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**INSTITUT CANADIEN DES AFFAIRES MONDIALES**

# **The Border/Perimeter Security Agenda in the Age of Trump: A Coping Strategy for Canada**

by Brian Bow  
September, 2017

# POLICY PAPER

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## ► Executive Summary

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*The security perimeter agenda is buried, but it's not dead. U.S. President Donald Trump's attitudes toward trade, immigration and international institutions make it difficult to work with his administration and may get Canadians thinking about looking for new international partners. At least in the short run, however, Canada has no choice but to try to maintain its bilateral relationship with the U.S., and a crucial part of that relationship is the ongoing effort to make the border more secure and efficient. Significant progress has been made on some of the key policy co-ordination challenges – travel, shipping, border infrastructure and law enforcement co-operation – but there is still a lot of work to be done. Given the priorities and problems of the Trump administration, Canada's best bet is probably to try to work around the White House on these issues, engaging with other players in the U.S., like bureaucratic agencies, members of Congress, and state and local governments. The focus should be on finding and supporting transgovernmental (state) and transnational (society) allies in the U.S., and Ottawa's approach should be low key, patient, problem-solving and opportunistic. The most urgent concern is to anticipate and prevent policy changes in the U.S. that might disrupt existing arrangements, but Canadian officials should also continue to look for ways to improve bilateral co-operation on border/perimeter security issues.*



Canadians, like the rest of the world, are worried about the United States under President Donald Trump. The new administration's reckless foreign policy has already begun to undermine the international order built after 1945, forcing Canada to think seriously about how it can remain secure and prosperous in a post-American world.<sup>1</sup> Unlike other countries, moreover, Canada (like Mexico) must also worry about how Trump's America First agenda will disrupt the highly integrated regional neighbourhood on which it has come to rely. The most urgent challenges to this regional order are threats to NAFTA itself – which Trump first threatened to scrap, and then pledged to renegotiate – and specific trade and investment disputes, like those over softwood lumber and supply-management for dairy, poultry and eggs.<sup>2</sup> But the integration of the two societies goes far beyond trade, and the Canadian government has to keep its focus on maintaining and strengthening the connective tissue holding the two countries together – i.e., protocols and procedures for tracking and controlling the flow of people, goods and money across the region's national borders.<sup>3</sup> These border/perimeter security issues are the focus of this short paper, which first lays out some of the diplomatic challenges surrounding this cluster of issues, argues for a multifaceted ad hoc approach to managing them, and then highlights some specific priorities and concerns in each of four policy areas: travel, shipping, border infrastructure and law enforcement co-operation.

Border/perimeter security issues were at the centre of Canada-U.S. relations for more than a decade, but faded away in the late Obama years and now seem to have dropped out of sight entirely. NAFTA had created a highly integrated regional economy driven by complex transnational supply chains, which came to represent a significant share of Canada's exports, investment and ultimately, GDP.<sup>4</sup> The terrorist attacks of Sept. 11, 2001 – or rather the border-tightening that followed them – massively disrupted that regional economy. The three North American governments have been working together ever since to try to find a new equilibrium in which trade and travel are made as efficient as possible without compromising national security. In the mid-2000s, this agenda was negotiated trilaterally, under the umbrella of the Security and Prosperity Partnership (SPP), and in the early 2010s, Canada and the U.S. continued to work on it bilaterally through the Beyond the Border (BTB) initiative.<sup>5</sup>

This border/perimeter security agenda lost momentum after former president Barack Obama's election, partly because some of the biggest bureaucratic and legal stumbling blocks had by then been removed, and partly because the perceived urgency of the cross-border terror threat had

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<sup>1</sup> Government of Canada, "Address by Minister Freeland on Canada's Foreign Policy Priorities," Global Affairs Canada, Ottawa, June 6, 2017. <https://www.canada.ca/en/global-affairs/news/2017/06/address-by-ministerfreelandoncanadasforeignpolicypriorities.html>

<sup>2</sup> Alex Panetta, "Trump Signals Broader Renegotiation of NAFTA," *Maclean's*, April 25, 2017. <http://www.macleans.ca/economy/trump-signals-broader-renegotiation-of-nafta/>

