



**FORTRESS NORTH AMERICA?
WHAT “PERIMETER SECURITY” MEANS FOR CANADA:
SEMINAR REPORT**

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CANADA

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FORTRESS NORTH AMERICA? WHAT “PERIMETER SECURITY” MEANS FOR CANADA

Over the past few months, the concept of “perimeter security” for North America – covering Canada, the United States and sometimes Mexico – has become something of an empty vessel into which people have projected their hopes, fears and pet projects. However, a common definition of “perimeter security,” and an understanding of what such a concept would mean for Canada in economic, military and political terms, have remained elusive.

David Rudd, Executive Director of the Canadian Institute of Strategic Studies (CISS), remarked that the concept of “fortress North America” is invoked because people expect a significant change in Canada’s foreign relations following the events of September 11; already we are beginning to see greater Canada-U.S. cooperation in security and immigration matters, and there is no question that the United States wants greater Canadian cooperation on North American security. The lack of definitional clarity of “perimeter security” – or “zone of confidence,” an equivalent term – reflects the continuing uncertainty over the post-September 11 geopolitical landscape. It is further expected that dealing with issues surrounding perimeter security will be a key issue, if not the main item on the policy agenda, throughout 2002.

Fortress North America? What “Perimeter Security” Means for Canada, CISS’s Autumn Seminar, brought together academic, business, security and government representatives in an attempt to bring clarity to the issue. Although organizers reminded participants that the seminar was not an exhaustive treatment of the subject – notable absences included the Canada Customs and Revenue Agency, and Citizenship and Immigration Canada – the seminar did provide a useful introduction to the issues and problems surrounding perimeter security.

DEFINITION OF PERIMETER SECURITY

The concept of perimeter security was already being discussed before September 11, according to Stéphane Roussel, professor of political science at Glendon College, York University. Although it is hard to define, a few assertions can be made. The establishment of a security perimeter involves the harmonization of policies; policies can be different, but they must be compatible. According to Roussel, the core areas of the security perimeter concept (i.e., areas that would be covered by any agreements on a security perimeter) are:

- immigration;
- border management (including customs); and
- law enforcement.

Areas that could be included are:

- defence;
- health (a smallpox outbreak, for example, would not respect national borders);
- trade;
- cyberspace;
- intelligence activities; and
- infrastructure.

The Canada-U.S. relationship, from a security point of view, already contains some elements of perimeter security (e.g., NORAD). Roussel noted that the basis of the Canada-U.S. relationship, the “Roosevelt-King paradigm,” is infused with the idea of perimeter security. In 1940, at Ogdensburg, New York, U.S. President Franklin Delano Roosevelt vowed to Prime Minister Mackenzie King: “I give you assurance that the people of the United States will not idly stand by if domination of Canadian soil is threatened by any other Empire.” In a like manner, King pledged Canada’s support for the defence of the United States: “Enemy forces should not be able to pursue their way either by land, sea or air to the United States across Canadian territory.” Since the Ogdensburg Agreement, Canada has committed itself to defending the United States and Canada against U.S.-defined threats, requiring in turn that Canada spend and do more on defence than it would if defence of Canada were the country’s only concern.

NATURE AND CONSEQUENCES OF THE THREAT

A. Terrorism

As John Thompson of the Mackenzie Institute remarked, it is difficult to forge a useful definition of “terrorism,” as it is mixed up with other characteristics and factors, except for the fact that it covers ideologies that embrace violence. Such a definition would cover anyone using violence as a means to a “political” end, from “protestors” of the Animal Liberation Front to “freedom fighters.” There are also strong links between “terrorist” groups and organized crime. Christopher Mathers, President, KPMG Corporate Intelligence Inc., said that all organized crime groups, with the exception of biker gangs, began as ideological/religious groups, moving into crime to pay for their activities until their criminal activity becomes their *raison d’être*. Examples supplied by Mathers and Thompson included the Mohawk Warriors, Asian Triads and Russian-organized crime groups.

