



CANADA-EUROPE TRANSATLANTIC DIALOGUE: SEEKING TRANSNATIONAL SOLUTIONS TO 21ST CENTURY PROBLEMS

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The Canada-U.S. perimeter: Towards a North American Schengen?

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Canadian Prime Minister Stephen Harper and U.S. President Barack Obama met on Friday February 4, 2011, to launch what the media have called the *Washington Declaration*: two new initiatives broadly understood as a 'new perimeter strategy'. The first is regulatory cooperation that will take the form of a *U.S.-Canada Regulatory Cooperation Council*. The second is a joint declaration on the *U.S.-Canada Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*, which lists principles and objectives for future actions.¹

In this policy brief I ask two questions; first, the perimeter is a broad action plan to prepare an agreement on continental security, but was it inescapable? Second, what is at stake here? Do these agreements represent a move towards a *North American Union* similar to the *European Union*, where member states relinquish sovereignty and establish institutions of cooperation, or it is more in line with a tradition of interest and policy parallelism?

This brief presents evidence that these two initiatives, and in particular the one on border security, are typical in being part of a North American form of integration deemed to be policy parallelism² in an area where Canada and the U.S. already share a long history. It is therefore not like the European Union (EU) and Schengen Agreement that was signed by five of the then 10 EU member states on June 14, 1985. Indeed, Schengen required member states to apply strict checks on people entering and exiting the Schengen area; this activity has been co-ordinated by the European Agency FRONTEX³ and has subjected all members to common rules, including border controls, surveillance, conditions of permission of entry and visas). All have been codified in the *Schengen Border Code*. More recently, all those regulations have been further integrated and standardized in the *Schengen Entry-Exit Information System*.

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Canada and the U.S. are each other's first international trade partners. Nearly 70% of all Canadian exports go to the U.S., and 22% of all U.S. exports go to Canada. This also has an impact on jobs in the U.S. where well over eight million jobs depend on Canada-U.S. trade.⁴ This long standing economic interdependence has led political analysts of Canadian-American relations to point to Canadians' ongoing fear that too much economic integration might lead to continental political integration. Kim Nossal,⁵ for instance, described the debate between those he called "economic nationalists" and "integrationists," thus equating economic independence with sovereignty. He also suggests that economic integration is not safe for Canadians, because it is very plausible that economic integration may lead to political integration. This debate has tremendous influence on the security debate, yet the context is different; much has been written that has equated Canada-U.S. relations to a *Security Community*, that is, according to prominent observers such as Adler and Barnett (1998) "a trans-national region comprised of sovereign states whose people maintain dependable expectations of peaceful changes."⁶ There is agreement in the scholarly community that Canada and the U.S. are more than a strictly defined Security Community, as traditionally defined by Deutsch (1957) and Mitrany (1975);⁷ both countries share a tradition of day-to-day co-operation and have developed an "intimate" knowledge of each other that is apparent in the current tradition of quiet diplomacy and low-level functional solutions.⁸ Indeed, prominent public intellectual (and then leader of the Liberal Party in Canada), Michael Ignatieff, noted in 2003 that Canada was so comfortable in this relationship that it asserted its views better today than in the past.⁹

In addition, what is remarkable is the great deal of evidence that suggests the current practice is coherent with a multitude of agreements and with the history of bilateral co-operation in the areas of trade, free trade, energy, water management, and military co-operation. Few of those involve Mexico and none of these agreements, however, have led to any institutional development similar to that found in the EU. What Canada and the U.S. have in common is a rather long history of *collaboration* note the reciprocity treaty of 1854,¹⁰ the agreements on water issues in 1902 and 1909, the 1965 *Autopact*, the *Free Trade Agreement* of 1989, and, *North American Free Trade Agreement* of 1994. Provinces and states (and even communities) that straddle the border have signed agreements in diverse policy areas. In the areas of defence and security alone, more than 2,500 agreements link Canada and the U.S., but little institutional development has resulted from them. The *Permanent Joint Board of Defence*, which was established in 1940, and the 1957 *North American Defence Agreement* (NORAD) are good examples.

Although they represent a long and well-established tradition of close co-operation between the two federal administrations and bureaucracies, their agencies, and other lower-level governments in various areas of public policy, these agreements have never led to any international institutional developments. Primarily, they have established functional linkages of co-operation and have relied on the shared values of expertise and efficiency. The more recent *Smart Border Declaration* of December 12, 2001, focused on greater co-operation in four areas of policy: information sharing, customs, immigration, and security. Yet, the latest U.S. Bush administration strategy to implement in the 'perimeter' was not successful; the *Security and Prosperity Partnership* (SPP) of 2005 ended in Guadalajara at the 2009 August summit after years of stalled negotiations on economic and security rules and regulations conducted by officials of Canada, Mexico, and the U.S..¹¹ The Bush initiatives, under the leadership of Secretary Napolitano, an official from Arizona, did not manage to differentiate between Northern and Southern border issues, and in particular did not tackle internal inefficiencies and conflicts between U.S. Border Patrol and U.S. Forest Services, Immigration and Custom Enforcement, and Drug Enforcement Administration, and furthermore, underestimated Canadian efforts to secure the U.S. border, including cases of close cooperation contributing to U.S. security.¹²

