>USCG</b>	United States Coast Guard
<b>VACIS</b>	Vehicle and Cargo Inspection System
<b>WMD</b>	Weapon of Mass Destruction

## INTRODUCTION

Since the 9/11 terrorist attacks in the United States, greater attention has been paid towards border security in North America. This attention has been especially evident in the case of the U.S.-Canada border, “the longest undefended border in the world.”<sup>1</sup> Prior to the 9/11 attacks, in December 1999, Ahmed Ressam was arrested by U.S. customs officials, trying to enter the U.S. via Canada by ferry, with a carload of explosives intent on a plan to bomb the Los Angeles airport. While this incident increased attention to Canadian security measures or lack thereof, in the wake of the 9/11 terrorist attacks this scrutiny of Canada intensified. Various U.S. lawmakers and commentators were highly critical of Canadian national security measures, claiming that Canada was a terrorist haven because of ‘liberal’ refugee and immigration policies and lax border controls.

Initially, after the attacks, some went as far as to suggest that the 9/11 hijackers entered the United States via Canada, which was not the case.<sup>2</sup> In U.S. popular culture, this negative view of Canada was reinforced in the U.S. television drama, *The West Wing*. An episode, which aired soon after the terrorist attacks, concerned a fictional story about a dangerous terrorist who entered the U.S. illegally via Canada through the ‘Ontario-

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<sup>1</sup> Government of Canada Privy Council Office, “Address by Prime Minister Jean Chrétien on the occasion of the Canada-U.S. Border Summit,” *Former Prime Ministers’ Archive*, September 9, 2002, [[http://www.pco-bcp.gc.ca/?Language=E&Page=pmarchive&Sub=Speeches&Doc=border20020909\\_e.htm](http://www.pco-bcp.gc.ca/?Language=E&Page=pmarchive&Sub=Speeches&Doc=border20020909_e.htm)] Accessed: 19 July 2006.

<sup>2</sup> James Laxer, *The Border: Canada, the U.S. and Dispatches from the 49<sup>th</sup> Parallel* (Toronto: Anchor Canada, 2003), 244-246.

Vermont' border.<sup>3</sup> However, with respect to Northern American security, "Canadian geography counts for American security."<sup>4</sup> Given Canada's proximity to the U.S. and its dependency on its southern neighbour's economy, the Canadian government was forced to reevaluate its policies concerning its national security, including matters relating to border security and began the process of improving border controls and 'homeland security.'

The purpose of this project is to provide a greater understanding of Canadian border security policy, including port security, in the post-9/11 era with respect to the context of national security and international relations. Specifically, the focus will be on both the growing problem of Canada trying to protect its borders despite a lack of resources and the effect of greater border policing measures by the U.S., with respect to its northern border, on U.S.-Canada relations. The major argument of this project concerns a historical shift towards a 'police border' on the U.S.-Canada border that has been in progress since 9/11 and is still far from being complete. This 'police border' is developing with great intensity despite some objections from Canadian lawmakers and commentators. In addition, a new 'security climate' is developing that threatens the core 'liberal' attitudes of many Canadians. Both the improvements to border security and the overall tightening of internal security and surveillance measures in Canada are being forced upon Canadians by the distinct possibility of losing timely access to the American economy if Ottawa fails to satisfy American security concerns. Canada needs this access

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<sup>3</sup> Reg Whitaker, "Securing the 'Ontario-Vermont' Border," *International Journal* (Winter 2004-2005): 52-53. Ontario and Vermont in reality do not share the border with each other.

<sup>4</sup> Joel Sokolsky, "Northern exposure? American Homeland Security and Canada," *International Journal* (Winter 2004-2005): 44.

as much of its economy is deeply integrated and dependent on this timely access to the American economy.

After the 9/11 attacks, the Canadian government began implementing various security measures such as the Smart Border Agreement with the U.S., new anti-terrorism legislation, increased budgetary spending for 'homeland' security, and the establishment of the department of Public Safety and Emergency Canada to coordinate better national security efforts. Despite Ottawa's efforts in the last four and half years, the Standing Senate Committee on National Security and Defence, in a series of recent reports, has been highly critical of the persistent gaps in border controls and port security, including poor container screening and a lack of training and support for border officers. However, there have also been concerns from critics over the effect of new security measures on the civil liberties of Canadians. These critics highlight the case of Maher Arar and the use of security certificates to detain non-citizens who are perceived as a threat to national security. Nevertheless, compared with the U.S., Canadian border control efforts and the intensity of these controls are far behind the U.S., especially with the use of screening technology and the use of border patrols. As a result, Canada continues to face criticism from the U.S. over its border control policies.

The first chapter of this research project will provide a theoretical overview of borders in international relations, highlighting the growing role of 'police borders' in advanced industrialized countries. While traditional theoretical perspectives in international relations, such as realism, have emphasized borders as a defence against military attacks by other states, Peter Andreas suggests that the focus of states has shifted in the post 9/11 period towards the prevention of 'clandestine transnational actors'

(CTAs) through greater policing and law enforcement at borders. Police borders are characterized by the use of “smart borders,” which entail the greater use of technology and cooperation between states. While reviewing the limitations of some of the major theoretical perspectives in international relations, including realism, neo-liberalism, and pluralism, the central theme of this first chapter will be the growing importance of police borders verses military and economic borders, following a typology of borders developed by Peter Andreas. However, it is important to note that military and economic borders are still present in many parts of world, but their role in advanced industrialized countries have been diminished due to the growing concerns over CTAs, while police borders have become more important and persistent. While states have imposed border controls in the past, according to Peter Andreas, their intensity has grown over last number of years, especially after 9/11.

The second chapter will focus on the growth and change of Canada’s border control policies since the 9/11 attacks (including Budget 2006) and cooperative measures with the United States in the context of a ‘police border.’ In addition the concerns over the effect of Canada’s new security and surveillance measures, with respect to civil liberties will be outlined. The third chapter will examine the threats to Canada’s borders and the gaps in border controls and port security, in light of the Standing Senate Committee on National Security and Defence’s reports. In the fourth chapter, Canada’s relationship with the U.S., in terms of the U.S.-Canada border, will be discussed, including the concept of the ‘Mexicanization’ of the border, the possibility of a North American security perimeter, and recent developments in relation to the Western Hemisphere Travel Initiative from the United States. In the conclusion of this project,

Andreas' typology of borders will be revisited, with an examination of how Canadian border measures since 9/11 correspond with the concept of police borders. In addition, the difficulties and problems surrounding the policing of CTAs and the concern over American border policies will be discussed.

Overall, despite the government's actions since 9/11, the issue of homeland security in Canada has not received the required level of attention from Ottawa in order to deal with the potential threat of terrorism. The gravity of these terrorist threats, which can be both 'home-grown' and foreign, is very plausible given that CSIS has stated that many terrorist groups operate in Canada. In June 2006, seventeen men were arrested in Toronto, alleged to have been planning terrorist attacks in Canada.<sup>5</sup> While these men have not faced trial yet, the 'Toronto 17' affair is a wake up call for Canadian officials. While Canada might be seen as trying to combat terrorism with the arrest of the 17 terrorist suspects, many in the U.S. continue to see Canada as a 'haven' for terrorism. In wake of the 'Toronto 17' affair, U.S. Congressman John Hostettler described "South Toronto" as a hotbed of Islamic extremism. He added that "Canadians, as well as those [who are] impostors pretending to be Canadians or returning American tourists, roll through our border ports of entry with little or no document inspections."<sup>6</sup> With the continuing concerns over border security in the United States, the U.S.-Canada border is well under way to becoming a 'police border' and these policies are unlikely to be reversed in the near future.

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<sup>5</sup> The alleged plans of 'Toronto 17' included an attack on Parliament and killing the Prime Minister by taking him hostage and beheading him. See Chris Watti and Melissa Leong, "Cell Planned to Behead PM: Crown," *The National Post*, 7 June 2006.

<sup>6</sup> See Alan Freeman, "U.S. Politician Blasts Toronto as a Hotbed of Islamic Extremism," *The Globe and Mail*, 9 June 2006.



# 1: BORDERS AND INTERNATIONAL RELATIONS

The concept of police borders is a departure from traditional concepts of borders and territoriality in the field of international relations, with its focus on law enforcement and policing rather than military and economic issues. In the aftermath of the 9/11 attacks in the U.S. and with the corresponding increased concern over border security in North America, scholars have taken a greater interest in border studies. Traditional approaches to the study of border security, such as realism, have come under criticism for their “largely non-theoretical and historical” analysis of borders. In reviewing the traditional approaches, Jason Ackleson finds that “[the] deeper discursive, social, or material factors inherent in borders and state security practices were largely ignored.”<sup>7</sup> In the examination of the literature surrounding the U.S.-Mexico border, Ackleson finds other gaps include a lack of theoretical work in international relations concerning border security, the examination of operational issues and bureaucratic politics, and normative concerns surrounding new security measures.<sup>8</sup>

Andreas, in response to these gaps has developed a typology of borders to explain the recent changes around the nature of borders and border security. In particular, Andreas examines the rise of police borders by states coping with the growing problem of ‘clandestine transnational actors.’ Policing and law enforcement have become a central

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<sup>7</sup>Jason Ackleson, “Directions in Border Security Research,” *The Social Science Journal* 40 (2003): 576.

<sup>8</sup> *Ibid.*, 577-578.

concern at borders over the last number of years according to Andreas.<sup>9</sup> In addition to an overview of police borders, this chapter will provide a brief synopsis of some of the theoretical perspectives in international relations concerning border security, including realism, neo-liberalism, and pluralism. Moreover, this chapter will also discuss these theoretical perspectives' limitations with respect to explaining border security. Finally, this chapter will conclude with a brief overview of US and European Union (EU) border controls in the context of police borders, which are the two case studies that Andreas chose for his research.

### **Police Borders and the Typology of Borders**

In his analysis of the nature of borders and security, Andreas finds that border controls in the modern era have moved away from the traditional approach of military defence and economic regulation to policing. Andreas argues borders are “not eroding or remaining unchanged” but are being “recrafted,” to tackle the growing problem of excluding ‘clandestine transnational actors’ (CTAs). Andreas defines CTAs, which include drug traffickers, migrant smugglers, terrorists, and unauthorized migrants, “as non-state actors who operate across national borders in violation of state laws and who attempt to evade law enforcement efforts.”<sup>10</sup> While CTAs have existed as long as there have been border controls, Andreas notes that the organization of CTAs, their methods and their cross border movements, have changed over time along with “state laws and the form, intensity, and focus of their enforcement and the level of public anxiety and policy

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<sup>9</sup> Peter Andreas, “Redrawing the Line: Borders and Security in the Twenty-first Century,” *International Security* 28 (Fall 2003): 78.

<sup>10</sup> Ibid.

attention.”<sup>11</sup> In order to tackle the growing problem of CTAs, states have employed various measures including increases in funding for border security, new legislation, the use of new technologies for surveillance, stricter visa regulations, improved travel and identification documents, and greater cooperation with other states with expanding policing to “points of entry” outside of physical borders.<sup>12</sup>

By examining the policies of the US and the EU concerning the restriction of territorial access to CTAs, while maintaining access to more “desirable” entrants, Andreas finds that the “growing anxiety over CTAs not only has transformed state border regulatory practices and cross-border relations, but has blurred traditional distinctions between external and internal security.”<sup>13</sup> Borders are not only physical lines on a map but also have become international points of entry thereby delocalizing the border.<sup>14</sup> The concept of ‘border security’ is a complex system of screening at official ports of entry, including land, sea, and air travel, and the surveillance of the most probable lines of unauthorized territorial access. This includes coordinating systems of detection, tracking, surveillance and detention of hostile CTAs and their domestic law-breaking collaborators between law enforcement agencies and other states. The challenge for states, as Andreas notes, is to maintain an open border, allowing for trade and the movement of “desirables,” while preventing the entry of CTAs. Andreas believes balancing border security and commerce “will continue to be one of the most bureaucratically,

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<sup>11</sup> Ibid., 79.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid., 78-80.

<sup>14</sup> See Mark Salter, “Passports, Mobility, and Security: How smart can the border be?” *International Studies Perspectives* 5 (2004): 80-81.

technologically and politically challenging tasks facing governments in the twenty-first century.”<sup>15</sup>

Andreas notes while states increase surveillance and tighten security to defend against CTAs, concerns will certainly develop over privacy and weakened civil liberties.<sup>16</sup> Issues involving immigrant and refugee policies are going to figure prominently in cross border security cooperation as long as CTAs, especially trans-national terrorist groups, threaten North America. Increasing internal surveillance measures that infringe unavoidably on the civil liberties of citizens will likely be implemented to tackle the problem of ‘home-grown’ terrorists, especially with the their use of the internet.

In demonstrating how border controls vary, Andreas has developed three categories of borders: military, economic, and police borders (see Table 1). The purpose of military borders is to prevent interstate threats, while economic borders provide a means to collect revenues and protect domestic industries. Military borders will often include barriers, buffer zones, military alliances, and arms races, while economic borders take the form of tariffs, quotas, and foreign exchange controls. The decline of this types of borders has occurred through demilitarization with the former and economic/trade liberalization with the later. With the rise of criminalization and the aim of excluding CTAs, police borders are characterized by an increase in the tracking and inspection of goods and people, the use of intelligence, the implementation of “smart borders,” and the pooling of sovereignty as in the case of the EU.<sup>17</sup> As in the case of military borders,

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<sup>15</sup> Andreas, “Redrawing the Line: Border and Security in the Twenty-first Century,” 108.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid., 85.

physical barriers and buffer zones can be used by law enforcement to prevent the entrance of CTAs along with “military and intelligence hardware, personnel, and expertise for policing tasks.”<sup>18</sup> This ‘paradigm shift’ to a ‘police border’ is occurring in North America with regards to the consideration of security issues and particularly with respect to concerns over American (and to a lesser extent Canadian) vulnerabilities to CTAs such as terrorists.

**Table 1: Military, Economic, and Police Borders**

Types of Borders	Role/Function	Form/Characteristics	Historical Trajectory
Military borders	Deter interstate military threats	Physical barriers, buffer zones, military alliances, arms races	Decline: demilitarization
Economic borders	Collect revenue/tax commerce, protect domestic producers	Tariffs, quotas, customs houses, foreign exchange controls	Decline: economic liberalization
Police borders	Territorially exclude nonstate clandestine transnational actors	Physical barriers, buffer zones, tracking/inspection of people/goods, “smart borders,” pooling sovereignty	Expansion: criminalization

Source: Andreas, “Redrawing the Line: Borders and Security in the Twenty-first Century,” 85 (Table 1), by permission.

Despite the increasing investments in border policing, especially in the U.S. with respect to its southern border, Andreas concludes that the results of such policy decisions have been poor. According to Andreas there are “enormous gap[s] between...stated policy goals and actual outcomes.”<sup>19</sup> In fact, greater policing and border controls can

<sup>18</sup> Ibid., 79.

<sup>19</sup> Ibid., 109

lead to CTAs using more sophisticated methods to evade border controls, thus creating further problems for law enforcement.<sup>20</sup> However, Andreas states that border security and policing have never been perfect, and comprehensive border controls only came late in the development of the modern state. Nonetheless, it is important to note that borders still matter since CTAs must evade border controls at great cost. This cost includes both significant financial and personal risks, particularly the risk of death in the case of migrant smuggling on the U.S.-Mexico border. In his conclusion, Andreas finds that one must not simply judge border security on the effective deterrence of CTAs, but one must also consider the political symbolism and the state's ability with respect to "projecting an image of moral resolve and propping up the state's territorial legitimacy."<sup>21</sup>

While Andreas recognizes the changing needs of border protection for states, it is important to note this typology of borders does contain weaknesses. In particular, the different threat levels various CTAs may pose to a state and the level of security needed to tackle the most deadly CTAs may go beyond policing and law enforcement. Activities such as the smuggling of Weapons of Mass Destruction (WMDs), a major terrorist attack by CTAs on a port or land border crossing, or containing a massive epidemic through a quarantine would require a significant military presence, going beyond the ability of border agents and police authorities to deal with a major crisis. In addition, when comparing the U.S.-Canada border with the U.S.-Mexico border, the intensity of border controls significantly varies between the two borders, despite the fact that both can be classified as police borders under Andreas's typology. On the U.S. southern border,

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<sup>20</sup> Stephen Flynn, "The False Conundrum: Continental Integration versus Homeland Security," in *The Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker (New York: Routledge, 2003), 112-114.

<sup>21</sup> Andreas, "Redrawing the Line: Border and Security in the Twenty-first Century," 110-111.

barriers have been erected to keep out illegal immigrants, and the number of U.S. border agents posted on the border far surpasses the number on the U.S.-Canada border. Hence, the definition of a police border is perhaps too broad as it fails to distinguish between different levels of intensity and methods of border control toward CTAs. However, Andreas' typology does provide an overview of the direction of border control among industrialized states in North America and Europe as there is greater attention placed on CTAs in those jurisdictions.

### **Other Views of Borders and the Limitations of Current Theoretical Perspectives**

For realists, borders for states in international relations are to be defended or invaded. This is due to the idea that states, as the only major actor operating in the international system, need to defend their borders from outside threats, i.e. other states, through military action in order to survive. The anarchical nature of the international system places states in this position, leading to the inevitability of war amongst them.<sup>22</sup> Further, Gilpin finds that “the principal objective of states has been the conquest of territory in order to advance economic, security, and other interests.”<sup>23</sup> The realist approach towards borders can be categorized under military borders in Andreas' typology. The weakness in the realist approach according to Andreas is that the focus of security threats concern states rather than other actors such as CTAs. However, states today are facing threats from ‘transnational law evaders’ instead of ‘interstate military invaders’ due to the relative decline in military rivalry. Furthermore, states have

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<sup>22</sup> Kenneth Waltz, *Man, the State, and War: A Theoretical Analysis* (New York: Columbia University Press, 2001), 186.

<sup>23</sup> Robert Gilpin, *War and Change in World Politics* (New York: Cambridge University Press, 1981), 23.

characterized these threats from CTAs as ‘new,’ blurring the line between “external and internal security concerns.”<sup>24</sup>

In addition, other theoretical approaches also have some weaknesses in explaining modern border controls. Other competing theories, including neo-liberalism and pluralism, state that cooperation can occur between states in the international system. Keohane and Nye note that as economic linkages further develop between states, creating a situation of complex interdependence, security and military concerns become less important.<sup>25</sup> Andreas categorizes this group as ‘globalists,’ who “point out not only to the declining military relevance of borders but also to the border-blurring effects of ‘globalization.’”<sup>26</sup> Hence, borders are neither military nor economic barriers between states. Nevertheless, while the process of globalization has led to the removal of economic barriers and greater mobility, it has also led to the growing problem of how to effectively exclude CTAs. Thus, ‘globalists’ are correct to point out that the economic and military roles of borders are on the decline. However, borders still have an important role in excluding ‘undesirable’ elements, while at the same time the state is trying to maintain economic linkages with other states.<sup>27</sup>

### **The Policing of Borders in the United States and European Union**

Andreas uses the examples of the U.S. and the EU to demonstrate his typology of borders. In the U.S., Andreas found that the transition to policing borders came towards the end of Cold war with new concerns over “nonstate ‘transnational threats’” brought to

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<sup>24</sup> Andreas, “Redrawing the Line: Border and Security in the Twenty-first Century,” 82.

<sup>25</sup> Robert Keohane and Joseph Nye, *Power and Interdependence*, 3rd ed. (New York: Longman, 2000), 23-25.

<sup>26</sup> Andreas, “Redrawing the Line: Border and Security in the Twenty-first Century,” 82.