<sup>3</sup> See also: Jessica Trisko Darden, "Rewriting NAFTA Has Serious Implications Beyond Just Trade," *The Conversation*, May 4, 2017. <http://theconversation.com/rewriting-nafta-has-serious-implications-beyond-just-trade-77134>

<sup>4</sup> Steven Globerman and Paul Storer, "The Effects of 9/11 on Canada-US Trade: An Update through 2008," Brookings Institution, July 2009. [https://www.brookings.edu/wp-content/uploads/2016/06/0713\\_canada\\_globerman.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0713_canada_globerman.pdf)

<sup>5</sup> For an overview of the history, see: Brian Bow and Greg Anderson, "Building without Architecture," in Bow and Anderson, eds., *Regional Governance in Post-NAFTA North America* (Routledge, 2014).



receded. However, it lost momentum mostly because the 2008 financial crisis and recession slowed regional flows, diminishing political demand from commercial stakeholders.<sup>6</sup> Yet there are still significant policy frictions to be worked out, including inefficiencies and uncertainties in the border system which continue to hinder growth in politically pivotal regions like the Midwest/Great Lakes. The aim of this paper is to try to put this bundle of policy co-ordination challenges into perspective and offer a few brief recommendations about how Canada ought to approach them.

## **Different Diplomatic Challenges, Different Strategies**

There are three layers to the bilateral relationship right now: geopolitical and defence issues, including support for institutions like NATO; regional trade and investment issues, including the renegotiation of NAFTA and specific trade disputes like those over lumber and dairy; and border/perimeter security issues left over from the post-NAFTA region-building project. The first and second of these agendas represent high-profile, high-stakes challenges for Canada and will naturally take up a lot of the Trudeau government's attention and energies over the next few years. The third agenda is perhaps less urgent than the first and second, but no less important. It requires a different approach and should be pursued with a different set of expectations. The focus in this paper is on the third set of issues, but I will first offer a few notes on the first and second, to try to put the border/perimeter security challenge into some perspective.

**Geopolitical and defence issues** are of course enormously important, but here Canada – as usual – can do little more than try to steer the U.S. in less dangerous directions. Here the prime minister and key cabinet officials will do most of the work in trying to influence Trump and his advisors by building personal relationships with key players in Washington, and – where those fail – banding together with other governments to put political, economic or moral pressure on the White House.

**Conventional trade conflicts**, which haven't been catalysts for serious political conflict since the 1990s, have been pushed to the top of the bilateral agenda by Trump's commitment to renegotiate NAFTA, and his subsequent stirring up of unresolved disputes over dairy and softwood lumber. Based on what we have seen of Trump's approach to foreign economic policy so far – exemplified in his fatuous and self-serving response to the anticipated closing of a Carrier heating-unit factory in Indiana during the 2016 campaign<sup>7</sup> – it is not clear whether the administration really intends to pursue a serious overhaul of NAFTA or just stage a photo op to hoodwink the president's domestic supporters. Ottawa has no choice but to take this seriously, and, just as it did when embarking on the original Canada-U.S. free trade negotiations in the 1980s, the Canadian government has already mustered a team of key officials, empowered them with resources and political support, and begun preparing for a variety of contingencies.<sup>8</sup>

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<sup>6</sup> "Recession Puts Big Dent in Canada's Trade," *Financial Post*, April 3, 2009. <http://www.financialpost.com/personal-finance/mortgages/recession+puts+dent+canada+trade/1461191/story.html>

<sup>7</sup> Jack Holmes, "Wait, Trump Didn't Actually Save Those Carrier Jobs?" *Esquire*, June 23, 2017. <http://www.esquire.com/news-politics/news/a55848/trump-carrier-jobs/>

<sup>8</sup> Steven Chase, Adrian Morrow and Greg Keenan, "Ottawa Unleashes Lobbying Blitz in US in Effort to Save Canadian Trade Access," *Globe & Mail*, April 6, 2017. <http://www.theglobeandmail.com/news/politics/ottawa-blitzes-us-in-effort-to-save-canadian-trade->