Thompson further divides “terrorist” elements into domestic and international. He says that domestic terrorists – by which he seems to mean political groups engaged in violence, citing the Ontario Coalition Against Poverty – can be handled by the criminal justice system. More pressing are transnational groups operating in Canada, including Colombia’s FARC, the Irish Republican Army, as well as Islamic, Kurdish, Palestinian, Sikh and Tamil groups. Such groups, according to Thompson, raise money through organized crime activities and (not always voluntary) contributions from their own community. Tamil groups, for example, also have strong political connections, as they can deliver votes to MPs. The 1985 Air India bombing was the work of extremist Sikhs; over the past 20 years, the struggle between moderate and radical Sikhs has erupted in violence and murder on several occasions. Unlike other immigrant groups, the Canadian Islamic community is too large for one group to control, though Thompson said that its large size allows fugitives to hide in Canada without attracting too much attention.

According to Thompson, another point of concern is the fact that terrorist acts are getting larger, more sophisticated and more dangerous. As Margaret Purdy, Associate Deputy Minister, Office of Critical Infrastructure Protection and Emergency Preparedness (OC�PEP), Department of National Defence, remarked, Ahmed Ressam, arrested crossing the border in December 1999 on his way to blow up Los Angeles International Airport, had been taught to

attack infrastructure for maximum disruption. Purdy also noted that the destruction or disruption of Canada's critical infrastructure (including information technology systems, hydro dams, nuclear power plants, roadways, water-treatment facilities and urban centres) would significantly affect the security, health and economic well-being of Canadians, as well as the effective functioning of government. Being so interdependent with the United States, Canada is also affected by U.S. security concerns. An attack on critical parts of the Internet or oil pipelines would affect both our countries; even though the September 11 attack was based solely in the United States, Canada was economically affected through delays at the border.

However, some participants questioned both the extent of the security threat to Canada, and the government's responses to date. Paul Knox, an international affairs specialist with *The Globe and Mail*, remarked that in the current atmosphere, a risk assessment of security issues has "fallen off the truck." Canadians, he asserted, were being asked to adopt policies that attempt to provide a 100% safeguarding of our safety, as opposed to governments undertaking a rational assessment of risks. He further suggested that the oft-mentioned concept of a change in the balance between security and liberty represents a false dichotomy; this, combined with an unrealistic drive for 100% security, does not represent a sound basis for policy formulation.

B. Economic

The economic dilemma posed by calls for heightened North American security can be summed up succinctly. The United States is the destination for 87% of Canada's exports, representing a third of our gross domestic product (GDP). The North American market (Canada and the United States and, to a lesser extent, Mexico) is highly integrated; firms locate in Canada under the assumption that they will be able to service the U.S. market. Because all of Canada's eggs are in one basket, as the Canadian Chamber of Commerce's Bob Keyes put it, we are very vulnerable to any disruptions at the American border emerging from the United States' heightened sense of vulnerability.

ISSUES AND POLICY ALTERNATIVES

For Canada, the post-September 11 crisis manifests itself at the Canada-U.S. border. As all the seminar speakers noted, Canada depends for its well-being on the smooth

functioning of the border. Canada is thus threatened by any unilateral action the U.S. takes at the border to address its perceived security needs that impedes commercial access to the United States.

Following September 11, there is no question that the United States now desires a greater sense of security. According to Phillip Hoffman (U.S. Consul for Public Affairs, U.S. Consulate General in Toronto), Canada and the United States must work together to combat terrorism. He praised the high level of cooperation between Canada and the United States, citing the 3 December 2001 Joint Statement of Cooperation on Border Security and Regional Migration Issues; he noted that cooperation had been excellent, and that both countries shared the same goals. At the same time, he asserted that Canada's sovereignty was not at risk; Washington, he said, does not want to tell Canada what to do. It is necessary, he continued, that problems get addressed as efficiently as possible.

In thinking about the challenges facing Canada, it is perhaps useful to break the problem down into short-run and long-run components. In the short run, said Stéphane Roussel, Canada's major problem is challenging the negative perception in the United States that "Canada is part of the problem" (e.g., too lax borders and immigrant and refugee screening policies), even though Canada's record in this area compares favourably with other countries. Canada must dissipate this perception among Americans and their decision-makers; this involves tightening our security in order to convince the United States that we are not a problem.

The long-run problem for Canada can be divided into two elements: resolving the security-sovereignty-prosperity trilemma; and addressing long-standing border infrastructure issues.