<sup>27</sup> *Ibid.*, 84.



the attention of the United States. In particular, the U.S. federal government placed greater attention on policing its southern border in an effort to combat the growing problems of drug trafficking and the influx of economic migrants and criminal gangs. During the 1990s, the budget of the Immigration and Naturalization Service (INS) had tripled, with “more INS agents allowed to carry a gun than any other federal law enforcement force.”<sup>28</sup> Furthermore, just before 9/11, there were approximately 300 U.S. border patrol agents assigned to the U.S.-Canada northern border compared with over 9000 agents on the U.S.-Mexico border.<sup>29</sup> During the same period, greater economic linkages developed between the U.S. and Mexico in the wake of the North American Free Trade Agreement (NAFTA), which led to increased trade flows. Nevertheless, greater law enforcement resources on the U.S. southern border have not been able to stem the increasing number of CTAs entering the U.S., since drug smuggling and illegal immigration continues to be a problem for the U.S. today. This problem is in part due to CTAs developing methods that are more sophisticated to evade border agents.<sup>30</sup>

After 9/11, the U.S. federal government’s attention turned towards terrorism, with the implementation of various measures. These measures included increases in resources for border controls, new legislation (including the *U.S. Patriot Act*), and the creation of the new Department of Homeland Security (DHS) to coordinate national security efforts. The new department was created from various pre-existing border related agencies including the Coast Guard, Customs service, and INS. At its inception in 2003, the DHS

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<sup>28</sup> Peter Andreas, “A Tale of Two Borders: The U.S.-Canada and U.S.-Mexico Lines after 9-11,” in *The Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker (New York: Routledge, 2003), 4.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., 4-5.

operated with an annual budget of \$37 billion, with more than 170,000 employees.<sup>31</sup> In addition to the creation of the DHS, the U.S. government turned its attention to the U.S.-Canada border as a possible source of terrorist threats entering into the United States. Shortly after the attacks, border travel between the two countries slowed as border controls were tightened, impacting trade between Canada and the United States. A solution to concerns with the U.S.-Canada border was the implementation of the Smart Border Declaration, signed in December 2001. This agreement between the U.S. and Canada enabled the use of state of the art technology and greater surveillance to identify not only potential threats but also low risk travellers between the two countries.<sup>32</sup>

While the U.S. and Canada have increased cooperation on border security through the Smart Border Agreement, border controls in the EU have been taken one-step further. Andreas finds policing in the EU “has involved a substantial pooling of sovereignty and convergence toward more restrictive border polices.”<sup>33</sup> With greater economic integration and the need for freer movement within the EU, border cooperation between EU states became institutionalized in the form of the Schengen Agreement. The agreement, which was implemented in 1996, allows states to eliminate common internal border inspections and increase controls for the external borders (frontier zones) of the EU. Andreas notes that the tightening of external border controls have created a perimeter effect around the EU. In addition, in the agreement, there are measures for the harmonization of visa requirements, agreed asylum processing procedures, and increased legal cooperation. With the exception of Britain and Ireland, who did not join the

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<sup>31</sup> Andreas, “Redrawing the Line: Border and Security in the Twenty-first Century,” 92. According to Andreas, the creation of DHS “[represented] the most significant reorganization of the federal government since the early years of the Cold War.”

<sup>32</sup> *Ibid.*, 91-99.

<sup>33</sup> *Ibid.*, 101.

Schengen Agreement when it was introduced, all new members of EU must adopt the agreement as a requirement of EU membership.<sup>34</sup> However, despite creating and expanding a common border control regime, the application of border measures have been uneven at times, thereby leading to political tensions between EU states over issues such as perceived lax drug enforcement and immigrant controls.<sup>35</sup>

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<sup>34</sup> Ibid., 101-105. For further details concerning the Schengen agreement see Europa, "The Schengen Acquis and its Integration into the Union," *Free Movement of Persons, Asylum and Immigration*, [<http://europa.eu.int/scadplus/leg/en/lvb/l33020.htm>] Accessed: 8 October 2005.

<sup>35</sup> Ibid., 106-107. In southern Europe, there has been a continuing 'crisis' of unwanted migrants entering Spain, Italy and Greece from North Africa. In particular, approximately 9000 Africans have already entered Spain through Canary Islands in 2006. The illegal immigrant situation in Spain has caused great concern among fellow EU members. In response to this crisis, the EU has launched a multinational campaign to patrol the Atlantic with ships and helicopters to stem the flood migrants. Spain has been more tolerant of illegal immigration compared with its fellow EU members, as illegal immigrants play an important role in Spain's economy. In 2005, the Spanish government granted an amnesty to 700,000 illegal immigrants. See Doug Saunders, "Spain Engulfed By Tide of Hopeful Africans," *The Globe and Mail*, 2 June 2006 and Lawrence Downes, "As an Immigration Tide Swells, Europe Treads Water," *The New York Times*, 1 August 2006.

## **2: THE CANADIAN-AMERICAN BOUNDARY: FROM 'THE VANISHING BORDER' TO 'THE NEW POLICE BORDER'**

The U.S.-Canada border in the wake of the 9/11 attacks is moving from an 'economic border' to a 'police border.' In the future, border controls will further be intensified, involving greater levels of difficulty for ordinary citizens in crossing the U.S.-Canada border. Much of the Canadian government response to 9/11 was to ensure that Canada could continue to have access to the U.S. economy in a timely fashion through addressing U.S. security concerns. The concept of the "world's longest undefended border" and the vision from the 'globalists' of a 'borderless world' cannot be sustained in the post-9/11 era. These concepts are destined to fail because of the rising threats that CTAs pose and the growing environmental degradation and economic dislocation occurring in poorer states, which result in the movement of economic migrants.

After 9/11, the Canadian government increased funding for national security and instituted a number of policy changes concerning border security, including the creation of the Canadian Border Services Agency (CBSA) and the purchase of some new contraband detection equipment. Furthermore, Canada increased its cooperation on border security with the U.S. through the Smart Border Agreement. However, these improvements do not address continuing gaps in border security (see Chapter 3) nor are they significant when compared to American efforts (see Chapter 4). The outcome of these problems could lead to the U.S. government tightening border controls and

surveillance on the U.S.-Canada border and force Ottawa to address the gaps in border security. This chapter will discuss the evidence concerning the Canadian government's development of a 'police border' at the U.S.-Canada border, provide an overview of events related to Canadian border security prior to 9/11, and review concerns raised about the new security measures' effects on human rights and civil liberties.

### **Before 9/11: The Vanishing Border**

Prior to the 9/11 attacks, the common perception of the U.S.-Canada border suggested that the border was "vanishing" as the economic relationship between Canada and the United States grew closer under FTA and later, NAFTA.<sup>36</sup> The border was "characterised as low-intensity, low-profile, and a low priority."<sup>37</sup> This depoliticized approach to border controls worked well with the increases in trade between the two countries under FTA and later NAFTA.<sup>38</sup> The volume of trade and movement between Canada and the U.S. grew rapidly during this period. Since 1994, Canadian goods and services to the U.S. have increased at an annual average rate of 6.9 per cent while Canadian imports from the U.S. grew at an annual average rate of 4.9 per cent.<sup>39</sup> While trade across the border was increasing, concerns developed over 'new threats' such as drug trafficking, fire arms smuggling, migrant smuggling, cigarette smuggling, and other

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<sup>36</sup> See Fen Osler Hampson and Maureen Appel Molot, "Does the 49<sup>th</sup> Parallel Matter Any More?" in *Canada Among Nations 2000: Vanishing Borders*, ed. Maureen A. Molot and Fen O. Hampson (Don Mills: Oxford University Press, 2000).

<sup>37</sup> Peter Andreas, "The Mexicanization of the US-Canada Border," *International Journal* (Spring 2005): 450.

<sup>38</sup> *Ibid.*, 451.

<sup>39</sup> Department of Foreign Affairs and International Trade, "Box E NAFTA@10," *Fifth Annual Report on Canada's State of Trade: Trade Update* (Ottawa, March 2004), 28.

international cross border criminal activity in the United States and Canada.<sup>40</sup> It is important to note that these problems in the pre-9/11 period were, for the most part, “kept out of the national political spotlight and never turned into a significant source of cross-border tension.”<sup>41</sup> With the increasing volume of trade and travel in North America, it became more difficult for border officers to conduct thorough inspections. Flynn suggests that border officers in North America had to bear in mind delays at borders, that could result in losses for business that depended on cross border trade and tourism.<sup>42</sup>

Before the creation of the CBSA in 2003, customs and border services were under the direction of the Canada Customs and Revenue Agency (CCRA) from November 1999 to 2003, and prior to that they were under Revenue Canada. Expenditures on customs services in the Customs and Trade Administration Branch prior to the 9/11 attacks both under National Revenue and the CCRA rose from a total of \$389.0 million to \$495.9 million between 1995 to 2001 (See Table 2). However, staffing levels for custom services dropped slightly in this period from 7,383 FTEs in 1995/96 to nearly 7000 FTEs in 1999/00. By the next fiscal year, the number of FTEs grew to just over 7200, but was still down from 1995/96 levels.

It is interesting to note that prior to the creation of the CBSA, customs services were under the purview of a revenue department instead of a national security department. The Customs Excise Union Douanes Accise (CEUDA) in 1999 expressed concerns that enforcement initiatives were not a high priority due to a culture of taxation

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<sup>40</sup> For a detail look at the clandestine side of border activity during the 1990s, especially in the area of cigarette smuggling, see James Laxer, *The Border: Canada, the U.S. and Dispatches from the 49<sup>th</sup> Parallel*, 150-166.

<sup>41</sup> Andreas, “The Mexicanization of the US-Canada Border,” 451.

<sup>42</sup> Stephen Flynn, “Beyond Border Control,” *Foreign Affairs* 79 (November/December 2000): 60.

within the administrative consolidation between Revenue Canada's Customs and Excise branch and its Taxation branch in 1994. In particular, the CEUDA indicated that initiatives were designed in the Customs and Trade Administration Branch for the facilitation of trade and travellers without addressing security and law enforcement issues. Furthermore, CEUDA expressed dissatisfaction over the closure of inland customs offices and with officers being replaced by technology at posts to the detriment of enforcement during the 1990s.<sup>43</sup> The Standing Senate Committee on National Security and Defence has echoed the union's concerns in its reports, stating that even after 9/11, the CBSA 'culture' still is heavily influence by the mission of revenue collection (see Chapter 3).

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<sup>43</sup> "CEUDA Brief to the Minister of National Revenue Regarding the Canada Customs Blueprint," *Customs Excise Union Douanes Accise*, May 10, 1999, [<http://www.ceuda.psac.com/english/publications/briefs/blueprint.html>] Accessed: 29 June 2006.

**Table 2: Customs/Border Services Expenditures and Personnel in Canada (Revenue Canada 1995-1999; Canada Customs and Revenue Canada Agency 1999-2003; Canadian Border Services Agency 2003-2005)**

	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
<b>Customs and Border Services (\$ millions)</b>	389.0	404.5	410.8	441.8	479.3	495.9	560.2	660.7	935.0	1,061.1
<b>Full-time Equivalents-Customs</b>	7,383	7,295	7,142	7,199	7,001	7,206	7,348	7,855	10,497	10,758

Data Source: Annual Departmental Performance Reports: Revenue Canada, 1995/96 to 1998/99; Canada Customs and Revenue Agency, 1999/00 to 2002/03; Canadian Border Services Agency, 2003/04 to 2004/05



Before the 2001 Smart Border Agreement, Canada and the U.S. signed a number of bilateral agreements to improve cross border cooperation over border management in the face of growing border traffic. The agreements included the 1995 Shared Border Agreement, the 1997 Border Vision Initiative, the 1997 Cross Border Crime Initiative, and 1999 Partnership Process.<sup>44</sup> Furthermore, Canada's participation in these agreements was in part a response to the U.S. Congress' further attempts in reforming U.S. immigration after passage of the 1993 Customs Modernization Act. In particular, the Canadian government was concerned about the Section 110 provision allowing the Immigration and Naturalization Service (INS) to develop a system, whereby the entry and exit of non-U.S. citizens would be automatically tracked at all U.S. borders.<sup>45</sup> The Canadian government feared that the application of this provision would lead to long line-ups at the border and delays, all of which would have a negative economic effect on both countries. The Section 110 provision was meant to not only to deal with issues surrounding the United States' southern border but also as a reaction to growing concerns over Canadian border security and immigration policies which were perceived by some in Congress as lax.<sup>46</sup>

One particular case surrounding terrorism and Canada that garnered great attention from the U.S. was the December 1999 case of Ahmed Ressam, an Algerian-born former Montreal resident. Ressam tried to enter the U.S. through Canada via ferry from British Columbia to Washington State when he was detained by U.S. customs

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<sup>44</sup> Deborah Waller Meyers, "Does 'Smarter' Leader Safer? An Assessment of the U.S. Border Accords with Canada and Mexico," *International Migration* 41 (2003): 7-8.

<sup>45</sup> Christopher Sands, "Fading Power or Rising Power: 11 September and the Lesson from the Section 110 Experience," in *Canada Among Nations 2002: A Fading Power*, ed. Norman Hillmer and Maureen Appel Molot (Don Mills, Ont.: Oxford University Press, 2002), 50-51.

<sup>46</sup> *Ibid.*, 54-55.

agents with a carload of explosives and a plan to bomb the Los Angeles airport. Ressam had been living in Montreal since 1994, seeking political asylum in Canada. In 1995, Ressam's application was rejected because he had a criminal background and he was ordered to be deported. However, Ressam was never actually deported. Before leaving Canada in 1998, Ressam changed his identity with forged documents that indicated he was a Canadian citizen. In the same year he left Canada, Ressam was recruited by al-Qaeda for a terrorist mission and went to a training camp in Afghanistan. He was assigned to a European based cell where the members planned to travel separately and meet in Canada to carry out their mission. However, some of the members of cell were captured in Europe. Ressam decided to continue with his mission to bomb the Los Angeles airport before being captured by U.S. border agents.<sup>47</sup> While Canadian immigration officials stated that they were not aware of the connections between Ressam and terrorist groups, the incident drew the attention of the American public to the lack of resources and funding for Canadian border security and the Canadian immigration and refugee system.<sup>48</sup> The criticism surrounding Canada's security measures would continue to grow after the 9/11 attacks.

### **The Immediate Impact of 9/11 on the U.S.-Canada Border**

With Canada's geographic location and close economic ties to the U.S., the Canadian government could not avoid the impact of the 9/11 terrorist attacks. Immediately after the attacks, border traffic between the U.S. and Canada slowed to a

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<sup>47</sup> Danielle Goldfarb, "Thinking the Unthinkable: Security Threats, Cross-Border Implications, and Canada's Long-term Strategies," *C.D. Howe Institute Backgrounder: Border Papers* (Toronto: C.D. Howe Institute 2004), 4.

<sup>48</sup> Sands, "Fading Power or Rising Power: 11 September and the Lesson from the Section 110 Experience," 61-62.

near stand still as the U.S. government intensified border controls. The slow down led some manufacturers, including the auto industry, to temporarily shut down production in Canada. Delays for trucks hauling goods between the U.S.-Canada border immediately after 9/11 “increased from 1-2 minutes to 10-15 hours.”<sup>49</sup> Furthermore, the border slowdown caused problems for individuals living in border communities who travelled between the U.S.–Canada border on a daily basis, greatly affecting the local economy.<sup>50</sup> In addition, airline travel was also halted for several days. The reaction from the Canadian government, business, and communities near the border to the slow down in trade and travel was that of shock. Even after several days, the U.S. did not ease border controls.<sup>51</sup> With the U.S. placing security on the top of its policy agenda, the Canadian government began the process of reforming and improving border security and anti-terrorist measures.

Canada had to address U.S. security concerns if it wanted to continue a strong economic relationship with its southern neighbour.<sup>52</sup> Canada in recent years has been highly dependent on the U.S. for trade, as 87 percent of Canada’s exports go to the U.S., and one in four jobs in Ontario relies on exports to the United States. Currently, the total amount of trade between the U.S. and Canada is more than a billion U.S. dollars a day.<sup>53</sup> The possibility of another slowdown at the Canada-U.S. border is certainly likely if another terrorist attack in North America occurs. Hence, 9/11 became a ‘focusing event’

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<sup>49</sup> Andreas, “A Tale of Two Borders,” 10.

<sup>50</sup> Jennifer Welsh, *At Home in the World: Canada’s Global Vision for the 21<sup>st</sup> Century* (Toronto: Harper Collins Publishers Ltd, 2004), 120.

<sup>51</sup> Christopher Waddell, “Erasing the Line: Rebuilding Trade and Economic Relations after 11 September,” in *Canada among Nations 2003: Coping with American Colossus*, ed. Dave Carment et al. (Don Mills, Ontario: Oxford University Press, 2003), 57.

<sup>52</sup> *Ibid.*, 60.

<sup>53</sup> Canada, Standing Committee on National Security and Defence, *Borderline Insecure: Interim Report*, 1.

providing a window of opportunity to institute policy changes for not only the U.S. but also for Canada.<sup>54</sup>

### **Canada's Response to 9/11**

In response to the 9/11 terrorist attacks, Canada implemented various measures to improve border security and increase the policing of borders in Canada. Shortly after the attacks, the Canadian government under the leadership of former Prime Minister Jean Chrétien put in place anti-terrorism legislation: the *Anti-terrorism Act* (2001) and the *Public Safety Act* (2002). The *Anti-terrorism Act* focuses mainly on the criminal law aspects of terrorism, thereby creating new criminal offences to deal with terrorism, such as the supporting and funding of terrorism and new stronger surveillance measures. The *Public Safety Act* provides for a framework to deal with public safety, including measures allowing for the collection of airline passenger information, increasing port security funding and establishing tighter controls over explosive and hazardous substances. In addition, the federal government provided in its 2001 budget \$7.7 billion (now risen to \$9.5 billion, with additional funds provided in the 2005 Budget) in new funding over five years for intelligence, border, airport, and marine security, screening of immigrants, refugee claimants and visitors, critical infrastructure protection, and emergency preparedness.<sup>55</sup> Approximately \$1.2 billion of that funding was allocated for border security with \$433 million going to the Customs Branch of the CCRA.<sup>56</sup>

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<sup>54</sup> Thomas Birkland, "The World Changed Today: Agenda-Setting and Policy Change in the Wake of 9/11 Terrorist Attacks," *Review of Policy Research* 21 (2004): 179.

<sup>55</sup> Department of Foreign Affairs, "Canada's Actions Since the 9/11 Attacks," [[http://www.dfait-maeci.gc.ca/can-am/main/border/canada\\_action-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/canada_action-en.asp)] Accessed: 7 November 2005.

<sup>56</sup> Auditor General of Canada, "Canada Customs and Revenue Agency: Managing the Risks of Non-Compliance for Customs," in Chapter 2 of the *2003 Report of the Auditor General of Canada to the House of Commons* (Office of the Auditor General of Canada, May 2003), 18.

Shortly after the 9/11 attacks, Canada (Former Minister of Foreign Affairs, John Manley) and the U.S. (Former Director of the Office of Homeland Security, Tom Ridge) signed the Smart Border Declaration on December 12, 2001 along with an initial 30-point action plan (currently at 32-points). The purpose of the Smart Border Agreement is to improve security at the border, while maintaining trade and the movement of low-risk travellers. In the declaration, both countries pledge to improve cooperation, develop joint procedures, share more intelligence information, and to implement specific reforms affecting immigration, inspection, and traffic management at the border.<sup>57</sup> There are a number of reasons why the U.S. and Canada moved quickly on the Smart Border Agreement and its components after 9/11. First, both countries had worked together on border issues before 9/11, making it possible for Canada and U.S. to come to an agreement soon after the attacks. Second, the U.S. government realized that if it wanted to have security at its border it needed Canada's cooperation, and third, like Canada, the U.S. wanted to maintain an open border for its own economy.<sup>58</sup>

Since the signing of the Smart Border Agreement, Canada has instituted a number of programs, new funding, and policies, with respect to border, port, and airport security. The two main programs in place stemming from the Smart Border Declaration, in relation to providing a low-risk enrolment process for travellers and goods to increase border efficiency, include NEXUS and Free and Secure Trade (FAST), both of which are joint U.S.-Canada operations. NEXUS is a program for pre-approved travellers, which is

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<sup>57</sup> Department of Foreign Affairs and International Trade, "The Smart Border Declaration," December 12, 2001, [[http://www.dfait-maeci.gc.ca/can-am/main/border/smart\\_border\\_declaration-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/smart_border_declaration-en.asp)] Accessed: 7 November, 2003. Also see Department of Foreign Affairs and International Trade, "32-point Action Plan," Last update: January 13, 2005, [[http://www.dfait-maeci.gc.ca/can-am/main/border/32\\_point\\_action-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/32_point_action-en.asp)] Accessed: 7 November 2005.

