

Smart Border And Security Perimeter in Canada

Teresa Gutiérrez-Haces*



BACKGROUND

About 90 percent of the population of Canada lives within 100 miles of the United States border, in eight of the country's 10 provinces. In contrast, only 10 percent of Americans live along the Canadian border in 13 of the country's 50 states.¹ The border between Canada and the United States is about 5,500 miles long and is undoubtedly one of the most important in the world since it divides the planet's greatest power from another member of the

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Group of Eight, the richest nations in the world.

Without a doubt, Canada's proximity to the Americans has profoundly marked the nature of their bilateral relationship. The border has totally conditioned Canada's political and economic development since it became a dominion in 1867.

The Canadian border is not similar to Mexico's border with the United States. Despite the fact that both countries share a very intense relationship as neighbors with the world's greatest power, clearly, they are linked to the United States in very different ways. The two borders have different historical origins, that have given each relationship a different tone over three centuries.

The Canadian relationship appears less belligerent than the Mexican one, but by no means can we say that it has been exempt from conflict. The process of setting the boundary between the two countries was not spared the conflicts arising from U.S. territorial expansion.

* Researcher at the UNAM Institute for Economic Research and professor of the UNAM School of Political and Social Sciences.

sionism throughout the nineteenth century. The first offensive against Canadian territory occurred between 1775 and 1783; and years later, the aim of the War of 1812 was to annex a large part of Canada's territory.² As a result, the inhabitants of the North American British colonies were always concerned about U.S. expansionism, particularly when they saw the way the United States advanced on Mexican territory and the results of the 1846-1848 war. Canadian historiography has been clear on the impact of the Mexico-U.S. War on the inhabitants of British colonies in North America, which paradoxically momentarily calmed U.S. territorial voracity vis-à-vis Canada.

Both Canada and Mexico had to face the emergence of pro-annexation movements, such as the ones in Yucatán from 1841 to 1843 and particularly in Texas from 1836 to 1846. These movements saw a merger with the United States as a possible way out of their political and economic conflicts with Mexico's central government. Annexationists also emerged in the east of what was to be Canada, particularly in Quebec and the Maritimes, where a considerable number of colonists showed their interest through the publication of an *Annexationist Manifesto* in Montreal in 1849, which precipitated the decision to unify the British North American colonies under the formula of a dominion protected by the British Empire in 1867. Part of the border that today runs along the current province of Ontario was always connected with the United States through the rivers and lakes of the region. Since the early twentieth century, this area has been the economic heart of Canada and it was there that manufacturing developed in both countries from the end of the nineteenth

century. This established the bases for the economic integration of both nations. A similar process unfolded in Quebec, which is separated from the United States by rivers and lakes that were no obstacle to establishing trade links with it.

The border between the two countries has been, above all, an economic border, which, since the origin of Canada and the United States as nations, operated intensely given the agreement of both governments about a shared economic development project. The same cannot be said, in contrast, about Mexico's northern border, at least until the appearance of the maquila plants in the late 1960s.

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For Canada, the border represents the direct entry into the U.S. market, which has undoubtedly been the central objective of the Canadian economy and trade, characterized by its opening to external markets and foreign investment. The border represents the space where the objective of economic growth (and therefore, Canadians' well-being) materializes.

A considerable amount of foreign investment, particularly from the U.S., has historically been concentrated along the border, leading to a high percentage of U.S. property and control being linked to border activities. Due to this, Canada's has been an economy characterized by large exports of natural re-

sources, extracted mainly by U.S. corporations, and manufactured goods. In manufactured goods, for decades the norm in industry has been branch plants with U.S. headquarters.³

THE BORDER BEFORE 9/11

In 1990, about 200 million people crossed the border both ways for different reasons: family and professional matters, economic reasons and tourism. After the entry into effect of the 1989 bilateral Free Trade Agreement (FTA) between Canada and the United States and the 1994 North American Free Trade Agreement (NAFTA), bor-

der crossings increased even more as a result of trade liberalization and flexibility in foreign investment.