A. The Security-Sovereignty-Prosperity Trilemma

Canada's long-run dilemma involves balancing the (mostly) conflicting priorities of security, sovereignty and prosperity. Stéphane Roussel contended that strengthening any one of these can only be done at the expense of the others. Post-September 11, we have seen an increase in defence. A common theme that emerged from the seminar is that the United States will take action on security with or without Canada's participation; without a common security plan, Canada's trade access to the United States – and thus its economic well-being – is endangered. Although Margaret Purdy pointed out that increased security, e.g., of e-commerce networks, could lead to increased prosperity, Roussel suggested that the link between increased

prosperity and increased security was open to debate. Certainly, a militarized border would unquestionably lead to greater disruptions in trade, thus affecting Canadian prosperity.

Among those at the seminar, there was little appetite for full-fledged integration between Canada and the United States, and Mexico. Stéphane Roussel noted that Canada, the United States and Mexico each have different basic values; John Thompson pointed out that it is unlikely Canada would want to get involved in internal Mexican problems such as the Chiapas uprising.

B. Long-standing Border Issues

Although September 11 acted as a wake-up call as to the state of Canada's security forces, it also brought attention to the state of Canada's border infrastructure. According to Bob Keyes of the Canadian Chamber of Commerce, a policy of "benign neglect" has allowed border infrastructure (e.g., the roads leading to the border, screening procedures and facilities, staffing levels) to deteriorate even before September 11. Even though over the past several years Canada-U.S. trade has risen by a factor of six, resources allocated to the border have remained constant. Phillip Hoffman remarked that although people were aware of border inefficiencies before September 11, it is now vital that they be addressed.

C. Possible Policy Frameworks

According to Roussel, the crisis since September 11 has placed Canada in a very difficult position. Even though the discussion on U.S. "homeland security" predates September 11 by almost five years, the Canadian government failed to respond to this discussion until after September 11. As Roussel reminded the seminar, it is very difficult to negotiate an agreement following a crisis: the results are likely to be very, very bad terms. Unfortunately, this is the situation in which Canada today finds itself. For historical comparison, imagine what an Ogdensburg agreement would have looked like had Canada and the United States waited until after the attack of Pearl Harbor to discuss joint cooperation.

From this starting point, Roussel suggested four possible policy responses Canada could undertake.

- **A Formal Security Perimeter** would involve a comprehensive treaty, with a formal organization and decision-making process. On the positive side, Roussel remarked that in the past, Canada has been well served by formal institutions such as NORAD, NAFTA and

IJC. He called this the most efficient option. This plan would give Canada a long-term guarantee on what we could expect from a security perimeter; it would keep the border open for Canadian trade while addressing U.S. security concerns. A reluctance in Ottawa to discuss this option as well as a general Canada/U.S. reluctance to create new institutions militate against this option being adopted.

- In contrast, an **Informal Limited Partnership** is much more likely, as it differs the least from the status quo. Indeed, it has already been adopted in the Joint Statement of Cooperation on Border Security and Regional Migration Issues signed 3 December 2001, and the Smart Border Declaration, signed 12 December 2001. Such a partnership can be undertaken piecemeal using sectoral memorandums of understanding between agencies, various operational measures, and improvements on existing measures. On the negative side, dealing with terrorism requires a coordinated effort not evident in this option.
- A third, also unlikely, option is for a **Multilateral Security Perimeter**: a wider multilateral agreement (formal or informal). Such an approach could be seen as a globalization-era approach to what is an international problem. Although having many countries on board could help assure that Canada is not dominated by the United States, thus protecting Canadian sovereignty, in practice such an agreement has never worked, according to Roussel.
- The final option is for a **Unilateral Security Perimeter**, in which Canada undertakes a unilateral approach on national policies and measures and then hopes they are enough to reassure the United States. Bills C-36 and C-42 could be seen as just such measures. On the downside, again, there is no cooperative mechanism that addresses the international dimension of the terrorist problem.

D. Specific Policy Responses

Several participants made recommendations on how best to construct a security perimeter. Phillip Hoffman praised increased Canada-U.S. collaboration on law enforcement, the coordination of visa policies and the intention to better train airline personnel to spot fraudulent documents. He also told the seminar the two governments were working on common standards for the use of technology at the border. Christopher Mathers remarked that Canadian and U.S. customs officers do not receive enough training to detect fraudulent and fake documentation. He also said that the Canada Customs and Revenue Agency should not have its 2,400 summer students, with only two weeks of training, interviewing entrants to Canada at the border.