<sup>58</sup> Waddell, "Erasing the Line: Rebuilding Trade and Economic Relations after 11 September," 66-67.

currently in use at land crossings with pilot projects in place for air and limited marine travel. FAST provides expedited clearance processes for low-risk shipments of goods at major crossings. In both FAST and NEXUS, applicants must submit biometric information in the form of fingerprints, and in the NEXUS Air program, users are subject to an iris recognition scan.

In terms of law enforcement, the Canadian government provided an extra \$135 million between 2001/02 and 2005/06 to the Integrated Border Enforcement Team (IBET), a multi-agency law enforcement team that focuses on a harmonized approach to Canadian and United States efforts to target cross-border criminal activity. The purpose of the funding was to expand the number teams to 23, located in 15 IBET regions across the U.S.-Canada border.<sup>59</sup> In addition to IBET, the federal government created Integrated National Security Enforcement Teams (INSET) to improve the collection and sharing of intelligence dealing with threats to national security among different agencies, including the RCMP, CSIS, CIC, CBSA, and provincial and municipal police forces. Starting in 2002, the federal government provided \$64 million over five years towards the creation of INSET.<sup>60</sup> Beyond law enforcement, other border security measures include the Canadian government committing \$600 million to the Border Infrastructure Fund to support the Smart Border action plan.<sup>61</sup>

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<sup>59</sup> There are currently five core IBETs agencies: the Royal Canadian Mounted Police (RCMP), Canada Border Service Agency (CBSA), US Immigration and Customs Enforcement (ICE), US Customs Border Protection/Border Patrol (CBP/BP), and the US Coast Guard (USCG). See Royal Canadian Mounted Police, "Integrated Border Enforcement Teams," Updated: June 11, 2006, [[http://www.rcmp-grc.gc.ca/security/ibets\\_e.htm](http://www.rcmp-grc.gc.ca/security/ibets_e.htm)] Accessed: June 19, 2006.

<sup>60</sup> Royal Canadian Mounted Police, "Integrated National Security Enforcement Teams (INSET)," Updated: March 31, 2006, [[http://www.rcmp-grc.gc.ca/security/insets\\_e.htm](http://www.rcmp-grc.gc.ca/security/insets_e.htm)] Accessed: 4 July 2006.

<sup>61</sup> Infrastructure Canada, "Border Infrastructure Fund," Updated: June 16 2006, [[http://www.infrastructure.gc.ca/bif/index\\_e.shtml?menu4](http://www.infrastructure.gc.ca/bif/index_e.shtml?menu4)] Accessed: 29 June 2006.

Since 9/11, over \$65 million has been spent on various detection equipment for border services, ranging from x-ray and gamma-ray systems to radiation detection. New screening equipment for ports and land crossings include the purchase of 12 new mobile Vehicle and Cargo Inspection Systems (VACIS) by the CBSA, a truck mounted gamma ray scanning system that takes an image of the contents of a marine container, rail car or truck to enhance port security.<sup>62</sup> The units are located at various seaports, airports, and land border crossings in Canada. Also, three additional Pallet VACIS units, (a self-contained stationary gamma ray system), were purchased, at the cost of approximately \$2 million each, for the Ports of Vancouver, Montreal, and Halifax.<sup>63</sup> The CBSA has also recently installed the first radiation portal in Saint John, New Brunswick, to screen vehicles for radioactive materials, such as a dirty bomb or nuclear weapon. In addition, mobile radiation detection systems have been installed at the ports of Halifax, Saint John, Montreal and Vancouver.<sup>64</sup> However, Canadian efforts pale in comparison with the U.S. where the number of primary radiation monitors in place in the U.S. is 670 out of a planned 3,034 with an average of 22 units installed per month in 2005.<sup>65</sup>

Along with border and port security, Ottawa has committed to improving airport security through various measures and programs, such as the sharing of Advanced Passenger Information and Passenger Name on high-risk travellers travelling to either the U.S. or Canada. In December 2002, the Canadian Air Transport Security Authority

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<sup>62</sup> Transport Canada, "Government of Canada Announces up to \$172.5 million in New Marine Security," January 23, 2003, [<http://www.tc.gc.ca/mediaroom/releases/nat/2003/03-gc001.htm>] Accessed: 9 November 2005; Canadian Border Services Agency, "Fact Sheet: Contraband Detection Equipment," January 2005, [<http://www.cbsa-asfc.gc.ca/newsroom/factsheets/2005/0125detection-equipment-e.pdf>] Accessed: 1 August 2006.

<sup>63</sup> Canadian Border Services Agency, "Fact Sheet: Pallet Vehicle Inspection Service," January 2005, [<http://www.cbsa-asfc.gc.ca/newsroom/factsheets/2005/0125pvacis-e.html>] Accessed: 16 November 2005.

<sup>64</sup> Canadian Border Services Agency, "Programs and Services," Updated: January 26, 2006, [<http://www.cbsa-asfc.gc.ca/agency/programs-e.html>] Accessed: 14 February 2006.

<sup>65</sup> Eric Lipton, "Tester Slip Radioactive Materials Over Borders," *The New York Times*, 28 March 2006.

(CATSA) took responsibility over pre-boarding screening at all major airports in Canada. Thus, CATSA has been purchasing and installing advanced explosive detection systems, installing new screening equipment, and placing additional screening staff and Royal Canadian Mounted Police (RCMP) at airports.<sup>66</sup>

In terms of marine and port security, the programs between Canada and the U.S. include the establishment of joint teams of customs officials (starting in 2002), at the ports of Vancouver, Montreal, Halifax, Seattle-Tacoma and Newark to target marine containers arriving from abroad that are destined for the other country. However, the program does not go further with respect to including other foreign ports that could pose a threat to Canadian security. To increase port security, the Canadian government now requires trans-oceanic traffic to give 96 hours advance notice before entering Canadian waters, rather than the usual 24 hours. In 2002, Canada signed an agreement with U.S. to allow for the pre-screening of ships before they arrive in the Great Lakes/St. Lawrence Seaway system.<sup>67</sup> In 2003, the Canadian government provided new funding of \$172.5 million over five years towards improving the marine transportation system and maritime borders. Furthermore, funding has been committed towards helping ports and port facilities with respect to security upgrades with funding of \$115 million over three years being provided beginning in 2004.<sup>68</sup>

In addition to the Smart Border Declaration, the U.S. and Canada signed the Safe Third Country agreement, allowing both countries to manage the flow of refugee

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<sup>66</sup> Department of Foreign Affairs and International Trade, "Canada's Actions Since the 9/11 Attacks." [[http://www.dfait-maeci.gc.ca/can-am/main/border/canada\\_action-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/canada_action-en.asp)] Accessed: 7 November 2005.

<sup>67</sup> Department of Foreign Affairs, "Canada's Actions Since the 9/11 Attacks."

<sup>68</sup> Transport Canada, "Marine Security Contribution Announced," May 7, 2004, [<http://www.tc.gc.ca/mediaroom/releases/nat/2004/04-gc005ae.htm>] Accessed: 9 November 2005.



claimants for each of their refugee systems.<sup>69</sup> As well, Canada harmonized some visa requirements with the U.S., eliminating visa exemptions for some countries including Hungary and Saudi Arabia. However, Canada still exempts nineteen more countries from its visa requirements than the United States.<sup>70</sup> Other measures related to immigration and refugee policies include the adoption of the *Immigration and Refugee Protection Act*. The *Act* included the introduction of permanent resident cards for new immigrants, allowing for quicker removals of individuals who pose a threat a Canada, and increasing screening measures of potential immigrants.<sup>71</sup>

In December 2003, under the government of Prime Minister Paul Martin, significant changes were announced to the structure of parliamentary committees, departments, and agencies, focusing on an integrating approach to security. Public Safety and Emergency Preparedness Canada was created to improve the coordination of security and policymaking. This new department combined six different agencies including the RCMP and CSIS. The department also included the newly created Canadian Border Service Agency (CBSA) that was derived from the customs branch of the Canada Customs and Revenue Agency, the intelligence and enforcement sections of Citizenship and Immigration Canada, and the border inspection function of food, plant, and animal health from the Canadian Food Inspection Agency. Hence, the customs/border services were no longer under the direction of a revenue department. Along with the creation of Public Safety and Emergency Preparedness Canada, there was also the creation of the new position of National Security Advisor to the Prime Minister in the Privy Council

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<sup>69</sup> Department of Foreign Affairs, "Canada's Actions Since the 9/11 Attacks,"

<sup>70</sup> Bradley Condon and Tapen Sinha, *Drawing lines in Sand and Snow: Border Security and North American Economic Integration* (New York: M.D. Shape Inc, 2003), 70.

<sup>71</sup> Department of Foreign Affairs, "Canada's Actions Since the 9/11 Attacks."

Office. In addition, the Minister of Transportation became responsible for security for all sectors of transportation. Furthermore, a new Cabinet Committee on Security, Public Health and Emergencies was formed to manage national security and intelligence issues and government responses to public health, national disasters and security emergencies.

Prior to the creation of the CBSA, customs/border services under the CCRA experienced growth in spending and the number of FTEs after the 9/11 attacks. Expenditures for customs and border operation grew from \$495.9 million in 2000/01 to \$560.2 in 2001/02 when the 9/11 attacks occurred. Spending on customs services was further increased by \$100 million to \$660.7 million in 2002/03 (see Table 1). Staffing increased after 9/11 from just over 7200 FTEs in 2000/01 to 7,855 by 2002/03. The CBSA budget for the 2003/04 fiscal year was \$935.0 million, increasing to over \$1 billion in 2005/06. Further, between 2003/04 to 2004/05 the number of FTEs grew by over 250 to 10,758. As part of Budget 2005, the CBSA will be receiving \$433 million in additional funding over the next five years to hire an extra 270 border officers, invest funds for training and equipment, and formally established the agency as a corporate body.<sup>72</sup>

In April 2004, the Government of Canada introduced *Securing an Open Society: Canada's National Security Policy* ("the National Security Policy"), the first policy document of its kind. The National Security Policy provides a framework towards preparing and responding to threats by using an integrated security system. The framework sets out some specific actions in six key areas: intelligence, emergency

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<sup>72</sup> Canadian Border Services Agency, "New Act Establishes the Canadian Border Security Agency," November 3, 2005, [ <http://www.cbsa-asfc.gc.ca/newsroom/release-communique/2005/1103ottawabe.html>] Accessed: 13 November 2005.

planning and management, public health emergencies, transportation security, border security, and international security.<sup>73</sup> Unlike the United States, where the focus of national security is centred on terrorism, Canada has taken an all-hazards approach, recognising other “security threats,” such as pandemics.<sup>74</sup>

In the National Security Policy’s 2005 update, a number of initiatives were implemented or were in the process of implementation. In the area of border security, updates included a new proposed Canadian passport that uses a biometric chip for facial recognition that is currently being developed and tested. Initially, the new “e-Passport” was to be issued to Canadians beginning in August 2006.<sup>75</sup> However, the new passport is still in the design phase with no specific date announced for its introduction.<sup>76</sup> Other actions in this area involve the continuing progress on the Smart Border Declaration, with Canada and the U.S. implementing the Safe Third Country Agreement at the land border in December 2004 and the expansion of the FAST.<sup>77</sup>

In March 2005, Canada, the U.S. and Mexico announced the creation of the Security and Prosperity Partnership of North America (SPP), a framework to further cooperation in areas such as security, trade facilitation, transportation, the environment and public health. A year later in Cancun, Mexico, the Conservative Prime Minister

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<sup>73</sup> Canada, “Securing an Open Society: Canada’s National Security Policy,” (Privy Council Office, April 2004), vii-xi.

<sup>74</sup> Reg Whitaker, “Made in Canada? The New Public Safety Paradigm,” in *How Ottawa Spends, 2005-2006: Managing the Minority*, ed G. Bruce Doern (Montreal: McGill Queen’s University Press, 2005), 83-86.

<sup>75</sup> Canada, “Securing an Open Society: One Year Later,” (Privy Council Office, April 2005), 42-43

<sup>76</sup> The new passport’s computer chip would not only contain the bearer’s photograph but also personal information on the passport including name and date of birth. Seven countries are currently issuing e-Passports with 40 other countries expected to introduce these new passports by 2007. See Jim Bronskill, “Canada’s Passport Agency Swamped,” *Canadian Press*, 18 June 2006.

<sup>77</sup> Canada, “Securing an Open Society: One Year Later,” (Privy Council Office, April 2005), 44. Low-risk trade refers to trade conducted by exporters and importers who have a track record of ensuring the secure movement of their cargo.

Stephen Harper met with the President George W. Bush of the U.S. and President Vicente Fox of Mexico, where the three leaders committed to implement, within the next two years, several measures aimed at continuing to create smarter and safer borders. Specially, measures will focus on increased law enforcement cooperation and reducing border slowdowns affecting low risk trade.<sup>78</sup>

Under the newly elected Conservative government, the 2006 Budget contains increases in funding and new policies for border security, moving Canada further towards a police border. In particular, pledging to arm border officers in the 2006 federal election, the government has committed \$101 million over two years to begin arming border officers and training them in the use of firearms and to eliminate border officers from working alone. As well, \$303 million is being committed over two years “to implement a border strategy to promote the movement of low-risk trade and travellers within North America while protecting Canadians from security threats.” This includes \$172 million over two years to develop and implement an electronic advance notification system that would extend this system beyond sea cargo to road and rail cargo. As well, funding will be provided to expand the Advanced Passenger Information System/Passenger Name Record program to gather information from European airlines and NEXUS Air will be expanded to seven major airports in Canada, with each initiative receiving \$25 million in funding over two years. In terms of the RCMP, \$161 million is

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<sup>78</sup> Office of the Prime Minister of Canada, “Prime Minister Harper Concludes Leaders’ Meetings in Cancun,” March 31, 2006, [<http://www.pm.gc.ca/eng/media.asp?category=1&id=1086>] Accessed: 15 May 2006.

being dedicated to hire 1000 more officers and federal prosecutors to focus on such law-enforcement priorities as drugs, corruption and border security.<sup>79</sup>

Perhaps the most controversial border security measure will be the introduction of biometrics screening technology at various points of entry in Canada for immigrants and refugees in 2006. The \$3.5 million trial program will have immigrants and refugees being photographed and fingerprinted using inkless technology for a six-month period. The trial will take place at two U.S.-Canada border crossings in B.C., Vancouver International Airport, a refugee processing centre in Ontario, and visa offices in Seattle and Hong Kong. According to internal documents from CIC, the communications strategy for the program will be “low-key.”<sup>80</sup>

### **The Impact of Security Measures on Civil Liberties and Canadian Sovereignty**

After 9/11, the Canadian government’s new security measures shifted the U.S.-Canada border from an ‘economic’ to a ‘police border.’ As states intensify their border security measures to combat CTAs, Andreas suggests concerns will grow over civil liberties, especially towards immigrants, and privacy, with the introduction of new surveillance and information technology.<sup>81</sup> As result of the Canadian government’s new policies concerning national security and terrorism, some feel that civil liberties in Canada are being compromised, targeting individuals of Middle Eastern descent and the Muslim faith. Moreover, civil libertarians have raised concerns that Canada is going down the same path as the U.S. through the implementation of similar policies through

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<sup>79</sup>Department of Finance – Canada, “Chapter 3 - Building a Better Canada: Security,” *Budget 2006*, [<http://www.fin.gc.ca/budget06/bp/bpc3de.htm>] Accessed: 2 May 2006.

<sup>80</sup> Peter O’Neil, “Biometric Screening Program Planned,” *The Vancouver Sun*, 6 June 2006.

<sup>81</sup> Andreas, “Redrawing the Line: Border and Security in the Twenty-first Century,” 108.

cooperation with its southern neighbour. Hence, these critics argue that Canada should develop its own anti-terrorism policies that do not compromise “Canadian values.”<sup>82</sup>

The policies and measures that cause concern include the *Anti-terrorism Act* and the Safe Third Country Agreement involving refugees coming to Canada and the United States. Bill C-36 otherwise known as the *Anti-Terrorism Act* was introduced shortly after the 9/11 terrorist attacks in 2001. Various civil liberties organizations and members of the legal community reacted negatively when Bill C-36 was first introduced. Concerns surrounding the bill included the broad definition of terrorism, the powers of detention and detainment, the requirement of testifying at ‘investigative hearings,’ and the creation of a terrorist list in which individuals or groups are not required to be notified.<sup>83</sup> The federal government responded to these criticisms by amending the definition of terrorism, introducing a five-year sunset clause on investigative hearings and preventive arrests, and

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<sup>82</sup> Kent Roach, *9/11: Consequences for Canada* (Montreal: McGill-Queen’s University Press, 2003), 168.

<sup>83</sup> Patrick J. Smith, “Anti-Terrorism and Rights in Canada: Policy Discourse on the ‘Delicate Balance,’” *Arab Studies Quarterly* 25 (Winter Spring 2003): 150-151.

providing an annual report on the use of these powers.<sup>84</sup> Furthermore, the government provided time limits and a judicial review of security certificates.<sup>85</sup> Despite the government's efforts to "Charter proof" the *Act*, critics still had concerns over the impact of anti-terrorism legislation on Canadians. As of June 2006, the *Anti-Terrorism Act* is facing its first constitutional challenge with the case of Mohammed Momin Khawaja in September 2006.<sup>86</sup>

In addition to the concerns around the *Anti-Terrorism Act*, there are concerns over the use of security certificates by the Canadian government in order to detain non-citizens

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<sup>84</sup> The current definition of terrorism under the *Anti-Terrorism Act* under section 83.01(b) is "an act or omission, in or outside Canada,  
(i) that is committed  
(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and  
(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and  
(ii) that intentionally  
(A) causes death or serious bodily harm to a person by the use of violence,  
(B) endangers a person's life,  
(C) causes a serious risk to the health or safety of the public or any segment of the public,  
(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or  
(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),  
and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law."  
See Parliament of Canada, "Bill C-36,"  
[\[http://www.parl.gc.ca/37/1/parlbus/chambus/house/bills/government/C-36/C-36\\_4/90168b-1E.html#51\]](http://www.parl.gc.ca/37/1/parlbus/chambus/house/bills/government/C-36/C-36_4/90168b-1E.html#51)  
Accessed: 20 July 2006.

<sup>85</sup> Roach, *9/11: Consequences for Canada*, 66.

<sup>86</sup> Momin Khawaja has been under arrest in a detention facility since 2004, under provisions of the Act for alleged terrorist activities in Ottawa and London. See "Cdn. Anti-terror Law to Face 1st Court Challenge," June 10, 2006,  
[\[http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060610/terror\\_challenge\\_060610/20060610?hub=Canada\]](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060610/terror_challenge_060610/20060610?hub=Canada) Accessed: 19 June 2006.

without publicly releasing evidence when national security is at risk. The use of security certificates is currently facing a constitutional challenge in the Supreme Court of Canada from two men who are currently being detained and one who has been released on bail.<sup>87</sup> The Court has heard the arguments, but has not yet made a decision in the case. It is important to note that anyone detained under a security certificate can return to their home country or a third country that will accept them, rather than remain in detention in Canada. Nevertheless, critics believe that these individuals could be tortured if they are returned to their home country. The use of security certificates is relatively uncommon, with the Canadian government having used security certificates 27 times since 1991 and only 5 times since 9/11.<sup>88</sup>

The Safe Third Country Agreement allows the U.S. and Canada to manage the migration of refugees to North America. Under the agreement, refugees, who are over the age of 18 or without close relatives in Canada, attempting to enter Canada via the U.S. must apply for political asylum in the U.S and cannot proceed into Canada for asylum. This agreement also applies to the reverse situation of refugees entering the U.S. from Canada.<sup>89</sup> According to Welsh, those in favour of the agreement believe that this policy will allow Canada to focus on refugees in most need. However, critics argue that

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<sup>87</sup> The three include Adil Charkaoui, Hassan Almrei and Mohamed Harkat. Harkat is currently out on bail. In the case of Adil Charkaoui, some evidence was released publicly indicating Ahmed Ressam and Abou Zubaida both identifying Charkaoui and recalled his participation in a terrorist training camp. See "The Security Certificate is an Acceptable Tool," *The Globe and Mail*, 14 June 2006. Two other men are also currently detained in under the security certificate: Mahmoud Jaballah and Mohammed Mahjoub. It is interesting to note that the son of former Prime Minister Pierre Trudeau, Alexandre Trudeau, has been lending his support to the detainees by speaking out against the use of security certificates. Currently he is making a movie about Almrei's detention. Moreover, he supported Almrei's bid for release on bail. See Irwin Block, "Alexandre Trudeau Joins Protest Against Security Certificates," *CanWest News*, 30 August 2006.