Success on these issues will require a mix of high-level diplomacy and a lower profile effort to build alliances with other centres of power in the U.S., including bureaucratic agencies, members of Congress, state and local governments, and non-government actors whose interests align with Canada's. The importance of this latter avenue has attracted a lot of attention lately, after Max Fisher, in a recent *New York Times* article, argued that the Trudeau government was “working around” the White House, and dubbed this the “donut” strategy.<sup>9</sup> Fisher is right that Canada is unique in the scale and sophistication of its efforts to work all parts of the American system at once, but he is wrong about this being a new approach, invented by the Trudeau government in response to Trump: it's something Canadian governments have been doing more or less systematically and more or less successfully, since the 1980s. Fisher over-draws the break from traditional diplomacy, since – as Trudeau himself pointed out in a subsequent press conference – Canada is engaging with the White House and other players at the same time.

**The border/perimeter security agenda** has gone from being top priority to a marginal concern and from relatively high-profile diplomacy to very low-key bureaucrat-to-bureaucrat discussions. Whereas trade negotiations feature a mix of conventional diplomacy and unconventional engagements with other players in the U.S., border/perimeter security issues have dropped off the leadership agenda and are now pursued almost exclusively through lower level bureaucrat-to-bureaucrat contacts.

The most obvious reason why these issues have dropped out of sight is that the core rationale for closer co-operation – i.e., streamlining borders to further the integration of the NAFTA-anchored regional economy – is clearly at odds with the anti-globalist, protectionist and nativist world view on which Trump campaigned. It might be possible to reframe the post-9/11 border/perimeter security agenda in ways that might be more appealing to Trump supporters, by playing up the restructuring of federal government policies to provide direct economic benefits to embattled border regions (especially in the Midwest), and by emphasizing the strengthening of law enforcement monitoring and control of potential threats to homeland security.

But, even if Canadian negotiators are able to pitch these issues in ways that resonate in Trump's White House, it's not clear there would be anyone there to pitch them to. It has always been hard to get high-level political attention to regional neighbourhood issues in Washington, because of the sheer asymmetry of relative importance. This problem is undoubtedly made much worse under Trump, since the White House still hasn't nominated candidates for hundreds of crucial appointments, and has so far been reeling from one self-inflicted political crisis to another.<sup>10</sup> This is a serious problem for Canada-U.S. border/perimeter security co-operation, because one of the main lessons from the SPP and BTB experiences was that, while most of the policy innovation comes from informal co-ordination among bureaucrats and government lawyers, long-term

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[access/article34610547/](https://www.cgai.ca/management-trump-the-canadian-response); Colin Robertson, “Managing Trump: The Canadian Response,” *CGAI Policy Update*, April 2017. [http://www.cgai.ca/managing\\_trump\\_the\\_canadian\\_response](http://www.cgai.ca/managing_trump_the_canadian_response) Thomas Juneau, “Dealing with Trump: How Canada Has Been Successful (So Far),” *Lawfare Blog*, May 21, 2017. <https://lawfareblog.com/dealing-trump-how-canada-has-been-successful-so-far>

<sup>9</sup> Max Fisher, “Canada's Trump Strategy: Go Around Him,” *New York Times*, June 22, 2017. <https://www.nytimes.com/2017/06/22/world/canada/canadas-trump-strategy-go-around-him.html>

<sup>10</sup> Nancy Cook, Josh Dawsey and Andrew Restuccia, “Why the Trump Administration Has So Many Vacancies,” *Politico*, April 11, 2017. <http://www.politico.com/story/2017/04/donald-trump-white-house-staff-vacancies-237081>



progress in policy co-ordination depends on the maintenance of a certain amount of political momentum – i.e., attention and support from central decision-makers.<sup>11</sup>

In general, Canada will be best served by keeping a low profile on border/perimeter security issues, quietly and patiently working through cross-border bureaucratic networks, to anticipate and deflect potential disruptions of existing policies, and to continue the long process of developing more efficient and effective new forms of policy co-ordination. Past experience clearly shows that these efforts must be actively supported by central decision-makers in Ottawa, through the cultivation of alliances with like-minded White House officials, members of Congress, the media and relevant interest groups in the U.S. The aim here is to try to shape the political discourse around issues important to Canada, provide information and advice to like-minded players on the inside in Trump's court, and think creatively about how progress on bilateral issues could be repackaged in ways that give Trump the political victories he desperately needs.