With the years, the border has been physically adapted to facilitate the crossing of individuals, goods and transport; this means that the Canadian government has had to earmark important parts of its federal and provincial budgets to border maintenance and surveillance. During the nineteenth and a large part of the twentieth centuries, the northern border occupied an important place in the U.S. imagination, which considered Canada the land of the free and, in a certain sense, the last representation of what the United States had originally been before

becoming a powerful nation: a virgin continent.

After 1900, the border came under different kinds of pressure from the U.S. government because Canada was seen by many Americans as the surest road to escape from political intolerance and, in many cases, from the long arm of the law. As a result, Canada received sizeable waves of U.S. emigrants who considered it a land of freedom. One example was the arrival of a large number of young men who in the 1960s ran away from the Vietnam War draft. Over the years, the border has become more and more functional, above all thanks to a series of treaties and border commissions that have

and Africa. One issue that increased U.S. concern was Canada's position on Cuba, particularly when Canadian investors paid no heed to the reprisals announced in the Helms-Burton Act. In all these cases, the U.S. government feared that the Canadian border would turn into a direct access for persons who presumably could harm the United States.

In answer to these concerns, the Canadian government created the Shared Border Accord (customs and immigration agencies) in 1995, Border Vision (immigration agencies) in 1997 and the Cross-Border Crime Forum (law enforcement agencies), also in 1997. These initiatives only established continuity

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aimed to soften and facilitate relations between the two countries. When the FTA came into effect in 1989, it definitively marked a substantial change in the way of regulating the movement of persons, goods and transport on the border. After 1991, the border checkpoints practically fell into disuse and surveillance personnel was reduced to a minimum. In contrast, U.S. customs checks, even in Canadian international airports like those in Vancouver, Toronto and Montreal, increased.

In 1990, the U.S. government began to express its concern about the flexibility in Canadian immigration laws, particularly with regard to the arrival of emigrants from Eastern Europe, Asia

with others dating from the 1980s, among them the Bilateral Consultative Group on Counter-Terrorism, created in 1988. All of this led to the gradual creation of a very sophisticated high-level bureaucratic apparatus specialized in border issues which worked bilaterally on a permanent basis. This immense range of government agencies and services takes care of a considerable number of border issues with a central objective of consolidating an area that will work efficiently for both countries' economic and trade interests.

As a result, in recent years the Canada-U.S. Partnership Forum (CUSP) has been formed, an initiative of Canada's former Minister of Foreign Affairs,

Lloyd Axworthy, and former U.S. Secretary of State Madelaine Albright. In this forum, two topics are discussed that could not be overlooked with regard to the current border situation after the 2001 terrorist attacks. The first is the practically generalized opinion that the border should be more open in order to facilitate the transit of persons, transport and goods. There were even those who questioned the need for a border between Canada and the United States, arguing that given the ideological proximity of the two countries and the mutual identification of their economic projects, the border merely got in the way. A second topic that has been noteworthy at these fora was the need to give the border a focus as a perimeter; this would consist of more focused strategies to both detain individuals suspected of being criminals and to requisition shipments of illegal goods from third countries that try to take advantage of the open border.

In these discussions, the case of the Mexico-U.S. border came up frequently. Canadian officials recognized that the expense to the United States of maintaining two borders was substantial, particularly when the Mexican border was considered highly conflictive because of the constant illegal crossings of individuals, contraband and drugs.

The "perimeter focus" against terrorism was considered central to the forum's objectives, although the Canadians insisted that the differences in the migratory laws and policies of the two countries did not facilitate the task. In December 1999, the government of Canada effected a series of arrests along the border and tightened its control of the entry of foreigners into the

country. It also changed its regulations about foreigners' stays in Canada, access to jobs and social security. However, controls of the entry of foreigners into the country were based on economic criteria, such as having a bank account in Canadian dollars in a domestic bank, no major obstacle for organized terrorists or drug cartels.