<sup>88</sup> "The Security Certificate is an Acceptable Tool," *The Globe and Mail*, 14 June 2006.

<sup>89</sup> Citizenship and Immigration Canada, "Final Text of the Safe Third Country Agreement," December 5, 2002, [<http://www.cic.gc.ca/english/policy/safe-third.html>] Accessed: 2 December 2005.



there are a number of problems with the agreement from a refugee's perspective, including the ease of travel to the U.S. compared with Canada to the detention of some refugees that arrive in the U.S. who attempt to claim asylum. In addition, refugee advocates believe that the U.S. government is less sympathetic than Canada towards the plight of refugees.<sup>90</sup> Roach points out that targeting refugees may not necessarily tackle the threat of terrorism, since in the 9/11 attacks most of the hijackers were in the U.S. on temporary visas. These critics note that an individual entering the refugee system faces intense scrutiny and security checks from authorities, whereas there are easier options of entering Canada and/or the U.S. without going through the refugee system.<sup>91</sup>

In 2001 prior to the implementation of the Safe Third Country Agreement, Canada received approximately 37,000 refugees with 13,000 of those entering Canada via the US.<sup>92</sup> The perception that Canada is a terrorist haven, due to its relatively generous refugee system, was emphasized in the Ahmed Ressam incident. In the case of Ahmed Ressam, Canadian officials did not have the resources to track down Ressam and remove him from Canada when he was ordered deported.<sup>93</sup> Some commentators have suggested that Canada's refugee policy itself is not flawed, but rather the weakness of the system, which was illustrated by the Ressam case, "was entirely attributable to lack of staff and resources to do the job."<sup>94</sup> However, Canada does not normally detain refugee claimants and many such individuals fail to appear at their scheduled hearings. Instead,

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<sup>90</sup> Welsh, *At Home with the World*, 128-129. Also, see Roach, *9/11: Consequences for Canada*, 142-146.

<sup>91</sup> Roach, *9/11: Consequences for Canada*, 145. Also, see Steven Camarota, "How the Terrorists Get In," *The Public Interest* (Fall 2002): 65-78.

<sup>92</sup> Atanasios Hristoulas, "Trading Places: Canada, Mexico, and North American Security," in *The Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker (New York: Routledge, 2003), 31.

<sup>93</sup> *Ibid.*

<sup>94</sup> Audrey Macklin, "Borderline Security," in *The Security of Freedom: Essays on Canada's Anti-terrorism Bill*, ed. Ronald J. Daniels, Patrick Macklem and Kent Roach (Toronto: University of Toronto Press, 2001), 391.

these refugee claimants disappear into Canadian society, thereby creating a possible security threat for not only Canada but also for the United States.<sup>95</sup> Nevertheless, others have been critical of the current Conservative government's approach towards deporting illegal immigrants from Canada, calling for a halt in deportations.<sup>96</sup>

Some organizations, including the Council of Canadians and the Canadian Labour Congress, believe Canada's cooperation with the U.S. on matters of security have threatened and violated Canadians' civil liberties. These new security measures have led Canada toward a path of harmonizing security, refugee, and immigration policy with the United States.<sup>97</sup> In 2002, the U.S. government began requiring anyone born in Iran, Iraq, Libya, Sudan, or Syria, including Canadian citizens, to be photographed and fingerprinted when arriving into the United States.<sup>98</sup> Under the US-VISIT program since 2004, all foreigners to the U.S. including visitors under the Visa Waiver Program (with the exception of most Canadians and Mexicans under certain circumstances) are finger

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<sup>95</sup> David Haglund, "North American Cooperation in an Era of Homeland Security," *Orbis* 47 (Autumn 2003): 681. There has been a similar situation in the U.S. on the southern border with non-Mexican illegal immigrants being released in the U.S. due to a lack of detention space. See White House, "Fact Sheet: Securing America through Immigration Reform," November 28, 2005, [<http://www.whitehouse.gov/news/releases/2005/11/20051128-3.html>] Accessed: 5 June 2006.

<sup>96</sup> The number of illegal immigrants in Canada is estimated to be 200,000 according to some media reports. However, in 2006, organizers of a protest by illegal immigrants in Canada claim the number is 500,000. See Matthew Chung, "Hundreds Protest Canadian Immigration Law," *The Globe and Mail*, 27 March 2006 and Marina Jimenez, "200,000 Illegal Immigrants Toiling in Canada's Underground Economy," *The Globe and Mail*, 15 November 2003. The Conservative government has not released a specific number on illegal immigration in Canada.

<sup>97</sup> Edna Keeble, "Immigration, Civil liberties, and National/Homeland Security," *International Journal* (Spring 2005): 361.

<sup>98</sup> Bradley Condon and Tapen Sinha, *Drawing lines in Sand and Snow: Border Security and North American Economic Integration* (New York: M.D. Shape Inc, 2003), 103. As result of that requirement by the United States, the Canadian government in 2002 issued a travel advisory warning Canadians born in these five countries as well as Pakistan, Saudi Arabia, and Yemen about entering the U.S.

printed.<sup>99</sup> The U.S. announced in July that Canadians studying or working in the United States would no longer be exempted from the program.<sup>100</sup>

The concern over this U.S. policy was highlighted in the case of Maher Arar, a Canadian and Syrian citizen. While on a stopover in New York in the fall of 2002, as Arar was going back into Canada with a Canadian passport, he was detained and deported to Syria by U.S. authorities. During his stay at a Syrian prison, Arar was repeatedly tortured before being released in September 2003.<sup>101</sup> In response to the Arar affair, the U.S. pledged to the Canadian government that it would be notified in instances where a Canadian citizen was being detained in the U.S. for security reasons.<sup>102</sup> In addition, an inquiry was established in 2004 by the federal government to examine Arar's case and to investigate the actions of Canadian officials with respect to the incident. During the hearings, RCMP officials admitted to sharing intelligence information with Syrian officials in the fall of 2002 after Arar's deportation to Syria, even though officials suspected that Arar was being abused.<sup>103</sup> A fact finder report, relating to the Arar incident, was recently released in October 2005. The report investigated the

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<sup>99</sup> Department of Homeland Security, "US-VISIT Enrollment Requirements,"

[[http://www.dhs.gov/dhspublic/interapp/editorial/editorial\\_0527.xml](http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0527.xml)] Accessed 19 June 2006.

<sup>100</sup> "New Border Rules Will Affect Canadian Workers in U.S.," *The National Post*, 29 July 2006.

<sup>101</sup> Laxer, *The Border: Canada, The U.S. and Dispatches from the 49<sup>th</sup> Parallel*, 203-203.

<sup>102</sup> Welsh, *At Home with the World*, 123.

<sup>103</sup> "RCMP shared intelligence with Syria, Arar Inquiry Told," *CBC News*, June 30, 2005,

[<http://www.cbc.ca/story/canada/national/2005/06/30/arar050630.html>] Accessed: 15 December 2005.

treatment that Arar received in Jordan and Syria and concluded that Arar was indeed tortured in Syria.<sup>104</sup>

## **Conclusion**

It is clear that the Canadian government has taken several measures in the post-9/11 era to improve border security. The actions of the government are presented as evidence in this chapter to support the argument that the U.S.-Canada border is being transformed into a 'police border' through tighter border security measures. The main security 'improvements' after 9/11 include new anti-terrorism legislation, the creation of the CBSA within the department of Public Safety and Emergency Preparedness Canada, and new funding for border security. As well, the Canadian government through the Smart Border Agreement further cooperated with the U.S. on border security, including expanding IBET and establishing NEXUS and FAST. The implementation of these new security measures by the Canadian government was primarily driven by American security concerns. Despite the efforts of Canada, American lawmakers are still not satisfied nearly five years after 9/11. The next two chapters will explain why there is still some dissatisfaction with Canadian border security measures by some U.S. critics and lawmakers.

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<sup>104</sup> Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, "Commissioner Dennis O'Connor Releases the Fact Finder's Report on Maher Arar's Treatment in Jordan and Syria," October 27, 2005, [[http://www.ararcommission.ca/eng/ReleaseFinal\\_oct27.pdf](http://www.ararcommission.ca/eng/ReleaseFinal_oct27.pdf)] Accessed: 15 December 2005. In addition to this fact finding report, two reports relating to the mandate of the Commission will be released at the end of Summer 2006. The first report will address the reaction of Canadian officials with regards the Arar affair. The second report will report the Commission's findings and recommendations. See Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, Press Release, "Arar Commission Reports Expected to be Released by End of Summer," April 11, 2006, [[http://www.ararcommission.ca/eng/release\\_0411e.pdf](http://www.ararcommission.ca/eng/release_0411e.pdf)] Accessed 19 June 2006.

### **3: CANADIAN BORDER SECURITY: THE UNADDRESSED THREATS AND WEAKNESSES**

As demonstrated in Chapter 2, Canada has undertaken many measures to intensify border security since 9/11, including the expansion of IBET, the addition of more border officers and screening equipment, and the creation of a border agency. There is clear evidence that the U.S.-Canada border is shifting to a 'police border' from an 'economic border' in the post 9/11 era, with more of a focus on preventing CTAs from entering Canada. Nevertheless, these measures do not necessarily go far enough in addressing all of the gaps or weaknesses of border security in Canada. Some of the most vocal criticism of Canadian border security comes from Canada's Standing Senate Committee on National Security and Defence (hereafter referred to as the SSCNSD). The SSCNSD, led by Senator Colin Kenny, has focused its attention on a wide range of problems from the lack of border officers and detection equipment, to inadequate resources for border officers, such as going without sidearms while on duty. At the same time, Canada still faces threats to its borders, including the 'ordinary' threats of drug, tobacco, and migrant smuggling as well as the unconventional threats of terrorists, who may be planning to use nuclear, biological or radiological WMDs. Nevertheless, it is hard to assess the level of threats involved, leaving Canadian officials in the politically difficult position of making large spending commitments under conditions of great uncertainty about the probability of various potentially catastrophic threats to Canadian society.

## Threats to Canada's Borders

The 9/11 attacks focused greater attention on Canada's own security vulnerabilities. The security of air travel is not the only issue of concern.<sup>105</sup> There are concerns from the U.S. over possible threats that could come in through Canada's borders and then potentially enter the United States. While Canada's response to 9/11 was initiated due to concerns about the potential economic loss over a border shutdown in the event of another terrorist attack, Ottawa is also faced with possible threats from terrorism against its own territory.<sup>106</sup> In October 2002, Canada was specifically named as one of six prime terrorist targets in an audiotape issued by al-Qaeda. The Canadian Security and Intelligence Service (CSIS), Canada's national intelligence agency, has concluded that terrorist attacks are possible within Canada. Moreover, CSIS has stated that, apart from the U.S., Canada has the greatest number of active international terrorist groups operating within its borders than anywhere else in the world.<sup>107</sup> Since 2004, the RCMP have "broken up" at least 12 terrorist groups in Canada through disruptive tactics.<sup>108</sup> The Country Reports on Terrorism 2005, by the U.S. Department of State, found "[terrorists] have capitalized on liberal Canadian immigration and asylum policies to enjoy safe haven, raise funds, arrange logistical support, and plan terrorist attacks."<sup>109</sup> Not only

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<sup>105</sup> For a detail account of the deficiencies in airport security in Canada see Canada, Standing Committee on National Security and Defence, *The Myth of Security at Canada's Airports* (Ottawa: The Senate, January 2003). The Committee in the report highlighted various gaps from the screening of airport workers, checked luggage and mail to policing.

<sup>106</sup> Welsh, *At Home in the World*, 122.

<sup>107</sup> Canadian Security Intelligence Service, "Backgrounder No. 8: Counter-Terrorism," Revised: August 2002, [<http://www.csis-scrs.gc.ca/en/newsroom/backgrounders/backgrounder08.asp>] Accessed: 07 November 2005. For a popular account of terrorist groups operating in Canada see Stewart Bell, *Cold Terror: How Canada Nurtures and Exports Terrorism Around The World* (Mississauga: Wiley, 2004).

<sup>108</sup> Jeff Sallot and Brian Laghi, "RCMP Foil at Least a Dozen Plots in the Past Two Years, Documents Reveal," *The Globe and Mail*, 7 June 2006.

<sup>109</sup> United State Department of State, "Chapter 5 -- Country Reports: Western Hemisphere Overview," *Country Reports on Terrorism 2005*, [<http://www.state.gov/documents/organization/65473.pdf>] 160, Accessed: 2 May 2006.

could threats come from CTAs, but also “home-grown” terrorists. The current government has recognized this potential “home-grown” threat from extremist Muslim youth.<sup>110</sup>

It is possible that a terrorist could use WMDs in an attack, especially with the proliferation of WMDs to rogue states, creating a situation that allows for easier access to variety of deadly agents for terrorists. Douglas Ross notes that radical groups have a growing interest in obtaining WMDs, such as biological agents, for use in their attacks.<sup>111</sup> Skilled terrorists, attracted to the use of WMDs, (such as a dirty bomb, due to the weapons’ high probability of economic devastation upon use), could smuggle such weapons without too much difficulty into North America.<sup>112</sup> This also includes nuclear terrorism, as the materials for a nuclear WMD are “vulnerable to theft” in many states.<sup>113</sup> Graham Allison argues that a nuclear attack is a serious threat to Canada with major Canadian cities being possible targets for a nuclear attack.<sup>114</sup>

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<sup>110</sup> Stewart Bell, “Radicalized youth targeted: Tories to help communities fight extremism: Day,” *The National Post*, 25 July 2006.

<sup>111</sup> Douglas Ross, “WMDs, American Vulnerability, and Canadian Political Inertia,” in *In/Security: Canada in the Post-9-11 World*, ed. Alexander Netherton, Allen Seager, and Karl Froschauer (Burnaby: Centre for Canadian Studies, Simon Fraser University, 2005), 87. Currently in Britain, seven British men are on trial, accused of planning to carry out bomb attacks in Britain, and face other charges relating to the possession of bomb making materials. One of the seven defendants, Salahuddin Amin, tried to obtain a “radioisotope bomb.” When the other six defendants were arrested in March 2004 in a police raid, 1,300 pounds of ammonium nitrate fertilizer and a smaller amount of aluminum powder were seized at a storage depot in London. According to the prosecution, the defendants had most of the necessary materials to make a bomb. Prior to their arrests, the defendants’ conversations were monitored by authorities. According to the tapes, the defendants discussed potential targets ranging from water, gas, and electrical supplies, a shopping centre to a London night club. See Sarah Lyall, “Briton Tried to Buy A-Bomb, Prosecution in Trial Contends,” *New York Times*, 23 March 2006.

<sup>112</sup>*Ibid.*, 74. In addition, Ross states so long as U.S. and NATO are doing poor in the “war against terror” in Iraq and Afghanistan the risk of a WMD attack will probably remain low. If the situation improves for the U.S. and NATO then perhaps terrorists may decide to attack Americans directly.

<sup>113</sup> Graham Allison, “Is Nuclear Terrorism a Threat to Canada’s National Security?” *International Journal* (Summer 2005): 715-716.

<sup>114</sup>*Ibid.*, 714.

## **Weaknesses in Canadian Border Security**

Prior to the federal government's release of the *National Security Policy* in 2004, the Auditor General of Canada released a report reviewing the federal government's 2001 Anti-Terrorism Initiative, security and intelligence information systems, fingerprint identification, and airport workers. While the federal government had made efforts to identify priorities and provide funding in those areas, the Auditor General found that the federal government did not have a management framework that could oversee Canadian security. The Auditor General also reported findings with respect to various security gaps, including intelligence, watch lists used to screen those seeking to enter Canada, and not using criminal intelligence data to screen applicants working at restricted areas in airports.<sup>115</sup>

Over the past number of years, the SSCNSD, chaired by Senator Colin Kenny has produced various reports critical of the federal government's 'homeland' security efforts. In particular, according to the SSCNSD, border and port security still falls far short of their expectations (even with the federal government increasing funding for new equipment and staffing). Some critics, with similar criticisms, believe that the greatest weakness plaguing Canadian border security relates to port and marine security screening. For example, in the case of WMDs (including chemical, biological, radiological, nuclear weapons), Ross questions whether Canada can adequately detect

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<sup>115</sup> Auditor General of Canada. "National Security in Canada-the 2001 Anti-Terrorism Initiative," in Chapter 3 of the *2004 Report of the Auditor General of Canada to the House of Commons* (Office of the Auditor General of Canada, March 2004) 1.



and prevent terrorists from smuggling WMDs into the country given the security levels currently in place.<sup>116</sup>

The SSCNSD found that despite the recent purchase of new screening equipment, (including 12 VACIS units and 3 Pallet VACIS units for screening cargo at ports), the number of containers actually being screened is only a very small percentage. In September 2003, port officials in Halifax told the SSCNSD that new technologies, such as the VACIS, could triple the rate of screening at the Port of Halifax. Between January and June 2003, the number of containers inspected at that particular port was at 8 per cent. However at the beginning 2004, the CBSA stated to the SSCNSD that the national inspection rate for containers was closer to 4 per cent, due to the fact that inspections were limited by the number of machines that it had to screen containers. Overall the SSCNSD found that ports in Canada still “lacked sufficient intelligence and technology” to deal with potential threats.<sup>117</sup>

In addition, the SSCNSD determined that containers were inadequately monitored, recommending the Stephen Flynn model of port and container security, “in which containers are loaded under secure conditions and provided with monitors to record attempts to tamper with their seals.” The SSCNSD recommends the model as the

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<sup>116</sup> Douglas A. Ross, “Foreign Policy Challenges for Paul Martin: Canada’s International Security Policy in an Era of American Hyperpower and Continental Vulnerability,” *International Journal* 58 (Fall 2003): 556.

<sup>117</sup> Canada, Standing Committee on National Security and Defence, *Canadian Security Guide Book: An update of Security Problems in Search of Solutions*, 2005 Edition (Ottawa: The Senate, December 2004), 133-135.

universal standard in port security.<sup>118</sup> The benefit of this model is in providing Canada an opportunity to tackle threats before they reach Canadian ports. While there have been no signs that the Canadian government has considered the adoption of the complete the Flynn model, it has taken some steps toward security measures found in the Flynn Model. For example in October 2004, the government agreed to Canada's participation in the U.S. Container Security Initiative, whereby CBSA agents would be stationed in foreign marine ports to search shipping containers bound for North America.<sup>119</sup> While CBSA officials are currently located in the U.S., (at the ports of Newark and Seattle), the SSCNSD believes that there are not enough personnel stationed outside North America to monitor ports that ship containers to Canada.<sup>120</sup>

In addition to the concerns related to the screening and supervision of containers, the SSCNSD found that ports are vulnerable to organized crime. In its 2002 report on Canadian security, the SSCNSD noted that several ports across Canada had sizable percentages of employees with criminal records. For example, at the Port of Montreal, the SSCNSD learned that approximately 15 percent of longshoremen and 36 percent of checkers had criminal records.<sup>121</sup> Also in 2002, the Organized Crime Agency of British Columbia reported that 48 members and associates of the Hells Angels were working at

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<sup>118</sup>Canada, Standing Committee on National Security and Defence *Canadian Security and Military Preparedness* (Ottawa: The Senate, February 2002), 115. Also see Stephen E. Flynn, "America the Vulnerable," *Foreign Affairs* 81 (January/February 2002):70-72. Stephen Flynn, a senior fellow at the Council on Foreign Relations, has come under criticism for giving testimony to various committees and promoting a particular type of screen approach while receiving contracts from Science Applications International Corporation (SAIC), which manufactures a container-scanning system. SAIC would likely benefit from the adoption of the Flynn Model. See Eric Lipton, "Company Ties Not Always Noted In Push to Tighten U.S. Security," *The New York Times*, 19 June 2006.