With these considerations in mind, four priority issues stand out for Canadian officials charged with managing this part of the bilateral agenda:

**Travel** is one of the areas in which security restrictions imposed after 9/11 have been effectively smoothed out, and in some areas significantly improved. The pre-clearance agreement signed by Justin Trudeau and Obama in March 2015 has now been enacted into law, and pilot projects are underway to extend these efficiencies from air travel to land, rail and sea crossings.<sup>12</sup> However Trump's travel ban, and the more aggressive approach taken by U.S. Customs and Border Protection (CBP) and Transportation Security Administration (TSA) officers, have raised doubts among Canadians about some of the system's sovereignty-bending aspects.<sup>13</sup> The original agreement and supporting legislation are not clear enough about border officials' collection of personal information and what constitutes reasonable delay, or the circumstances in which U.S. law enforcement officials on Canadian soil can take action over the objection of Canadian counterparts on site. And of course there is still work to be done in working out practicalities and legal hitches associated with pre-clearance for trains, buses and ships.

**Shipping** was the most urgent priority for Canada after 9/11, when the sudden border shutdown triggered massive economic losses for Canadian exporters, and was a central issue for the SPP and BTB initiatives. There has always been a solid consensus about what needs to be done: simplify customs paperwork and inspection procedures; ease pressure on border stations through pre-inspection and pre-clearance arrangements; and improve information-sharing between relevant agencies. But all of this is much easier said than done because of the sheer number of relevant agencies and regulations in play, the overlap of legal jurisdictions, the ongoing shortfall in supporting resources, and the presence of some highly motivated spoilers among bureaucratic and private stakeholder interests. Most of the pieces are in place through the creation of national trusted-trader programs,

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<sup>11</sup> E.g., Christopher Sands, "Partnership en Passant," *Embassy*, April 24, 2013.

<sup>12</sup> Canada's Bill C-23 (pre-clearance) recently passed third reading, but C-21 (exit/export tracking) hasn't been moved forward.

<sup>13</sup> Evan Dyer, "Pre-clearance Bill Would Give US Border Agents in Canada New Powers," *CBC News*, Feb. 12, 2017. <http://www.cbc.ca/news/politics/pre-clearance-border-canada-us-1.3976123>



pre-clearance pilot programs, single-window customs reporting and additional information-sharing initiatives.<sup>14</sup> All of these programs need more private sector buy-in in order to be efficient and effective, and that requires both new compliance incentives and additional public spending on staff, software and physical infrastructure.

**Border infrastructure** is another challenge which is easy to identify, but very difficult to resolve. Again, the problem is made difficult by the number of players, overlapping jurisdictions and incentives to free-ride on others. Most of these diplomatic and bureaucratic problems could probably be broken through, if only there were adequate funds available for infrastructure building. Both governments have recognized a broader infrastructure crisis and each has made a show of committing itself to massive infrastructure spending, including at the border. But we have heard this before, and the pattern is repeating, with source revenues kept vague, spending pushed into the far end of multi-decade commitments and few details about which projects would be funded first and most fully.<sup>15</sup> Infrastructure renewal, which once seemed like a crucial opportunity for bipartisanship in the U.S., seems to be slipping away from Trump, with “Infrastructure Week” overshadowed by the Russia investigation, and members resigning from the National Infrastructure Advisory Council after the Charlottesville debacle.<sup>16</sup> Neither government is going to come up with new tax revenues for significant infrastructure spending, so each needs to work closely with the private sector to push ahead with setting up national infrastructure banks and designing financial and regulatory arrangements to create effective public-private partnerships.<sup>17</sup>

These same principles apply to critical infrastructure security, which has seen some progress in terms of sharing of ideas and information about best practices, but no real effort to compel private owners to improve resilience through resource sharing, redundant capacities or better control systems. The current preoccupation with cyber-security may be useful in attracting political attention to these issues, especially if that attention translates into regulatory pressure to upgrade and harden networked control systems, but this is no substitute for a broader effort to improve resilience by spending money on better physical infrastructure and disaster response.<sup>18</sup>