In the meantime, while clearly unsuccessful on the U.S. security perimeter agenda, the Harper and Bush administrations were able to implement very successful programs including the *Container Security Initiative*. The *Integrated Border Enforcement Teams* (IBETs) and the *Integrated Maritime Enforcement Teams* (IMETs) have also been very successfully implemented as joint networked forces of the U.S. and

Canada security agencies. The *Terrorist Watch list* also started to serve immigration officials of both countries better. Airline and cruise lines also provide *Advanced Passenger Information*, and programs to allow trusted travellers and shippers to cross the border faster were also put in place. These programs are coordinated with a new regional all-service command, U.S. NORTHCOM, which coordinates U.S. involvement in NORAD, the joint-U.S.-Canadian Air defence organization established during the Cold War.

In conclusion, the *Washington Declaration* was inescapable; because the strength of the Canada US partnership is also a weakness when it comes to including other partners – Mexico just found out. Canadians were frustrated with the lack of progress of SPP, with the increasing complexity of a process that was more inclusive, but did not make much progress and amalgamated the two very different contexts of Canada and Mexico. The *Washington Declaration* brings the Canada-U.S. relations back to a traditional bilateral mode of interactions. There seems to be a return to less transparency; both business and civil society organisations are now complaining that they have difficult access. Furthermore, it is clear that the *Washington Declaration's* goals are very different from those of the European Schengen Agreement, which was entirely incorporated into mainstream EU law with the Amsterdam Treaty of 1997, therefore creating a borderless area of 25 member states. It differentiates between Northern US and Southern US border policy perspectives; a Canadian goal since 2001. And, in so doing it brings Canada US cooperation on 'entry-exit' within reach. It is notable that it is not likely to lead to the creation of a coordinating agency similar to Frontex but may lead to more policy parallelism between Canada and the US.

¹ See United States-Canada Regulatory Cooperation Council.

Accessed February 25, 2011 from <http://www.whitehouse.gov/the-press-office/2011/02/04/joint-statement-president-obama-and-prime-minister-harper-canada-regul-0>.

And, the text of the new Washington Declaration on the U.S.-Canadian Border is available at

<http://www.whitehouse.gov/the-press-office/2011/02/04/declaration-president-obama-and-prime-minister-harper-canada-beyond-border>

² Brunet-Jailly, E. "The Emergence of Cross-Border Regions and Canadian United States Relations" in Amen, M. and co. editors (2011) *Cities and Global Governance*, Ashgate. pp. 69-91.

³ FRONTEX (2011) - the EU agency based in Warsaw, was created as a specialised and independent body tasked to coordinate the operational cooperation between member states in the field of border security. The activities of Frontex are intelligence driven. Frontex complements and provides particular added value to the national border management systems of the Member States. Accessed February 14, 2011 from <http://www.frontex.europa.eu/>

⁴ See <http://www.canadainternational.gc.ca/washington/index.aspx?lang=eng>, accessed in February 14th, 2011.

⁵ Kim Nossal, (1985) "Economic Nationalism and Continental Integration" in Denis Stairs and Gilbert R. Winham, *Politics of Canada's Economic Relationship with the United States*. Volume 29 of the Royal Commission on Economic Union and Development Prospects for Canada. Toronto University Press.

⁶ Alder, Emanuel, & Barnett, Michael (1998). *Security communities*. Cambridge: Cambridge UP. pp. 357–358

⁷ Deutsch, Karl (1957) *Political Community and the North Atlantic Area*, Princeton University Press. Mitrany, David. (1975). *The functional theory of politics*. London, UK: Martin Robertson.

⁸ Kitchen, Veronica (2002) *Canadian-American Border Security After September 11th*, working paper, Department of Political Science, Brown University.

⁹ Ignatieff, Michael (2003, February) Policy Option "*Canada in the Age of Terror-Multilateralism Meets a Moment of Truth*" Montreal, Canada.

¹⁰ Reciprocity was the first free trade agreement for non-manufactured goods.

¹¹ It was launched in March 2005 at a summit hosted by President George W. Bush in Waco, Texas lasted five years with meetings at Cancún (2006), Montebello (2007), New Orleans (2008), and Guadalajara (2009).

¹² See the GAO report, *Border Security: Enhanced DHS Oversight and Assessment of Interagency Coordination Is Needed for the Northern Border* (GAO-11-97). Accessed February 18, 2011 from <http://www.gao.gov/new.items/d1197.pdf>. It is noteworthy that the Hudson Institute study by Christopher Sands (2009) *Toward a New Frontier – Improving the U.S.-Canadian Border*. Metropolitan Policy Program / Canadian International Council was critical in changing the U.S. policy perspective, perception and information on the efforts and role the Canadian government played in providing for U.S. security.