<sup>119</sup> *Ibid.*, 137-138.

<sup>120</sup> Canada, Standing Committee on National Security and Defence, *Canadian Security Guide Book*, 55-56.

<sup>121</sup> Canada, Standing Committee on National Security and Defence, *Canadian Security and Military Preparedness*, 112.

the Port of Vancouver.<sup>122</sup> Customs officials at the Port Vancouver have told the SSCNSD “that they are often subjected to intimidation as they inspect containers.”<sup>123</sup> This presence of organized crime in Canadian ports leaves the ports in a vulnerable situation in relation to both smuggling and terrorists entering Canada.<sup>124</sup>

Other concerns around port security include insufficient policing at ports and the fact that, unlike the airline industry, international ferries or cruise ships destined for Canada are not required to provide passenger data lists. According to the SSCNSD the practice of having local authorities control ports and airports has been a security failure. Because of this failure, port and airport security forces have been understaffed and lack necessary specialized training. The SSCNSD also found that RCMP contingents have been inadequately funded at the ports of Halifax, Montreal, and Vancouver.<sup>125</sup> Currently there are only three RCMP National Port Enforcement Teams in Canada. However, these teams are not specialized in port security but rather provide only standard policing and law enforcement services. The SSCNSD has recommended that port policing become a national responsibility and that the RCMP should take control.<sup>126</sup> In terms of passenger lists relating to ferries and cruise ships, the SSCNSD recommended in 2002 to have a program similar to the Advance Passenger Information/Personal Name Record Program,

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<sup>122</sup>Canada, Standing Committee on National Security and Defence, *Canadian Security Guide Book*, 123.

<sup>123</sup> Canada, Standing Committee on National Security and Defence, *Canadian Security and Military Preparedness*, 45

<sup>124</sup>Canada, Standing Committee on National Security and Defence, *Canadian Security Guide Book*, 125.

<sup>125</sup>Canada, *Canada's Coastlines: the Longest Under-defended Border in the World*, Volume 1, Senate Committee on National Defence (Ottawa, October 2003), 53-54.

<sup>126</sup>Canada, *Canadian Security Guide Book*, 131-132. Commissioner Giuliano Zaccardelli of RCMP in May 2006 stated to the Senate Committee that only about 30 officers patrol Canada's 19 marine points due to limited resources. Moreover, even though the Conservative government is pledging \$161 million to increase the number of officers for the RCMP to additional 1000 and federal prosecutors, only \$136 million of that new funding will be for new officers. Commissioner Zaccardelli also stated \$192,000 is need for an operational police officer at the federal level. This would mean 1000 RCMP officers would cost about \$192 million, over the amount pledged by the federal government. See James Gordon, "RCMP Can't Dent Organized Crime," *The National Post*, 9 May 2006.

which is in place for airlines. However, the federal government has yet to implement any such similar program. This is somewhat disconcerting since ferries and cruise ships, according to the SSCNSD, are relatively soft targets and the standards for security screening should not be limited to only airlines.<sup>127</sup>

Along with ports, land border crossings in Canada also have considerable security gaps. The problems continuing to plague the border include the overall direction of the CBSA, staffing, operational challenges, and border infrastructure. It is important to note that border officers in Canada have the monumental task of overseeing the movement of 71 million travellers each year across the U.S.-Canada border.<sup>128</sup> The SSCNSD, in a 2005 report concerning Canada's land crossings, found that the CBSA devoted far too much attention and time to revenue collection (duties, taxes, and tariffs) versus security monitoring, despite the changes around border security and the creation of the CBSA itself. The focus on revenue collection leaves border officers with less time to perform security inspections. The SSCNSD also found very little evidence suggesting that security was the highest priority of the CBSA. In response to these issues, the SSCNSD suggested the increase and harmonization of duty free personal exemption limits for Canadians, thereby allowing border officers to devote more of their time on security issues.<sup>129</sup>

In addition, the SSCNSD felt that, in order for the CBSA to move in the direction of a security environment, staffing issues have to be properly addressed, (including providing adequate training and resources for border officers and increasing staffing

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<sup>127</sup> Canada, Standing Committee on National Security and Defence, *Canadian Security Guide Book*, 139.

<sup>128</sup> Canada, Standing Committee on National Security and Defence, *Borderline Insecure: Interim Report*, 6.

<sup>129</sup> *Ibid.*, 10-14.

levels). At 139 points of entry across Canada, border officers often work alone. Border officers also perform a wide range of functions, including collecting taxes and duties, security inspections, and performing food inspections. However, it is difficult to imagine that a single border officer can perform all these tasks effectively.<sup>130</sup> Along with gaps in border staffing, the fact is that short-term border replacement staff, including students, receive relatively little training (only two to three weeks of training compared with eight and half weeks for full-time staff). Many of these short-term staff, according to evidence that the SSCNSD received and contrary to the CBSA statements, often worked alone, without supervision, and sometimes conducted secondary inspections.<sup>131</sup>

Another problem at the border relates to the lack of police support in dangerous situations, such as the seizure of illegal drugs and firearms. Starting in 1998, border officers were allowed to act as peace officers. However, the government instructed border officers to “not to confront persons believed to be armed and dangerous.”<sup>132</sup> Many police forces are far away from the border and are thus unable to respond quickly to calls from border officers. This, at times, results in responses being slow and even non-existent, and currently border officers only carry pepper spray and batons. Thus, border officers are put into the dangerous position where they are seizing narcotics and weapons. The SSCNSD has strongly recommended that border officers carry firearms in

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<sup>130</sup> Ibid., 20-22.

<sup>131</sup> Ibid., 23-25. A Primary Inspection Line (PIL) is the first point of screening for those entering Canada. Border officers conduct the initial interview. A secondary inspection takes place if an individual is referred from the PIL to be examined further or verify information in order to determine whether an individual can enter Canada. The tools that can be utilized for further inspection include intelligence databases, equipment to detect contraband, x-ray equipment, and detector dogs. (See pages 166-167 in the report)

<sup>132</sup> Ibid., 29.

the wake of these persistent problems.<sup>133</sup> Arming officers, according to the SSCNSD “would give them better protection, act as a deterrent to aggressive and illegal behaviour at our borders, and continue the evolution toward putting a new emphasis on security at crossings.”<sup>134</sup>

While the federal government was providing additional funding in 2005 to address staffing and resource issues, some of these new measures may not address the weaknesses in border security. For example, for those border officers who work alone, that particular funding commitment would have only provided for new radio equipment.<sup>135</sup> This, of course, did not address the significant concerns of the SSCNSD around the safety and the effectiveness of border officers. Shortly after the Conservative Party of Canada won the 2006 Federal election, an incident near the U.S.-Canada border highlighted the problem of border officers not having the tools to defend themselves in dangerous situations. This incident occurred across four border crossings along the U.S. border in B.C., where border officers abandoned their posts when they were informed

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<sup>133</sup> Ibid., 27-34. The Customs Excise Union Douanes Accise (CEUDA) has been lobbying the federal government to provide sidearms to border officers. In January 2006, CEUDA released the Northgate Report, with the report making several recommendations including arming Border Officers, Regional Customs Intelligence Officers, and Customs Investigators. As well, the CEUDA recommended the creation of an Armed Border Patrol and end work alone situations. See CEUDA, “A View from the Front Lines: Officer Safety and the Necessity of Sidearms,” January 2006, [<http://www.ceuda.psc.com/english/publications/reports/Other/Northgate.pdf>] Accessed: 2 May 2006.

<sup>134</sup> Canada, Standing Committee on National Security and Defence, *Borderline Insecure: Interim Report*, 31.

<sup>135</sup> Canadian Border Services Agency, “Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness Announces Measures to Improve Border Security,” July 15 2005, [<http://cbsa.gc.ca/newsroom/release-communicue/2005/0715ottawa-e.html>] Accessed: 21 November 2005.

that murder suspects were heading towards the border from the United States.<sup>136</sup> It should be noted that the new Conservative government in their 2006 Budget has set aside \$101 million to begin arming border officers and to prevent border officers from working alone.

Moreover, the SSCNSD has been critical about the gaps surrounding operational issues and border infrastructure. The CBSA, according to the SSCNSD, has not connected all of its border posts with necessary databanks (i.e. police, intelligence and customs). As of June 2005, 62 border posts were not connected to the CBSA's mainframe database. As well, even when border officers on primary and secondary inspection lines have access to the databases provided, the information is either limited or difficult to sort through.<sup>137</sup> Another key border problem is the lack of reverse inspections in Canada and the U.S., whereby people and goods are subject to an inspection prior to departing from their country of origin. Currently there are no plans to provide reverse inspections at any of the Canada-U.S border crossings.<sup>138</sup>

There were also concerns from the SSCNSD over the lack of standards with respect to documentation for individuals entering Canada, including the documentation of

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<sup>136</sup> Amy Carmichael, "Border Guards will be Armed, Conservatives Say," *Canadian Press Newswire*, 25 January 2005. In another incident on the Canadian border in August 2005, border officers restrained two men, Mohammed Dirie and Yasim Abdi Mohamed, who were carrying weapons into Canada. Both men, who are currently serving jail time for gun smuggling, are now facing terrorism-related charges in wake of the arrest of 17 terrorist suspects in Toronto. Initially, the search by the border officers was conducted for drugs according to a scan of a licence plate, but border officers did not find drugs in the vehicle of the two men. At the same time, the master database for law enforcement could not be accessed at the border crossing. It just so happened that another border officer saw a bulletin board with the men's names on it, warning of weapons. As result of the incident, border officers are concerned that CBSA had purposely downgraded information in order to prevent them from walking off the job in a dangerous situation. The car that the two men were in was red flagged in the system because it was rented by Fahim Ahmad, who is described as the leader of the 17 arrested in the Toronto terrorist plot. See Joe Fiesen, "A Borderline Bust," *The Globe and Mail*, 10 June 2006.

<sup>137</sup> Canada, Standing Committee on National Security and Defence, *Borderline Insecure: Interim Report*, 37-40.

<sup>138</sup> *Ibid.*, 40-43.

Canadians. Currently U.S. citizens entering Canada are required to provide photo identification and proof of citizenship, such as a driver's license and a birth certificate. However, there are difficulties associated with authenticating documents that are not readable by machines at the border. Using machine-readable documents could allow border officers to make reliable and quick security decisions, allowing them more time to focus on actual security threats.<sup>139</sup>

In terms of border infrastructure, the SSCNSD has identified two major problems. Firstly, many border crossings do not have the adequate and up-to-date infrastructure to ensure the safe movement people and goods. Secondly, if some border crossing are damaged or destroyed in a terrorist attack, there are insufficient backup or alternative bridges or tunnels to accommodate border traffic. According to the SSCNSD, these two potential problems are most evident at the Windsor-Detroit border crossing, which is one of the busiest between and Canada and the U.S.<sup>140</sup>

Beyond the actual border, according to the SSCNSD, the level of intelligence and surveillance staffing is not adequate in Canada. The SSCNSD is pressing the federal government to improve personnel numbers for CSIS. At CSIS, the current staffing level is 2,400 personnel, which is not even at the past peak employment level of 2,700. However, it is up from a post-Cold War low of 1,900. It should also be noted that discreet surveillance is "labour-intensive," with "as many as 20" people on a suspect and "about a dozen people...involved in planting an electronic monitoring device."<sup>141</sup>

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<sup>139</sup> Ibid., 43-44.

<sup>140</sup> Ibid., 45.

<sup>141</sup> Jeff Sallot, "Canada Could Escape Attack, CSIS Says," *The Globe and Mail*, 20 June 2006.



## Conclusion

Even with the Canadian government's efforts to improve border security after 9/11, it is apparent that major gaps and weaknesses continue to exist. These problems include the persistent culture of revenue collection at the CBSA, the need for more border officers and RCMP involved in border security, unarmed border officers, and the lack of training and tools, (such adequate access to databases), for border officers. In the case of Canada's ports, the detection and screening equipment available for use is not enough to properly screen all the containers coming into Canada. All of these gaps and unaddressed problems will continue to feed American suspicions about Canada being lax on border controls, which is the subject of Chapter 4, the next chapter.

The failure to arm Canadian border personnel is especially problematic. Currently, armed U.S. border personnel can help, (and have helped), endangered Canadian personnel at various border crossings. However, the CBSA is in no position to help American border agents in the event of an armed incident on the U.S. side of the border. According to the Canadian government, despite the announcement to arm border officers, it could take up to ten years to train and arm all border officers.<sup>142</sup> This delay is unfortunate because the symbolic value of arming CBSA personnel and authorizing procedures that would allow them the discretion to assist American border agents could be higher than Canadian politicians realize, especially with respect to American critics of Canadian border security.

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<sup>142</sup> Tim Naumetz, "Arming Border Guards Could Take 10 years, Day Says," *Vancouver Sun*, 22 June 2006.

#### **4: CANADA'S RELATIONSHIP WITH THE UNITED STATES CONCERNING BORDER SECURITY**

In order to both increase security and avoid any economic backlash from the U.S., Canada began the process of addressing its weaknesses in border and port security, moving towards a 'police border' after 9/11. At the same time, the U.S. government also began the process of increasing its policing resources on the U.S.-Canada border, far beyond Canadian efforts. This includes the implementation of the Western Hemisphere Travel Initiative, which will certainly have a negative impact on the Canadian economy, and the discussion of the possibility of establishing fencing at the U.S.-Canada border. Close to five years after the 9/11 attacks, the U.S.-Canada border continues to be the political target of some American lawmakers and media, who are concerned that the border is vulnerable to terrorists entering the U.S. via Canada. With the U.S. increasing its border controls on its northern front, the process of moving towards a 'police border' is probably irreversible for Canada. This is especially evident given Canada's cooperation on 'smart borders' with the United States.

The Canadian business community, including the Canadian Council of Chief Executives and others, have suggested the establishment of a common security perimeter in North America, (similar to Schengen), in order to balance trade, security concerns, and encourage further cooperation on law enforcement and intelligence.<sup>143</sup> It should be noted that Canada, the U.S., and Mexico have already come together on some of these issues

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<sup>143</sup> See Stephen Handelman, "Think Outside of the Border," *The New York Times*, 12 June 2006 and Bill Curry, "Business to Push Manley, Ridge for Joint Perimeter," *The National Post*, 1 April 2003.

under the SPP. However, it is unlikely that Canada or the U.S. will move towards a formal North American Security Perimeter. A formal security perimeter is politically unacceptable among American lawmakers for the indefinite future as there are major concerns over illegal immigration on the southern border and over the possibility of terrorists entering the U.S. from Canada. Cooperation between the U.S. and Mexico on a security perimeter is severely limited by the inherently 'corrupt' character of Mexican administration, particularly in the Mexican border service. This chapter of this research project will provide an overview of U.S. security measures on its northern border since 9/11, their impact on Canada, and the difficulty around further cooperation and integration between the countries in North America with respect to the formation of a security perimeter. Lastly, the final section of this chapter will discuss the need for Canada to cooperate with the U.S. on border security.

### **U.S. Border Security after 9/11**

Before 9/11, the security of the U.S.-Canada border was of relatively low concern as trade increased between the two countries through NAFTA. During this period, U.S. border security was focused on its southern border, increasing its policing resources to tackle the problem of drug trafficking and the flow illegal migrants. However, while dedicating more resources to its southern border made for good political optics, the increase in security measures, (such as tripling the budget for border enforcement between 1995 to 2001 - reaching to more than \$2.5 billion U.S.), did not necessarily stop many migrants from entering the United States.<sup>144</sup>

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<sup>144</sup> Andreas, "Redrawing the Line: Borders and Security in the Twenty-first Century," 88.

After the Ressam incident and the 9/11 terrorist attacks, the U.S. turned its attention to its northern neighbour, with Canada receiving more scrutiny over its border security measures. According to Andreas, the result of this scrutiny has been the partial ‘Mexicanization’ of the U.S.-Canada border and cross-border relations. The politicization of border security issues has been demonstrated in the U.S. media’s depictions of Canada, the U.S. government’s desire for Canada to join in its efforts in improving security measures, and Canada’s implementation of new security measures.<sup>145</sup> While the focus of America’s security concerns with its northern border centred on terrorism, “the new border security discourse echoed the older and more familiar drug and immigration control discourse that has characterized U.S. border relations with Mexico.”<sup>146</sup> However, the process of the “Mexicanization” of the northern border has not nearly reached the same level as seen on the southern border due to similarities in economic development, language, culture, cooperation, and the perception in the U.S. that Canadian border officials are far less susceptible to corruption and manipulation by CTAs than Mexican border officials.<sup>147</sup>

After 9/11, the U.S. increased its policing resources at the U.S.-Canada border. The number of U.S. border patrol agents assigned to the northern border tripled from 340 agents in 2001 to 980 agents in 2006. Moreover, the number of inspectors doubled from 1,615 to 3,391 under the Customs and Border Protection (CBP) branch.<sup>148</sup> However, the

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<sup>145</sup> Andreas, “The Mexicanization of the U.S.-Canada Border,” 460.

<sup>146</sup> Ibid., 455. After the terrorist attacks, much of the attention was placed on the Muslim community in Canada. The size of the Muslim community in Mexico is extremely small, 1000, compared to an estimated 800,000 in Canada. See Natascha Garvin, “Conversion & Conflict Muslims in Mexico,” *ISIM Review* 15 (Spring 2005): 18; Isabel Teotonio, “Muslims ‘Targeted,’ Debate Hears; Community’s Issues Ignored: Organizer Liberal Defends Security Certificates,” *The Toronto Star*, 14 January 2006.

<sup>147</sup> Andreas, “The Mexicanization of the U.S.-Canada Border,” 461.

<sup>148</sup> Department of Homeland Security, “Fact Sheet: Securing Our Nation’s Borders,” June 29, 2006 [[http://www.dhs.gov/dhspublic/interapp/press\\_release/press\\_release\\_0938.xml](http://www.dhs.gov/dhspublic/interapp/press_release/press_release_0938.xml)] Accessed: 02 July 2006.

northern border accounts for less than 10 percent of the U.S. Border Patrol's agent personnel.<sup>149</sup> Overall, total spending for border security in the U.S. has risen significantly under the Department of Homeland Security since its creation in 2003, under the line item of "Border and Transportation Security" (see Table 3). In addition to increasing the numbers of border agents and inspectors, National Guard troops have also been sent to the border to aid with patrols and inspections at border posts. Surveillance of the U.S.-Canada border has increased with the use of night-vision cameras at some sections of the border and a satellite tracking system. As well, five U.S. air and marine bases are actually being established along the border. Andreas questions whether these measures will be effective considering what has happened at America's southern border over the last number years with migrants continuing to enter the U.S.<sup>150</sup> Moreover, some individuals in the U.S. have sought to increase American security by taking matters into their own hands. The Minutemen, an American volunteer "vigilante" group first created to patrol the U.S.-Mexico border, have begun patrolling the U.S.-Canada border between Sumas and Blaine as of 2005.<sup>151</sup>

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<sup>149</sup> Blas Nuñez-Neto, "Border Security: The Role of the U.S. Border Patrol," *Congressional Research Service Report for Congress*, Updated: May 10, 2005, [[http://www.usembassycanada.gov/content/can\\_usa/borderissues\\_crs\\_051005.pdf](http://www.usembassycanada.gov/content/can_usa/borderissues_crs_051005.pdf)] 19 Accessed 5 July 2006.