Finally, there has been some progress in working out principles to govern cross-border **law enforcement co-operation**, but some key initiatives have been postponed because of unresolved legal questions about jurisdictions and accountability.<sup>19</sup> Despite the many

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<sup>14</sup> Department of Homeland Security, “Beyond the Border US Fact Sheet,” January 2017. <https://www.dhs.gov/sites/default/files/publications/2017%201%2019%20BTB%20Fact%20Sheet.pdf>

<sup>15</sup> Transportation Border Working Group, “Border Infrastructure Investment Plan 3.0 – Canada-United States,” July 2016. [http://www.thetbwg.org/downloads/biip\\_30.pdf](http://www.thetbwg.org/downloads/biip_30.pdf)

<sup>16</sup> Melanie Zanona, “Members Resign from White House Council on Infrastructure Security,” *The Hill*, Aug. 22, 2017.

<sup>17</sup> Susan L. Bradbury, “Making Connections and Building Bridges: Improving the Bi-national Planning Process,” *International Planning Studies* 21.1, 2016, 64-80.

<sup>18</sup> Brian Bow, “Now for the Hard Part: Renewing Regional Cooperation on Critical Infrastructure Security and Resilience,” Woodrow Wilson Center, Sept. 22, 2014. <https://www.wilsoncenter.org/publication/now-for-the-hard-part-renewing-regional-cooperation-critical-infrastructure-security-and>

<sup>19</sup> Jim Bronskill, “Canada-U.S. Cross-border Police Project ‘Postponed’ over Differences,” *Globe & Mail*, March 4, 2016.





frustrations associated with different legal systems, organizational structures and resources, Canada and the U.S. must continue to work together to contain cross-border trafficking in drugs, guns, people and money. Effort and resources must be concentrated on the illicit activities and products which inflict the most harm on society, rather than the ones for which it is easy to turn up tangible results (i.e., arrest numbers, seizure amounts). Research and information should be shifted toward better understanding the trade in synthetic drugs and opioids, and the criminal networks associated with them. Enforcement activities should shift away from small-scale traffickers to target the upper levels of transnational criminal organizations and their finances.

The Trump administration represents a significant threat to Canadian interests; so far, that threat is only latent, and the Trudeau government has taken the right steps in preparing to face it. Its focus thus far has quite sensibly been on gearing up for the NAFTA renegotiation talks. As these talks begin, it's important not to get so caught up in specific trade and investment disputes that we lose sight of the larger governance structure built on top of the NAFTA foundation. At the very least, Ottawa needs to ensure that nothing in the renegotiation disrupts the progress that has already been made in making the border system secure and efficient. However, recognizing the continuing importance of cross-border production and travel to Canada's future prosperity, Canadian officials should be looking beyond the status quo to gradually strengthen and improve the existing framework. The focus should be on finding and supporting transgovernmental (state) and transnational (society) allies in the U.S., and Ottawa's approach should be low key, patient, problem-solving and opportunistic.

## ► **About the Author**

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*Brian Bow is an Associate Professor of Political Science and the Director of the Centre for the Study of Security and Development (CSSD) at Dalhousie University, and Editor in Chief at International Journal. He holds a BA in International Relations from UBC, an MA in Political Science and Security Studies from York, and a PhD in Government from Cornell. He has published on Canadian foreign and defence policy, Canada-US relations, US foreign policy, and regional cooperation. His book, *The Politics of Linkage: Power, Interdependence, and Ideas in Canada-US Relations* (UBC Press) won the Donner Prize for 2009.*

*His main research project now is a long-term study of security policy coordination in North America, which looks at the political management of cross-border bureaucratic networks as mechanisms for policy innovation and cooperation. Other ongoing projects focus on the evolution of academic ideas about international relations and foreign policy in Canada, strategic framing and the contestation of legitimacy in regional integration, and the sources and limits of diplomatic leverage in Canada-US relations in the Trump era.*

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