Many individuals raised the issue of moving security checks away from the border to assure that increased security does not hamper legitimate trade flows. As Phillip Hoffman said, screening for terrorists at the border “is like looking for a needle in a haystack.” To this end, Bob Keyes told the seminar about *Rethinking Our Border*, a report by the Coalition for Secure and Efficient Borders, which envisions a three-circle approach to screening immigrants and visitors to North America: outside North America; at the first point of entry to North America; and only then at the border. Keyes remarked that this is akin to “moving the border away from the border.”

On the trade side, those who addressed the issue called for a greater use of preclearance procedures for goods and services.

Presenters, including Mauricio Ibarra, Counsellor for Political Affairs, Embassy of Mexico, also reminded the seminar that a common perimeter concept would probably need to include Mexico; Mexican President Vicente Fox had proposed a NAFTA-Security pact before September 11. Mr. Ibarra said he believes that such an agreement is now a strong possibility. However, the Canada-U.S. relationship is different from the U.S.-Mexico relationship, both in terms of issues and institutional capability. Whether Canada should take a trilateral or bilateral approach to the post-September 11 environment remains an open question. From the business side, Bob Keyes remarked that the bilateral relationship is vastly more important to Canada than the trilateral relationship. Furthermore, there always remains the option of extending any bilateral agreement to Mexico at a later date.

Participants also touched on a number of other issues:

- Former Solicitor General Doug Lewis recommended reviving the position of Minister of Public Security (it was briefly in existence under then-Prime Minister Kim Campbell). Such a ministry would address coordination issues by combining the responsibilities of the Solicitor General, immigration, customs, and some coast guard functions, in a manner similar to the United Kingdom’s home secretary. It would also create a ministry powerful enough to address security issues. Responding to comments that such a ministry would prove ineffectual, Lewis said its operational nature and clear objectives would make it likely to succeed.
- According to Christopher Mathers, Citizenship and Immigration Canada is chronically underfunded, while Doug Lewis pointed out that under the Geneva Convention, refugees are entitled to make a claim in the first safe country reached.
- Mathers and Lewis also questioned the government’s legislative response to September 11. Lewis was critical of the new powers given to ministers and their bureaucrats, and to police,

suggesting that accountability was being eroded. Mathers remarked that publicly accountable police and intelligence agencies are the backbone of society, and are supposed to protect civil liberties. He further contended that: a) the courts will become bogged down in disclosure cases; and b) the new laws will prove ineffectual: “suicide bombers are not concerned with sentencing guidelines.”

UNANSWERED QUESTIONS

While the short-term shape of Canada-U.S. cooperation on security matters is slowly but surely emerging, the long-term consequences of these commitments is anything but certain. Bob Keyes of the Canadian Chamber of Commerce presented a long list of unanswered questions, saying that it was his belief that greater North American integration will flow from the perimeter concept.

- NAFTA is a trilateral relationship. Should integration be a two-way or three-way deal? Harmonizing U.S.-Mexican regulations would be difficult. Would Mexico want to join a “common perimeter?”
- What would be the outgrowths of a perimeter concept, if any? Customs union? Common market? Dollarization/monetary union?
- How would trade policy sovereignty be affected by greater integration? If the perimeter approach moved Canada closer to the United States, would it also move the country away from the protection of World Trade Organization rules?
- For multilateral agreements such as the Kyoto agreement on climate change, would we lose our ability to sign and enforce agreements with which the United States disagrees?
- What would a perimeter concept mean for the maintenance of Canadian institutions?
- How would Canada pay for its increased security obligations under a perimeter concept?
- Even under NAFTA, Canada has been subject to U.S. “mischief making” in areas such as softwood lumber. How could Canada protect itself if it is tied even more closely to the United States? How would these issues be addressed?
- What would be the cost to business of increased integration?
- Would a perimeter concept allow the two countries to address the free movement of people, currently covered (inadequately, according to Keyes) under NAFTA’s Chapter 16?