<sup>150</sup> Andreas, "The Mexicanization of the U.S.-Canada Border," 455-456. Also see Andreas, "Redrawing the Line: Borders and Security in the Twenty-first Century," 92-93.

<sup>151</sup> "Armed American patrol B.C-Washington border," *CTV.ca*, October 2, 2005, [[http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20051001/minutemen\\_border\\_051001/20051001?hub=TopStories](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20051001/minutemen_border_051001/20051001?hub=TopStories)] Accessed: 15 March 2006. The Minutemen Civil Defence Corps have been critical of the U.S. government's ability to police its borders. Critics such as U.S. President George Bush have described the organization as "vigilantes," while others are concerned over the group carrying arms on their patrols and argue the Minutemen are xenophobic. The Minutemen have approximately 2000 field agents in the United States.

**Table 3: Total Expenditures on “Border and Transportation Security” by the United States Department of Homeland Security**

	2003	2004	2005
<b>Expenditures in Millions (US\$)</b>	10,776	13,741	14,367

Data Source: United States Department of Homeland Security Annual Performance and Accountability Reports (2003-2005)

In December 2005, the U.S. House of Representatives approved a bill, entitled *The Border Protection, Antiterrorism, and Illegal Immigration Control Act*, allowing for the study of “the use of physical barriers” on the northern border.<sup>152</sup> Perhaps, just as in the case of the U.S.-Mexico border, these recent developments suggest that U.S. policy is more concerned about the perception of being “tough” on border security as opposed to developing meaningful policies to deal with fundamental problems around issues of illegal migrants and other CTAs. The use of fences does not address the fact that there are already approximately 12 to 20 million illegal immigrants in the United States.<sup>153</sup> In addition, there is the question of the practicality of building a fence across the Canadian border due its geography and length. However, it is possible that the U.S. government could still install an electronic sensor fence. The construction of a physical barrier on some or the entire U.S.-Canada border could create alienation among Canadians as it

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<sup>152</sup> “Canada Balks at U.S. Plan for Border Fence,” *Canada.com*, December 17, 2005, [<http://www.canada.com/national/story.html?id=6c13f3fd-bdfb-4346-99ef-3f01f870c801&k=60592>] Accessed: 20 December 2005. In addition to the study concerning the possible use of fences along the U.S.-Canada border, the amendment included the approval of establishing 1000 kilometres of new fencing with lights and cameras across four border states on the U.S.-Mexico border. Some U.S. lawmakers have suggested the U.S. should go further with protecting its southern border by building a fence or barrier along the entire border. The cost associated with such a major security project could run into the billions of dollars depending on the materials and technology being utilized. See “U.S.-Mexico Border Fence/Great Wall of Mexico,” *GlobalSecurity.org*, [<http://www.globalsecurity.org/security/systems/mexico-wall.htm>] Accessed: 5 June 2006.

<sup>153</sup> Media personality Lou Dobbs has stated the number of illegal immigrants in the U.S. could be upwards to 20 million. See Lou Dobbs, “Dobbs to President: Do you take us for fools?” *CNN.com*, May 10, 2004, [<http://edition.cnn.com/2006/US/05/10/dobbs.enforcement/>] Accessed: 6 June 2006.

would end the notion that Canada has the “world’s longest undefended border.”

However, a fence could perhaps preserve “Canadian values,” and enable the Canadian government to halt any further harmonization of immigration and refugee policies or further cooperation with the United States, and instead rely on the fence to protect and satisfy its southern neighbour.

It is difficult for the U.S. government to tighten its southern border without taking similar measures towards Canada, especially with U.S. concerns over illegal immigration.<sup>154</sup> This has certainly been the case in the wake of the arrest of the seventeen terrorist suspects in Toronto in June 2006. These arrests resulted in calls for tighter border controls, in the form of physical barriers, from some U.S. lawmakers. Colorado Congressman Tom Tancredo, after the arrests, commented on the need for physical barriers on the northern border of the U.S., and the need to quickly implement the Western Hemisphere Travel Initiative, calling the northern border “incredibly porous.”<sup>155</sup> The attention paid to the actions of the late Ahmed Said Khadr and his family, now living in Canada increased the suspicions that Canada is a terrorist haven. Khadr was an influential al-Qaeda financier and recruiter who was killed by Pakistani troops in 2003. One of his sons, Omar Khadr, is currently in Guantanamo Bay and is

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<sup>154</sup> Ginger Thompson and Clifford Krauss, “Mexico Pledges to Extradite Drug Traffickers to the U.S.,” *New York Times*, 23 March 2006. In 2004, the U.S. Border Patrol made over a million apprehensions on the southwestern border, compared with 10,000 at the U.S.-Canada Border. See Sheldon Alberts, “Homeland Security Not Keen to Fence Us In,” *CanWest News*, 10 February 2006.

<sup>155</sup> Sheldon Alberts, “Congressman Renews Call for Fence Along Our Border,” *The National Post*, 6 June 2006. John Hostettler, Chairman of the House of Representatives subcommittee on Immigration and Border Security in U.S. described “South Toronto” as “enclave” for radical Islamic terrorists. See Freeman, “U.S. Politician blasts ‘South Toronto’ as a Hotbed of Islamic Extremism.” Adding to concerns that Canada is a launching ground for a possible terrorist attack on the U.S. is the case of two Georgian men, who travelled to Canada in 2005 to meet “like-minded Islamic extremists” to plan an attack against the United States. Both men are facing terrorism charges in the U.S. stemming from these meetings. See Brenda Goodman, “U.S. Say 2 Georgia Men Planned a Terror Attack,” *The New York Times*, 22 April 2006.

charged with the murder of a U.S. soldier in Afghanistan.<sup>156</sup> In addition, in April 2006, Ottawa finally placed the Tamil Tigers on Canada's list of designated terrorist groups, with concerns the group had been using Canada for its terrorist fundraising activities for many years.<sup>157</sup>

### **Western Hemisphere Travel Initiative**

One of the most worrisome American border security policies for Canada is the Western Hemisphere Travel Initiative (WHTI). The U.S. is in the process of implementing the WHTI, which would require travellers to and from the Caribbean, Bermuda, Panama, Mexico, Canada, (including American citizens), to have a passport or other secure, accepted document, (i.e., a border identification card), to enter or re-enter the United States beginning on January 1, 2008.<sup>158</sup> In the case of the WHTI, concerns have been raised on both sides of border about the potential economic loss, with respect to requiring U.S. and Canadian travellers to have passports or border identification cards.<sup>159</sup> At a trilateral summit in March 2006 in Mexico, U.S. President George W. Bush reaffirmed the U.S. government's commitment to the WHTI.<sup>160</sup> While the U.S. is in the process of developing a border identification card, very few Americans actually

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<sup>156</sup> The Canadian government tried to deny Abdurahman Khadr, another son of Ahemed Said Khadr, a passport, but the Federal Court of Canada reversed that decision in 2006. Janice Tibbets, "Court Says Khadr Has Right to Passport," *CanWest News Service*, 10 June 2006.

<sup>157</sup> Stewart Bell, "Alleged LTTE Front Had Voter Lists," *The National Post*, 22 July 2006.

<sup>158</sup> U.S. Department of State, "Frequently Asked Questions about the New Travel Document Requirements (FAQ), [[http://travel.state.gov/travel/cbpmc/cbpmc\\_2225.html](http://travel.state.gov/travel/cbpmc/cbpmc_2225.html)] Accessed: 2 February 2006. The *Intelligence Reform and Terrorism Prevention Act of 2004* (U.S.) established the Travel Initiative. The Travel Initiative is being implemented in two phases. As of January 8, 2007, the requirement will be applied to air and sea travel to or from Canada, Mexico, Central and South America, the Caribbean, and Bermuda. On January 1, 2008, the requirement will extend to land border crossings.

<sup>159</sup> Lawmakers from northern border states in the U.S. are concerned over the economic impact of the Travel Initiative. See Freeman, "U.S. Politician Blasts Toronto as a Hotbed of Islamic Extremism."

<sup>160</sup> Brian Laghi, "Border I.D. Cards Coming, PM Says," *The Global and Mail*, 1 April 2006.



have passports. Thus, the Canadian tourism industry is very concerned that the WHTI will create a disincentive for Americans to travel to Canada.<sup>161</sup>

The newly elected Conservative government under Prime Minister Stephen Harper faces a major dilemma concerning the WHTI, given that the impact on Canadians and the Canadian economy will certainly be negative. As the current legislation stands in the U.S., Canadian citizens will need a passport, or some other kind of security document, in order to enter the U.S. However, the Canadian government has no plans to introduce a border identification card or require higher entrance standards for Americans entering Canada.<sup>162</sup> While the Conservative government in the 2006 Budget is committing funding to arm border officers and improve border security measures, border security is not a top priority for the government, which happens to be in a minority government situation.<sup>163</sup>

In the implementation of various security measures after 9/11, Andreas notes that the Canadian government has reiterated the notion that they are not governed by U.S. policy making nor are they necessarily harmonizing border policy with the U.S., “emphasizing the importance of national sovereignty and policy making autonomy.”<sup>164</sup>

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<sup>161</sup> Jason Kirby, “Border I.D. Hurting Tourism: A Third of Americans Won’t Come if Rules Change: Poll,” *The National Post*, 15 March 2006. There are already signs that the WHTI is having an impact on travel and tourism in Canada. Because of concerns over the Travel Initiative’s requirements are too onerous for U.S. travellers without passports, a U.S. software company has decided to hold a major convention set for 2010 in San Francisco rather than Vancouver. In addition, according to B.C. Statistics, the number of U.S. travellers visiting British Columbia has dropped for the fifth consecutive year. One of the reasons cited for the drop were the up coming changes to passport rules for U.S. citizens. See Jeffrey Hawkins, “U.S. Border Crossings Declining, Report Says,” *The National Post*, 25 July 2006.

<sup>162</sup> Sheldon Alberts, “Don’t Expect Special Identity Card,” *CanWest News Service*, 19 April 2006.

<sup>163</sup> See Jeffrey Simpson, “Five priorities, One Objective: Winning,” *The Globe and Mail*, 29 March 2006. Ultimately, the current Conservative government is focused on winning a majority government in the next federal election. During the 2006 Canadian federal election, the Conservative Party of Canada campaigned on five “top priorities” ranging from a \$1,200 per year childcare allowance to improving government accountability. These priorities were included the Conservative government’s 2006 throne speech.

<sup>164</sup> Andreas, “The Mexicanization of the U.S.-Canada Border,” 456.

Nevertheless, the consequences of not pursuing such policy changes could affect Canada's relationship with the U.S., potentially leading the U.S. to create a 'Fortress America.' In the case of the WHTI, the Canadian government faces a difficult political situation in terms of whether the government should develop a border identification card, especially given the fact that the land border requirements come into effect in the beginning of 2008.

The Canadian government will probably not introduce a border identification card for Canadians in the near future since the costs associated with its development would be relatively high. Already, close to 40 percent of Canadians have passports. It would be more cost effective for the Canadian government to improve passport services, the technology of the passport, and perhaps reduce cost of obtaining a passport, rather than to implement a new identification document.<sup>165</sup> As well, the Canadian government could monitor the development and implementation of the border identification card in the United States. The best that the Canadian government could hope for from the U.S. government is a delay in the implementation of the WHTI. As of May 2006, the U.S. Senate approved an 18 month delay in the implementation of the WHTI for June 1, 2009. However, the House of Representatives has yet to approve the change and it may be unlikely to do so in light of the "Toronto 17" arrests. Nevertheless, the U.S. Government

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<sup>165</sup>Jim Bronskill, "Canada's Passport Agency Swamped," *Canadian Press*, 4 May 2006. Passport Canada believes the number of Canadian with passports will rise to 48 percent by 2008/09. In a recently released internal briefing from the passport agency, the document describes the difficulties of agency having "to maintain service standards and introduce new security measures," in the wake of increasing demand for the passport. The Auditor General of Canada in April 2005 released a report concerning Passport Canada. In the report, the Auditor General found that Passport Canada faces the challenge balancing service with greater security as indicated in the internal briefing. As well, the Auditor General found watch lists used by the agency were "deficient and not up-to-date," with the agency unable to determine the identity of applicants in all cases. See the Auditor General of Canada, "Passport Offices – Passport Services," in Chapter 3 of the *2005 Report of the Auditor General of Canada to the House of Commons* (Minister of Public Works and Government Services Canada, April 2005), 1.

Accountability Office recently reported that the Department of Homeland Security and the U.S. State Department face a number of challenges in implementing a new border identification card for the WHTI before the beginning of 2008.<sup>166</sup>

### **A North American Security Perimeter?**

One of the major characteristics of a police border is the greater cooperation amongst states in the area of law enforcement and border control. Some have suggested, especially in Canada's business community, that Canada and the U.S should move further in the direction of a formal North American security perimeter, in order to ensure that trade is not compromised by security concerns such as the WHTI. This perimeter concept would go beyond the Smart Border model and the SPP, and would ensure that economic growth would not be disrupted while protecting North America from a possible terrorist attack in the future. This idea of a perimeter is similar to the European Union's Schengen Agreement where internal checkpoints are removed and the perimeter is made the frontier zone where threats are dealt with before entering into North America. This perimeter concept could require the harmonization of various policies, (from visa and immigration laws to domestic security), and the development of formalized institutions.

A formal security perimeter according to Stephen Roussel, is efficient and would be most useful to Canada. In the past, Canada and the United States have entered into agreements creating formal institutions such as NATO and NAFTA.<sup>167</sup> The positive aspects of a formal security perimeter include a long-term guarantee that the border

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<sup>166</sup> United States Government Accountability Office, "Observations on Efforts to Implement the Western Hemisphere Travel Initiative on the U.S. Border with Canada," May 25, 2006, [<http://www.gao.gov/new.items/d06741r.pdf>] Accessed: 6 June 2006.

<sup>167</sup> Stephen Roussel, "The Blueprint for Fortress North America," in *Fortress North America: What 'Continental Security' Means For Canada*, ed. David Rudd and Nicholas Furneaux. (Toronto: Canadian Institute of Strategic Studies, 2002), 19.

would be open to Canada and that “Canada [would] not be a safe haven for terrorists” over the long-term in the eyes of the United States.<sup>168</sup> In addition, Roussel believes that a formal security perimeter could provide a comprehensive plan to fight CTAs. Despite the possible benefits that a security perimeter could offer to Canada, the United States, and even to Mexico, there are a number of concerns that the U.S. and Canada face.

The first concern with a security perimeter in North American is the problem of both the U.S. and Canada providing adequate perimeter security when both countries are currently facing challenges protecting the borders they do not share with each other. In the case of the U.S., it continues to struggle with the ongoing problem of illegal migration on its southern border and increased U.S. border measures have not significantly deterred this migration and illegal activity.<sup>169</sup> In addition, the U.S. faces its own challenges in improving homeland security.<sup>170</sup> Beyond borders and ports in the U.S., facilities such as chemical plants and rail yards remain vulnerable to a possible terrorist attack.<sup>171</sup>

For Canada, a number of problems are evident in port security, including a lack of policing, background checks on port staff, and screening equipment. In addition, outside of the U.S., there is no pre-inspection of containers to Canada in any foreign ports. In relation to port security, Canadian coastlines are relatively undefended with few

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<sup>168</sup> Ibid., 17.

<sup>169</sup> Prior to the end of 2005, due to a lack beds in detention facilities, non-Mexican illegal immigrants caught entering the U.S. were released and directed to return for a court appearance. However, 75 percent of individuals failed to show for a court date. In 2004, of the 160,000 non-Mexicans caught on the southern border, trying to enter the U.S., only 30,000 were sent back. See White House, “Fact Sheet: Securing America through Immigration Reform,” November 28, 2005, [<http://www.whitehouse.gov/news/releases/2005/11/20051128-3.html>] Accessed: 5 June 2006.

<sup>170</sup> While Canada has received criticism over border security, Stephen Flynn has been very critical of the American government’s homeland security efforts. See Stephen Flynn, “The Neglected Home Front,” *Foreign Affairs* 83 (2004): 20-34.

<sup>171</sup> Eric Lipton, “Chertoff Seeks a Chemical Security Law within Limits,” *The New York Times*, 22 March 2006; David Kocieniewski, “Despite U.S. Security Worries, Railyards Are Still Vulnerable,” *The New York Times*, 27 March 2006.

resources being invested in maritime security, despite recent government funding announcements.<sup>172</sup> Canada also severely lags behind the U.S. in the number of detection units. Even with new security measures and spending after 9/11, both the U.S. and Canada would need to address problems around border control outside of the U.S.-Canada border, which could be exploited by terrorists smuggling WMDs.

Moreover, having a border between Canada and the U.S. adds an extra layer of security according to the SSCNSD. While Canada and United States face threats from outside North America, there are also threats that Canada faces from within the U.S., such as illegal firearms. For example, between 2000 and 2004, over 5000 firearms were seized by the CBSA at the border. As well, for the U.S., having a northern border allows for additional security and 'peace of mind,' especially with concerns by some Americans that Canada is a 'terrorist haven.'<sup>173</sup>

The second concern with a North American security perimeter is the possibility of losing of sovereignty and giving up control over areas such as immigration and refugee policy within Canada. An agreement similar to the Schengen Agreement would entail the harmonization of immigration and visa policy. In response to the possibility of a security perimeter, Former Prime Minister Jean Chrétien stated that changes in Canadian law around these policies would be considered unacceptable.<sup>174</sup> Already, measures taken by Canada after the 9/11 attacks, such as the Safe Third Country Agreement and the Smart Border Agreement with the U.S., have been criticized for being driven by American

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<sup>172</sup> Canada, Standing Committee on National Defence, *Canada's Coastlines: the Longest Under-defended Border in the World*, Volume 1 (Ottawa: The Senate, October 2003), 14.

<sup>173</sup> Canada, Standing Committee on National Security and Defence, *Borderline Insecure: Interim Report*, 8.

<sup>174</sup> Athanasios Hristoulas, "Trading Places: Canada, Mexico, and North American Security," in *The Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker (New York: Routledge, 2003), 35.

interests. Some critics perceive Canada as moving in the direction of U.S. policy, and thus accepting American standards. Drache argues that while Canada's policy in regards to immigration is not the same as the U.S., Canada's policies are moving in that direction, "with little room for compassionate policing."<sup>175</sup> As a result, Drache argues that it is the U.S driving their own agenda on this matter, and not Canada.

Other potential issues surrounding a security perimeter relate to the potential inclusion of Mexico. Flynn suggests that the ideal method of reducing the chance of a terrorist using "hemispheric and global trade lanes" to enter North America is for greater continental integration of all three countries in North America. However, Mexico's participation in this endeavour would be problematic for the U.S. and Canada. While the U.S. government has increased policing resources on its northern border, it has also recognized the need to balance the movement of goods and people with protecting America's security. On the other hand, U.S. border security on its southern border, for close two decades, has been focused on strengthening border policing. However, as Andreas has indicated, the tightening of the southern border has not stopped the flow of illegal migrants and drugs. Flynn argues, "the southern border is imprisoned in a legacy of immigration and drug enforcement efforts."<sup>176</sup> Moreover, Mexico has high levels of corruption, in both law enforcement and the military with regards to drug smuggling and organized crime. This situation in Mexico makes it almost impossible for authorities from different jurisdictions to cooperate with each other.<sup>177</sup> Given that Americans view Mexican officials as easily bribed and manipulated by organized criminals and other

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<sup>175</sup> Daniel Drache, *Borders Matter: Homeland security and the Search for North America* (Black Point, N.S.: Fernwood, 2004), 117.

<sup>176</sup> Flynn, "The False Conundrum: Continental Integration versus Homeland Security," 123.

<sup>177</sup> See Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca: Cornell University, 2000), 61-74.

CTAs, it would be difficult for the U.S. government to share databases and sensitive intelligence with Mexican officials. Thus, it is unlikely that the U.S. government would be willing to move towards greater security integration with Mexico, beyond a smart border agreement, in light of their perception of Mexico and the growing concerns over the security of the southern border.