THE SMART BORDER AND THE SECURITY PERIMETER

After September 11, relations between Canada and the United States took on a new face. Until that time, joint actions had been markedly preventive. After the terrorist attacks, the focus on the border hardened up and took on a greater number of defensive traits. At first, Canada went through a political destabilization in the economic and diplomatic spheres. The cases of blocking individuals and goods, which were practically stalled at the border, are well known. The Canadian government was greatly concerned to discover that some of the terrorists had entered the United States through its border, which, paradoxically was interpreted as a failure in Canadian security systems and not the U.S. system.

Canada's asylum policy and flexible immigration laws were attacked by the press and certain U.S. officials. The Canadian government accepted the criticism despite the fact that changes in its immigration laws would be a sharp blow against its traditional multi-cultural policy.

The United States took advantage of the opportunity to openly pressure in favor of a harmonization of both countries' immigration laws and border security systems. Shortly thereafter,

the proposals to create a "smart border" control system and the introduction of the geopolitical term "North American security perimeter" became the most favored issues for describing the new border relationship.

In response, Canada created a new migration law, Bill C-11, which proposes restricting the entry into Canada of refugees whose applications have been denied elsewhere,⁴ and formed a special national security team made up of ten top officials, among them the ministers of foreign affairs, finance, defense, justice, immigration and transportation.

Undoubtedly, the most controversial aspect of these changes were the proposals to modify the criminal code, which affected certain individual rights of Canadians with regard to political activities. Project C-36 proposes to earmark monies and hand over jurisdiction to law enforcement authorities for the identification and punishment of terrorists and the groups that support them. This initiative has prompted the rejection of important groups of Canadian political activists who consider that, sooner or later, C-36 will violate their rights.

The establishment of a security perimeter in Canada did not go unnoticed by most Canadians, who, despite their support for the government in its anti-terrorist fight, expressed serious misgivings about the way in which the United States was laying down the rules within Canada itself, starting with the presence of the National Guard inside its territory. Despite this, the Canadian business community has come out completely in favor of the U.S. measures, considering it urgent to economically reactivate the border; it called on Primer Minister Jean Chrétien

to respond more quickly to President Bush's administration.

Another result of this pressure was the signing of an accord called the Smart Border Declaration in December 2001. This agreement would implement two programs, Nexus and Fast, which aim to facilitate the crossing of frequent travelers through a "fast line" and establish a system of registry of goods, drivers, trucks, etc., by the government, one hour before they arrive at the border.

The border will not be the same after the terrorist attacks. More than a year later, Canada has gone through important internal changes as a result of its new policies on migration and border crossings. In contrast with what has happened in Mexico, the markedly border character of Canada's economic activities has had an impact on the country's general behavior. If before September 11, Canada was a country profoundly identified with the United States, today, circumstances have pushed it to deepen the continental nature of its relationships.⁵ ■■■

NOTES

¹ Department of Foreign Affairs and International Trade, "Building a Border for the 21st Century" (Ottawa: Department of Foreign Affairs and International Trade, 2000).

² Lawrence Douglas Taylor, "El Nuevo Norteamericano: Integración Continental, Cultura e Identidad Nacional" (Mexico City: Colegio de la Frontera Norte and Centro de Investigaciones sobre América del Norte, 2001).

³ Teresa Gutiérrez-Haces, "Origen de los procesos de integración económica en México y Canadá," *Breviarios de Economía* (Mexico City: Editorial Miguel Ángel Porrúa, 2002).

⁴ Athanasios Hristoulas, "México y Canadá ante la seguridad continental. Visiones encontradas," *Foreign Affairs en Español* (Mexico City), autumn-winter 2002.

⁵ In Canadian studies, "continental" is understood as Canada's growing identification of values and economic integration with the United States.