The issue of illegal immigration, especially from Mexico, has become a highly divisive issue in the United States. Currently, the Republican Party in the U.S. is divided over whether to provide an amnesty to illegal migrants and/or to create a guest worker program, or to allow for greater enforcement with no amnesty for illegal migrants and no provision for a guest worker program. During the administration of President George W. Bush, out of eight million immigrants that have entered the United States, an estimated four million of these immigrants are illegal.<sup>178</sup> President Bush's moderate initiative for illegal immigrants, by introducing a guest program and allowing illegal immigrants to seek citizenship under certain circumstances, has not received Congressional support. House Republicans are planning to hold several immigration hearings during August 2006. They are trying to increase support for a bill that would require the U.S. government to secure the physical border for two years prior to the establishment of any temporary guest worker program. As well, the hearings will highlight the possible

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<sup>178</sup> David Frum, "The Great Immigration Debate," *The National Post*, 28 March 2006. Both in 2001 and 2004, President Bush called upon Congress to allow for greater immigration that David Frum describes as "a de facto amnesty for [illegal migrants], and a guest worker program for employers who cannot find workers at the wages the employers wish to pay." The Republic majority in Congress has not followed President Bush on this issue. Moreover, in the House of Representatives in December 2005, a bill passed with no amnesty or guest worker program but "new requirements on employers to check the legal status of workers." As well, the bill would classify illegal aliens, and anyone who helped an illegal enter or stay in the U.S. as felons. The same bill as mentioned previously, allows for a study into the possibility establishing a fence between Canada and United States. The bill has become a lightning rod for protests in the U.S. by illegal migrants. Senators John McCain (Republican) and Edward Kennedy (Democratic) introduced a bill in the Senate in 2006 that offers amnesty to illegal migrants.

problems of a proposed Senate bill, which according to Republicans would allow many illegal immigrants to seek U.S. citizenship.<sup>179</sup>

The situation on the southern border of the U.S. has reached a breaking point politically, forcing the U.S. government to announce various plans to tackle illegal immigration. This includes placing up to 6,000 U.S. National Guard troops on the border. While the border patrol will continue with law enforcement, the National Guard's role will be limited to "operating surveillance systems, installing fencing, building roads, and providing training."<sup>180</sup> It is important to note that in 2004, the number of apprehensions on the U.S. southern border were approximately 1.15 million compared with 10,000 on the northern border.<sup>181</sup> Moreover, the U.S. Customs and Border Protection agency is planning to hire 6,000 more border patrol agents.<sup>182</sup> Beyond adding border personnel, the U.S. government has established a new campaign to confront employers who hire illegal immigrants.<sup>183</sup>

According to Flynn, Canada's preference is to maintain a bilateral approach to security. While Canada, the U.S. and Mexico are together in the SPP, bringing in Mexico to discuss the development of further continental integration such as a security perimeter could take away from Canada's goal of maintaining an open border with the U.S.<sup>184</sup> Without Mexico, the Canadian and U.S. governments were successful in establishing the Smart Border Agreement and other border agreements before 9/11 through bilateral

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<sup>179</sup> Rachel Swarns, "House G.O.P. Plans Immigration Hearings," *The New York Times*, 28 July 2006.

<sup>180</sup> Alan Freeman, "Military to Defend U.S. -Mexico," *The Globe and Mail*, 16 May 2006.

<sup>181</sup> Nuñez-Neto, "Border Security: The Role of the U.S. Border Patrol," 20 and 24.

<sup>182</sup> Jerry Seper, "Uncle Sam wants 6,000 to serve on Border Patrol," *The Washington Times*, 31 July 2006.

<sup>183</sup> Julia Preston, "U.S. Puts Onus on Employers of Immigrants," *The New York Times*, 31 July 2006.

<sup>184</sup> Flynn, "The False Conundrum: Continental Integration versus Homeland Security," 124



means.<sup>185</sup> As well, security concerns are different between the United States' southern and northern borders, with the issue of illegal migration dominating the southern border. Adding Mexico in a discussion surrounding a trilateral approach towards greater security integration in North America could slow the process of developing a plan to ensure the movement of 'desirable' people and goods, due to the many unresolved issues surrounding the U.S.-Mexico border.<sup>186</sup> Already, Canada now faces the implementation of the WHTI and as noted in the previous section in this chapter, U.S. border security policies directed at its southern border may have a spill over effect on Canada. In addition, there could be concerns from Canada's perspective over Mexico's ability to maintain its part in the perimeter defence, as "Mexico does not have the financial resources and institutional structure to match Canada's efforts."<sup>187</sup> Lastly, Athanasios Hristoulas suggests that Canadian officials probably see a trilateral approach to any North American security agreement as taking away from its "special relationship" with the U.S.<sup>188</sup>

Overall, Veronica Kitchen notes that the current use of a smart border model versus a "big idea" approach, such as a North American Security perimeter, allows the focus to be on technical cooperation relating to border control. The implementation of a smart border was "politically safer" as it avoided opening a national debate on further integration. As a result, Canada could maintain the notion of its sovereignty and control over its policies and, most importantly, its national identity under the smart border model.

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<sup>185</sup> Meyers, "Does "Smarter" Lead to Safer? An Assessment of the US Border Accords with Canada and Mexico," 25-26.

<sup>186</sup> Hristoulas, "Trading Places: Canada, Mexico, and North American Security," 36.

<sup>187</sup> Condon and Sinha, *Drawing lines in Sand and Snow: Border Security and North American Economic Integration*, 26.

<sup>188</sup> Hristoulas, "Trading Places: Canada, Mexico, and North American Security," 35-36.

The focus of cooperation between the U.S. and Canada is “on efficiency and coordination rather than the European model of convergence and supranationalism.”<sup>189</sup>

Considering the number of concerns ranging from sovereignty issues to the difficulty of Canada and the U.S. defending their other borders, it is unlikely close to five years after the 9/11 terrorist attacks that a formal North American Security perimeter will be established in the near future. With the U.S. facing major security problems over illegal immigration on its southern border, the removal of a Canadian border may cause Canada to face similar problems and likely increase other concerns such as gun smuggling into Canada. However, if Canada is simply concerned with not allowing a threat to enter the U.S. or be launched from Canada, then the government could perhaps concentrate on the U.S.-Canada border instead of a security perimeter. Moreover, the financial cost of a formal perimeter could be high, as the Canadian government would have to make large investments in port and marine security to ensure that the “frontier” of the buffer zone was protected. However, if a major terrorist attack occurred in the U.S. or Canada in the future, lawmakers in both countries could be pushed into creating a security perimeter in order to maintain security and trade between both countries.

### **Concerns Facing a Police Border in Canada**

While Canada and the U.S. have not moved to a formalized framework around border security, as indicated in Chapters 2 and 4 of this research project, some critics have several issues concerning Canada’s cooperation with the United States on border controls and the threats to civil liberties after 9/11. These concerns specifically relate to

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<sup>189</sup> Veronica Kitchen, “Smarter Cooperation in Canada-US Relations,” *International Journal* 59 (Summer 2004): 709-710.

the implementation of the Smart Border Agreement and the SPP. The underlying criticism is that the Canadian government is compromising its sovereignty and civil liberties through the adoption of 'American' style security policies, such as the use of surveillance and biometric technology. An example of the potential loss of Canadian sovereignty is the possible development of a border identification card in order to comply with the WHTI.<sup>190</sup> Drache and Laxer have stated that Ottawa should move away from harmonizing refugee, visa, and immigration policies with the United States, thereby avoiding deep security integration, and instead call for a 'Made in Canada' approach to security.<sup>191</sup>

Despite these concerns relating to Canada's cooperation with U.S., and with the U.S.-Canada border moving further in the direction of a 'police border,' it is unlikely that Ottawa could back way from the Smart Border Agreement, the SPP or other security measures nearly five years after the 9/11 terrorist attacks. These policy recommendations to move away from cooperating with the United States on border security are not realistically feasible with the increasingly difficult security relationship with Washington, especially in the wake of the illegal immigration debate in the United States. Furthermore, the security situation with the U.S. has become even more problematic with the arrest of the seventeen terrorist suspects in Toronto, reinforcing the view that Canada is a 'haven' for terrorists among American lawmakers.

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<sup>190</sup> Maureen Webb, "April 2006: Americanization the Restriction of Canadians' Rights," *Canadian Centre for Policy Alternatives*, [<http://www.policyalternatives.ca/MonitorIssues/2006/04/MonitorIssue1356/index.cfm?pa=BB736455>] Accessed: 2 July 2006.

<sup>191</sup> Laxer, *The Border*, 317-319; Drache, *Homeland Security and the Search for North America*, 117.

After 9/11, Canada needed to maintain a strong economic relationship with the U.S., given that the overwhelming majority of Canadian exports go to the United States. With homeland security becoming a top priority for Washington, the Canadian government had to address its southern neighbour's security concerns surrounding the border if it wanted to continue a strong economic relationship. This simply reflects Canada's asymmetrical relationship with the United States. While the U.S. record on border security is relatively weak, especially considering America's problem with illegal immigration, Canada has many of its own problems and weaknesses. Even though Canada can implement a number of measures on its own, including increasing the number of border officers and RCMP officers on land borders and ports, information sharing between law enforcement authorities in both countries can strengthen the ability of both countries to detain and apprehend CTAs. By not cooperating with the United States on programs such as NEXUS and FAST, Canadians would not have been exempted by U.S. authorities from the US-VISIT program, which requires all foreign visitors to be finger printed. There is no doubt that Canadians should be conscious of civil liberties in the post 9/11 era, but at the same time Canadians must recognize that new technologies, such as the 'e-Passport,' will be needed to improve border security and protect Canadians.

## CONCLUSION AND DISCUSSION

In the examination of border security in Canada, it is apparent that since 9/11 the U.S.-Canada border is evolving in the direction of a 'police border' from an 'economic border,' under Andreas' border typology. Much of this evolution is due to Canada needing access to the American economy without delays at the border. Canada has made various commitments and policy changes to improve and increase its border and port security since the 9/11 attacks. These include increases in funding for security measures, changes to legislation, and the creation of a new federal government department resulting in a greater focus on border controls. In addition, Canada and the U.S. signed the Smart Border Agreement to ensure that trade and economic growth continued while, at the same time, providing security at the border and balancing economic concerns over the flow of goods and people. At the same time, many Canadians feel that greater surveillance and security cooperation, by sharing data and intelligence with the U.S., compromises "Canadian values."

It is important to note, however, that the U.S. and Canada have limited their border cooperation, and that both nations have resisted efforts to heavily integrate their border controls or pool sovereignty, as is the case with the EU. It is extremely unlikely that Canada, the U.S. or even Mexico at this time could come together in a "Schengen" like agreement that has the ability to provide effective border security in a perimeter situation in all three states. In fact, the implementation of the WHTI is a sign that the U.S. is going in the opposite direction of a security perimeter by tightening its own

'frontier.' As a result, Canada appears to be facing a difficult security environment from the United States.

Almost five years after the 9/11 attacks, U.S. lawmakers continue to criticise Canada's immigration and refugee policies in the wake of the 'Toronto 17' arrests. The American government's desire to implement the WHTI could create more problems for Canada as the Canadian government is forced in a difficult situation of trying to maintain the flow of low-risk travellers. The issue of illegal immigration on the United States' southern border has indiscriminately spilled over into U.S.-Canada relations. This was certainly the case in December 2005 when the U.S. House of Representatives approved the study of the use of fences on the U.S.-Canada border and the construction of fences on the U.S.-Mexico border. After the arrest of the seventeen terrorist suspects in Toronto in June 2006, some U.S. Republican lawmakers have demanded the tightening of the U.S.-Canada border adding to the hysteria of security in the United States. In the 2005 Country Reports on Terrorism, the U.S. government was critical of Canada's immigration and refugee policies, which it suggested could be exploited by a potential terrorist. Thus, despite efforts, such as the Smart Border Agreement, the U.S.-Canada border will certainly face greater border controls from the U.S. because American lawmakers believe that Canadian border security is not up to an acceptable standard and may be ineffective at tackling the threat from terror groups like al-Qaeda and domestic counterparts. Beyond placing more border patrol agents or inspectors at the border, the U.S. could resort to establishing physical barriers on the U.S.-Canada border or expanding the US-VISIT program to include Canadian tourists and business travellers. In addition, the U.S. could require Canadians to carry 'e-Passports,' with additional biometric information.

Despite the efforts of the Canadian government to increase border security measures, there remain a number of gaps in border and port security in Canada that are still present, thereby making the country vulnerable to a possible terrorist attack and other CTAs. In the Canadian Senate Committee's reports, many of the recommendations deal with basic matters of border security: arming border guards, developing machine-readable documents, increasing police presence at ports, and expanding the screening of containers at Canada's ports. Many of the SSCNSD's recommendations would lead to the "delocalization" of the border. For example, the SSCNSD recommended having more inspections at foreign ports before containers can reach Canada. Perhaps one of the most damaging criticisms by the SSCNSD, with respect to the federal government's border policies, is the lack of a security culture at the Canada Border Services Agency because of the agency's tendency to be focused on revenue collection (i.e. economic borders), rather than security (i.e. police borders). This criticism by the SSCNSD is troubling since after the 9/11 attacks the Canadian government has provided more resources towards border security, recognizing the increased concern over terrorism. Nevertheless, even with the new Conservative government's commitments to improving border security, border security is not a top priority for the federal government and other issues around port security still need to be addressed.

It is clear that many of the SSCNSD's recommendations, if implemented, would require substantial increases in funding from the Canadian government, possibly in the billions of dollars. This is especially evident concerning any infrastructure upgrades at border inspection facilities, increasing the presence of RCMP officers, and the arming of border officers. In addition, even with the improvements in border controls, as suggested

by the SSCNSD, the tightening of such controls could cause CTAs to simply enter Canada in more sophisticated ways, in order to evade border officers. Nevertheless, the security question comes down to risk management, as border controls cannot effectively filter out all possible CTAs. As Andreas notes, the stated policies and actual policy outcomes of border controls differ, as is evident at the U.S.-Mexico border. The result of this is that measures announced by governments appear to be symbolic, as in the case of the U.S. government creating a new department and agency focusing on 'homeland security' and border control. Simply increasing frontline border controls as a solution in of itself could lead to more problems if other policy issues are not dealt with, such as employers hiring illegal immigrants, the lack of flexibility in the immigration system, and the lack of enforcement around deporting illegal immigrants who may have entered the country legally but have over stayed their visas.

Canadian border security efforts have not kept up to American efforts with regards to investments in security. Ottawa could be forced to address these gaps and increase border personnel and staffing if a major terrorist attack occurred on Canadian soil or in the U.S., especially if the terrorists involved entered via Canada. Such an event could result in a formal security perimeter with the United States where Canada would have to further harmonize immigration and visa policies in order to keep the U.S.-Canada border reasonably open for trade and tourism. Furthermore, the Canadian government could be pushed to replicate similar U.S. border control policies, such as the establishment of a formal border patrol agency, either created from the CBSA or the RCMP and expand electronic surveillance on the border. Moreover, Ottawa could be



pushed to redesign its national security policy from an all-hazards approach to narrowly focussing on terrorism and WMDs.

While it has been nearly five years since the 9/11 attacks, border security continues to have important political saliency in Canada. However, the issue of border security is not only relevant to the situation of terrorists potentially entering Canada. Instead, there is also the significant concern over the illegal smuggling of handguns from the U.S into Canada, in the wake of several high profile shootings in Toronto at the end of 2005. During the 2006 federal election campaign, two of the opposition parties in Canada, (the right of centre Conservative Party and left of centre New Democratic Party), pledged to arm border officers and crack down on gun smuggling.

With the growing problems of the insurgency activities in Iraq and Afghanistan and other conflicts in the Middle East, anti-Americanism could potentially increase, encouraging not only CTAs, but also individuals in Canada and U.S. to inflict harm in North America. As a result, the U.S. will continue to be preoccupied with terrorism and homeland security nearly five years after 9/11, certainly leading to border controls intensifying on both sides of the border and dominating U.S.-Canada relations in the foreseeable future.

## BIBLIOGRAPHY

### Government Reports and Websites

Auditor General of Canada. "Canada Customs and Revenue Agency: Managing the Risks of Non-Compliance for Customs." In Chapter 2 of the *2003 Report of the Auditor General of Canada to the House of Commons*. Office of the Auditor General of Canada, May 2003.

\_\_\_\_\_. "National Security in Canada-the 2001 Anti-Terrorism Initiative." In Chapter 3 of the *2004 Report of the Auditor General of Canada to the House of Commons*. Minister of Public Works and Government Services Canada, March 2004.

\_\_\_\_\_. "Passport Offices – Passport Services." In Chapter 3 of the *2005 Report of the Auditor General of Canada to the House of Commons*. Minister of Public Works and Government Services. Minister of Public Works and Government Services Canada, April 2005.

Canada. *Securing and Open Society: Canada's National Security Policy*. Ottawa: Privy Council Office, 2004.

\_\_\_\_\_. *Securing and Open Society: One Year Later*. Ottawa: Privy Council Office, 2005.

\_\_\_\_\_. Standing Committee on National Security and Defence. *Borderline Insecure – Interim Report*. Ottawa: The Senate, June 2005.

\_\_\_\_\_. Standing Committee on National Security and Defence. *Canadian Security Guide Book: An Update of Security Problems in Search of Solutions*, 2005 Edition. Ottawa: The Senate, December 2004.

\_\_\_\_\_. Standing Committee on National Security and Defence. *Canada's Coastlines: The Longest Under-Defended Borders in the World*, Volume 1. Ottawa: The Senate, 2003.

\_\_\_\_\_. Standing Committee on National Security and Defence. *Defence of North America: A Canadian Responsibility*. Ottawa: The Senate, September 2002.

\_\_\_\_\_. Standing Committee on National Security and Defence. *The Myth of Security at Canada's Airports*. Ottawa: The Senate, October 2003.

Canadian Border Services Agency. "Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness Announces Measures to Improve Border Security." July 15 2005. [<http://cbsa.gc.ca/newsroom/release-communique/2005/0715ottawa-e.html>] Accessed: 21 November 2005.

- \_\_\_\_\_. "Fact Sheet: Contraband Detection Equipment." January 2005.  
[<http://www.cbsa-asfc.gc.ca/newsroom/factsheets/2005/0125detection-equipment-e.pdf>] Accessed: 1 August 2006.
- \_\_\_\_\_. "Fact Sheet: Pallet Vehicle Inspection Service." January 2005.  
[<http://www.cbsa-asfc.gc.ca/newsroom/factsheets/2005/0125pvacis-e.html>]  
Accessed: 16 November 2005.
- \_\_\_\_\_. "New Act Establishes the Canadian Border Security Agency." November 3, 2005. [<http://www.cbsa-asfc.gc.ca/newsroom/release-communique/2005/1103ottawab-e.html>] Accessed: 13 November 2005.
- \_\_\_\_\_. "Programs and Services." Updated January 26, 2006. [<http://www.cbsa-asfc.gc.ca/agency/programs-e.html>] Accessed: 14 February 2006.
- Canadian Security Intelligence Service. "Backgrounder No. 8: Counter-Terrorism." Revised: August 2002. [<http://www.csis-scrs.gc.ca/en/newsroom/backgrounders/backgrounder08.asp>] Accessed: 7 November 2005.
- Citizenship and Immigration Canada. "Final Text of the Safe Third Country Agreement." December 5, 2002. [<http://www.cic.gc.ca/english/policy/safe-third.html>] Accessed: 2 December 2005.
- Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar. "Arar Commission Reports Expected to be Released by End of Summer." April 11, 2006. [[http://www.ararcommission.ca/eng/release\\_0411e.pdf](http://www.ararcommission.ca/eng/release_0411e.pdf)] Accessed: 19 June 2006.
- \_\_\_\_\_. "Commissioner Dennis O'Connor releases the Fact Finder's Report on Maher Arar's Treatment in Jordan and Syria." *Press Release*. October 27, 2005. [[http://www.ararcommission.ca/eng/ReleaseFinal\\_oct27.pdf](http://www.ararcommission.ca/eng/ReleaseFinal_oct27.pdf)] Accessed: 15 December 2005.
- Department of Finance – Canada. "Chapter 3 - Building a Better Canada: Security." *Budget 2006*. [<http://www.fin.gc.ca/budget06/bp/bpc3de.htm>] Accessed: 2 May 2006.
- Department of Foreign Affairs and International Trade. "32-point Action Plan." Last update: January 13, 2005. [[http://www.dfait-maeci.gc.ca/can-am/main/border/32\\_point\\_action-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/32_point_action-en.asp)] Accessed: 7 November 2005.
- \_\_\_\_\_. "Box E NAFTA@10." *Fifth Annual Report on Canada's State of Trade: Trade Update*. Ottawa, March 2004.
- \_\_\_\_\_. "Canada's Actions Since the 9/11 Attacks." *Border Cooperation*. [[http://www.dfait-maeci.gc.ca/can-am/main/border/canada\\_action-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/canada_action-en.asp)] Accessed: 7 November 2005.
- \_\_\_\_\_. "The Smart Border Declaration." December 12, 2001. [[http://www.dfait-maeci.gc.ca/can-am/main/border/smart\\_border\\_declaration-en.asp](http://www.dfait-maeci.gc.ca/can-am/main/border/smart_border_declaration-en.asp)] Accessed: 7 November 2005.

- Department of Homeland Security. "Fact Sheet: Securing Our Nation's Borders." June 29, 2006. [[http://www.dhs.gov/dhspublic/interapp/press\\_release/press\\_release\\_0938.xml](http://www.dhs.gov/dhspublic/interapp/press_release/press_release_0938.xml)] Accessed: 2 July 2006.
- \_\_\_\_\_. "US-VISIT Enrollment Requirements." [[http://www.dhs.gov/dhspublic/interapp/editorial/editorial\\_0527.xml](http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0527.xml)] Accessed: 19 June 2006.
- Europa. "The Schengen Acquis and its Integration into the Union." *Free Movement of Persons, Asylum And Immigration*. [<http://europa.eu.int/scadplus/leg/en/lvb/l33020.htm>] Accessed: 8 October 2005.
- Government of Canada Privy Council Office. "Address by Prime Minister Jean Chrétien on the occasion of the Canada-U.S. Border Summit." *Former Prime Ministers' Archive*. September 9, 2002. [[http://www.pco-bcp.gc.ca/?Language=E&Page=pmarchive&Sub=Speeches&Doc=border20020909\\_e.htm](http://www.pco-bcp.gc.ca/?Language=E&Page=pmarchive&Sub=Speeches&Doc=border20020909_e.htm)] Accessed: 19 July 2006.
- Infrastructure Canada. "Border Infrastructure Fund." Updated: June 16 2006. [[http://www.infrastructure.gc.ca/bif/index\\_e.shtml?menu4](http://www.infrastructure.gc.ca/bif/index_e.shtml?menu4)] Accessed: 29 June 2006.
- Office of the Prime Minister of Canada. "Prime Minister Harper Concludes Leaders' Meetings in Cancun." March 31, 2006. [<http://www.pm.gc.ca/eng/media.asp?category=1&id=1086>] Accessed: 15 May 2006.
- Royal Canadian Mounted Police. "Integrated Border Enforcement Teams." Updated: June 11, 2006. [[http://www.rcmp-grc.gc.ca/security/ibets\\_e.htm](http://www.rcmp-grc.gc.ca/security/ibets_e.htm)] Accessed: June 19, 2006.
- \_\_\_\_\_. "Integrated National Security Enforcement Teams (INSET)." Updated: March 31, 2006. [[http://www.rcmp-grc.gc.ca/security/insets\\_e.htm](http://www.rcmp-grc.gc.ca/security/insets_e.htm)] Accessed: 4 July 2006.
- Transport Canada. "Government of Canada Announces up to \$172.5 million in New Marine Security." January 23, 2003. [<http://www.tc.gc.ca/mediaroom/releases/nat/2003/03-gc001.htm>] Accessed: 9 November 2005.
- \_\_\_\_\_. "Marine Security Contribution Announced." May 7, 2004. [<http://www.tc.gc.ca/mediaroom/releases/nat/2004/04-gc005ae.htm>] Accessed: 9 November 2005.
- United States Department of State. "Chapter 5 -- Country Reports: Western Hemisphere Overview." *Country Reports on Terrorism 2005*. [<http://www.state.gov/documents/organization/65473.pdf>] Accessed: 2 May 2006.
- \_\_\_\_\_. "Frequently Asked Questions about the New Travel Document Requirements (FAQ)." [[http://travel.state.gov/travel/cbpmc/cbpmc\\_2225.html](http://travel.state.gov/travel/cbpmc/cbpmc_2225.html)] Accessed: 2 February 2006.

United States Government Accountability Office. "Observations on Efforts to Implement the Western Hemisphere Travel Initiative on the U.S. Border with Canada." May 25, 2006. [<http://www.gao.gov/new.items/d06741r.pdf>] Accessed: 6 June 2006.

White House, "Fact Sheet: Securing America through Immigration Reform." November 28, 2005. [<http://www.whitehouse.gov/news/releases/2005/11/20051128-3.html>] Accessed: 5 June 2006.

## Secondary Sources

Ackleson, Jason. "Directions in Border Security Research." *The Social Science Journal* 40 (2003): 573-581.

Allison, Graham. "Is Nuclear Terrorism a Threat to Canada's National Security?" *International Journal* (Summer 2005): 715-716.

Andreas, Peter. "A Tale of Two Borders." In *the Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker, 1-23. New York: Routledge, 2003.

\_\_\_\_\_. *Border Games: Policing the U.S.-Mexico Divide*. Ithaca: Cornell University, 2000.

\_\_\_\_\_. "Politics on Edge: Managing the US-Mexico Border." *Current History* (February 2006): 64-68.

\_\_\_\_\_. "Redrawing the line: Border and Security in the Twenty-first Century." *International Security* 28 (Fall 2003): 78-111.

\_\_\_\_\_. "The Mexicanization of the US-Canada Border." *International Journal* (Spring 2005): 449-462.

Bell, Stewart. *Cold Terror: How Canada Nurtures and Exports Terrorism Around the World*. Mississauga: Wiley, 2004.

Birland, Thomas A. "The World Changed Today: Agenda-Setting and Policy Change in the Wake of the 9/11 Terrorist Attacks." *Review of Policy Research* 21 (2004): 179-200.

Camarota, Steven A. "How the Terrorists Get In." *Public Interest* 149 (Fall 2002): 65-79.

Condon, Bradley J. and Tapen Sinha. *Drawing lines in Sand and Snow: Border Security and North American Economic Integration*. Armonk, N.Y.: M.E. Sharpe, 2003.

Drache, Daniel. *Borders Matter: Homeland Security and the Search for North America*. Black Point, N.S.: Fernwood, 2004.

Flynn, Stephen E. "America the Vulnerable." *Foreign Affairs* 81 (2002) 60-74.

\_\_\_\_\_. "Beyond Border Control." *Foreign Affairs* 79 (2000): 57-68.

\_\_\_\_\_. "The Neglected Home Front." *Foreign Affairs* 83 (2004): 20-34.

\_\_\_\_\_. "The False Conundrum: Continental Integration versus Homeland Security." In *the Rebordering of North America: Integration and Exclusion in a New*

- Security Context*, ed. Peter Andreas and Thomas J. Biersteker, 110-127. New York: Routledge, 2003.
- Garvin, Natascha. "Conversion & Conflict Muslims in Mexico." *ISIM Review* 15 (Spring 2005): 18-19.
- Gilpin, Robert. *War and Change in World Politics*. New York: Cambridge University Press, 1981.
- Goldfarb, Danielle. *Thinking the Unthinkable: Security, Threats, Cross-Border Implications, and Canada's Long-Term Strategies*. Toronto: C.D. Howe Institute, 2004.
- Hampson, Fen O. and Maureen A. Molot, "Does the 49<sup>th</sup> Parallel Matter Any More?" In *Canada Among Nations 2000: Vanishing Borders*, ed. Maureen A. Molot and Fen O. Hampson, Don Mills: Oxford University Press, 2000.
- Hristoulas, Atanasios. "Trading Places: Canada, Mexico, and North American Security." In *the Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker, 24-45. New York: Routledge, 2003.
- Keeble, Edna. "Immigration, Civil Liberties, and National/Homeland Security." *International Journal* (Spring 2005): 359-372.
- Keohane, Robert and Joseph Nye. *Power and Interdependence*, 3rd ed. New York: Longman, 2000.
- Kitchen, Veronica. "Smarter Cooperation in Canada-US relations?" *International Journal* 59 (Summer 2004): 693 – 710.
- Laxer, James. *The Border: Canada, the U.S. and Dispatches from the 49th Parallel*. Toronto: Anchor Canada, 2003.
- Macklin, Audrey. "Borderline Security." In *the Security of Freedom: Essays on Canada's Anti-terrorism Bill*, ed. Ronald J. Daniels, Patrick Macklem and Kent Roach, 383-404. Toronto: University of Toronto Press, 2001.
- Meyers, Deborah Waller. "Does "Smarter" Lead to Safer? An Assessment of the US Border Accords with Canada and Mexico." *International Migration* 4 (2003): 5-45.
- Roach, Kent. *9/11: Consequences for Canada*. Montreal: McGill-Queen's University Press, 2003.
- Ross, Douglas A. "Foreign Policy Challenges for Paul Martin: Canada's International Security Policy in an Era of American Hyperpower and Continental Vulnerability." *International Journal* 58 (Fall 2003): 533-570.
- \_\_\_\_\_. "WMDs, American Vulnerability, and Canadian Political Inertia." In *In/Security: Canada in the Post-9-11 World*, ed. Alexander Netherton, Allen Seager, and Karl Froschauer, 61-98. Burnaby: Centre for Canadian Studies, Simon Fraser University, 2005.

- Roussel, Stephen. "The Blueprint for Fortress North America." In *Fortress North America: What 'Continental Security' Means For Canada*, ed. David Rudd and Nicholas Furneaux, Toronto: Canadian Institute of Strategic Studies, 2002.
- Rudd, David and Nicholas Furneaux, eds. *Fortress North America?: What Continental Security Means for Canada*. Toronto: Canadian Institute of Strategic Studies, 2002.
- Salter, Mark B. "Passports, Mobility, and Security: How Smart Can the Border Be?" *International Studies Perspectives* 5 (2004): 71-91.
- Sands, Christopher. "Fading Power or Rising Power: 11 September and the Lesson from the Section 110 Experience." In *Canada Among Nations 2002: A Fading Power*, ed. Norman Hillmer and Maureen Appel Molot, 47-73. Don Mills, Ont.: Oxford University Press, 2002.
- Smith, Patrick J. "Anti-Terrorism and Rights in Canada: Policy Discourse on the 'Delicate Balance.'" *Arab Studies Quarterly* 25 (Winter Spring 2003): 137-158.
- Sokolsky, Joel J. "Northern Exposure?: American Homeland Security and Canada." *International Journal* (Winter 2004-2005): 35-52.
- Waddell, Christopher. "Erasing the Line: Rebuilding Trade and Economic Relations after 11 September." In *Canada among Nations 2003: Coping with American Colossus*, ed. Dave Carment et al. Don Mills, 54-76. Ontario: Oxford University Press, 2003.
- Waltz, Kenneth. *Man, the State, and War: A Theoretical Analysis*. New York: Columbia University Press, 2001.
- Welsh, Jennifer. *At Home in the World: Canada's Global Vision for the 21st Century*. Toronto: Harper Collins Publishers Ltd, 2004.
- Whitaker, Reg. "Made in Canada? The New Public Safety Paradigm." In *How Ottawa Spends, 2005-2006: Managing the Minority*, ed G. Bruce Doern, 77-95. Montreal: McGill Queen's University Press, 2005.
- \_\_\_\_\_. "Securing the 'Ontario-Vermont border'" *International Journal* (Winter 2004-2005): 53-70.

## Media and Other Web Sources

- Alberts, Sheldon. "Congressman Renews Call for Fence Along Our Border." *The National Post*. 6 June 2006.
- \_\_\_\_\_. "Don't Expect Special Identity Card." *CanWest News*. 19 April 2006.
- \_\_\_\_\_. "Homeland Security Not Keen to Fence Us In." *CanWest News*. 10 February 2006.
- "Armed Americans Patrol B.C-Washington border." *CTV.ca*. October 2, 2005.  
[\[http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20051001/minutemen\\_b\\_order\\_051001/20051001?hub=TopStories\]](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20051001/minutemen_b_order_051001/20051001?hub=TopStories) Accessed: 15 March 2006.

- Bell, Stewart. "Alleged LTTE Front Had Voter Lists." *The National Post*. 22 July 2006.
- \_\_\_\_\_. "Radicalized Youth Targeted: Tories to Help Communities Fight Extremism: Day." *The National Post*. 25 July 2006.
- Block, Irwin. "Alexandre Trudeau Joins Protest Against Security Certificates." *CanWest News*. 30 August 2006.
- Bronskill, Jim. "Canada's Passport Agency Swamped." *Canadian Press*. 4 May 2006.
- "Cdn. Anti-terror Law to Face 1st Court Challenge." *CTV.ca* June 10, 2006.  
[\[http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060610/terror\\_challenge\\_060610/20060610?hub=Canada\]](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060610/terror_challenge_060610/20060610?hub=Canada) Accessed 19 June 2006.
- "Canada Balks at U.S. Plan for Border Fence." *Canada.com*. December 17, 2005.  
[\[http://www.canada.com/national/story.html?id=6c13f3fd-bdfb-4346-99ef-3f01f870c801&k=60592\]](http://www.canada.com/national/story.html?id=6c13f3fd-bdfb-4346-99ef-3f01f870c801&k=60592) Accessed: 20 December 2005.
- Carmichael, Amy. "Border Guards Will Be Armed, Conservatives Say." *Canadian Press Newswire*, 25 January 2005.
- Chung, Matthew. "Hundreds Protest Canadian Immigration Law." *The Globe and Mail*. 27 March 2006
- Curry, Bill. "Business to Push Manley, Ridge for Joint Perimeter." *The National Post*. 1 April 2003.
- Customs Excise Union Douanes Accise. "A View from the Front Lines: Officer Safety and the Necessarity of Sidearms." January 2006.  
[\[http://www.ceuda.psc.com/english/publications/reports/Other/Northgate.pdf\]](http://www.ceuda.psc.com/english/publications/reports/Other/Northgate.pdf)  
 Accessed: 2 May 2006.
- Dobbs, Lou. "Dobbs to President: Do You Take Us For Fools?" *CNN.com*. May 10, 2004. [\[http://edition.cnn.com/2006/US/05/10/dobbs.enforcement/\]](http://edition.cnn.com/2006/US/05/10/dobbs.enforcement/) Accessed: 6 June 2006.
- Downes, Lawrence. "As an Immigration Tide Swells, Europe Treads Water." *The New York Times*. 1 August 2006.
- Freeman, Alan. "Military to Defend U.S.–Mexico." *The Globe and Mail*. 16 May 2006.
- \_\_\_\_\_. "U.S. Politician Blasts Toronto as a Hotbed of Islamic Extremism." *The Globe and Mail*. 9 June 2006.
- Fiesen, Joe. "A Borderline Bust." *The Globe and Mail*, 10 June 2006.
- Frum, David. "The Great Immigration Debate." *The National Post*. 28 March 2006.
- Goodman, Brenda. "U.S. Say 2 Georgia Men Planned a Terror Attack." *The New York Times*. 22 April 2006.
- Gordon, James. "RCMP Can't Dent Organized Crime." *The National Post*. 9 May 2006.
- Handelman, Stephen. "Think Outside of the Border." *The New York Times*. 12 June 2006
- Hawkins, Jeffrey. "U.S. Border Crossings Declining, Report Says." *The National Post*. 25 July 2006.



- Jimenez, Marina. "200,000 Illegal Immigrants Toiling in Canada's Underground Economy." *The Globe and Mail*. 15 November 2003
- Kirby, Jason. "Border I.D. Hurting Tourism: A Third of Americans Won't Come if Rules Change: Poll." *The National Post*. 15 March 2006.
- Kocieniewski, David. "Despite U.S. Security Worries, Railyards Are Still Vulnerable." *The New York Times*. 27 March 2006.
- Laghi, Brian. "Border I.D. Cards Coming, PM Says." *The Global and Mail*. 1 April 2006.
- Lipton, Eric. "Chertoff Seeks a Chemical Security Law Within Limits." *The New York Times*. 22 March 2006
- \_\_\_\_\_. "Company Ties Not Always Noted In Push to Tighten U.S. Security." *The New York Times*. 19 June 2006.
- \_\_\_\_\_. "Tester Slip Radioactive Materials over Borders." *The New York Times*. 28 March 2006.
- Lyall, Sarah. "Briton Tried to Buy A-Bomb, Prosecution in Trial Contends." *The New York Times*. 23 March 2006.
- "New Border Rules Will Affect Canadian Workers in U.S." *The National Post*. 29 July 2006.
- Núñez-Neto, Blas. "Border Security: The Role of the U.S. Border Patrol." *Congressional Research Service Report for Congress*. Updated: May 10, 2005.  
[\[http://www.usembassycanada.gov/content/can\\_usa/borderissues\\_crs\\_051005.pdf\]](http://www.usembassycanada.gov/content/can_usa/borderissues_crs_051005.pdf)  
 Accessed: 5 July 2006.
- O'Neil, Peter. "Biometric Screening Program Planned," *The Vancouver Sun*. 6 June 2006.
- Preston, Julia. "U.S. Puts Onus on Employers of Immigrants." *The New York Times*, 31 July 2006.
- "RCMP Shared Intelligence With Syria, Arar Inquiry Told." *CBC News*. June 30, 2005.  
[\[http://www.cbc.ca/story/canada/national/2005/06/30/arar050630.html\]](http://www.cbc.ca/story/canada/national/2005/06/30/arar050630.html) Accessed: 15 December 2005.
- Saunders, Doug. "Spain Engulfed By Tide of Hopeful Africans." *The Globe and Mail*. 2 June 2006.
- Sallot, Jeff and Brian Laghi. "RCMP Foil at Least a Dozen Plots in the Past Two Years, Documents Reveal." *The Globe and Mail*. 7 June 2006.
- Seper, Jerry. "Uncle Sam Wants 6,000 to Serve on Border Patrol." *The Washington Times*. 31 July 2006.
- Simpson, Jeffrey. "Five Priorities, One Objective: Winning." *The Globe and Mail*. 29 March 2006.
- Swarns, Rachel. "House G.O.P. Plans Immigration Hearings." *The New York Times*. 28 July 2006.

Teotonio, Isabel. "Muslims 'Targeted,' Debate Hears; Community's Issues Ignored: Organizer Liberal Defends Security Certificates." *The Toronto Star*. 14 January 2006.

"The Security Certificate is an Acceptable Tool," *The Globe and Mail*. 14 June 2006.

Thompson, Ginger and Clifford Krauss. "Mexico Pledges to Extradite Drug Traffickers to the U.S." *The New York Times*. 23 March 2006.

Tibbets, Janice. "Court says Khadr Has Right to Passport." *CanWest News Service*. 10 June 2006.

"U.S.-Mexico Border Fence/Great Wall of Mexico." *GlobalSecurity.org*.  
[<http://www.globalsecurity.org/security/systems/mexico-wall.htm>] Accessed: 5 June 2006.

Watti, Chris and Melissa Leong. "Cell Planned to Behead PM: Crown." *The National Post*, 7 June 2006.

Webb, Maureen. "April 2006: Americanization the Restriction of Canadians' Rights." *Canadian Centre for Policy Alternatives*.  
[<http://www.policyalternatives.ca/MonitorIssues/2006/04/MonitorIssue1356/index.cfm?pa=BB736455>] Accessed: 2 July 2006.