

BORDER AND REGULATORY REFORM: STARTING AT STREET LEVEL

COLIN ROBERTSON¹

For a succinct aspiration of Canada-US relations, the best and, probably most repeated, summary was [delivered by John F. Kennedy to a Joint Session of the Canadian Parliament in May, 1962](#), when he said: “Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies.”

What is less cited is the next line: “Those whom nature hath so joined together, let no man put asunder.”

Here the rhetoric does not match reality, especially since the imposition of security measures along the border in the wake of September 11, 2001.

In practical terms, there are now [about four times as many guards and inspectors on the northern border](#) today than there were on September 10, 2001. [Austerity and sequester](#) may reduce these numbers slightly but, for the foreseeable future, [gone are the days of the ‘open door’ and ‘Pass Friend’](#). Congress has obliged these agents to inspect both people and good entering the United States. Then there are the [drones and other technological devices](#) designed to detect movement along the 49th parallel.

Does the threat justify the deployment of resources? No.

The Canadian side has made comparable investments on its part to [create a ‘perimeter’](#) – a [word once verboten](#) – around North America. If you are not already a citizen then there is a good chance that you will be asked to provide some sort of biometric if you enter the perimeter. We share passenger lists for those travelling by air and sea.

Our migration control policies, certainly in terms the security prism through which we filter prospective visitors, students and immigrants, [are closely aligned](#).

If you are a citizen and want ‘fast-pass’ access (i.e. NEXUS) then you voluntarily provide biometric information. Our law enforcement and intelligence agencies work collaboratively, and through ship-rider and other programs, as closely as our perimeter air and maritime defense alliance. Canadian [customs agents are now armed](#) and there are a lot more of them.

¹ A former Canadian diplomat, Colin Robertson is Senior Strategic Advisor for McKenna, Long and Aldridge LLP working with the Canadian Council of Chief Executives. He is Vice President and Senior Research Fellow at the Canadian Defence and Foreign Affairs Institute. He is an Honorary Captain (Royal Canadian Navy) assigned to the Strategic Communications Directorate. Living in Ottawa, Robertson writes and speaks on international affairs and he is a regular contributor to IPOLITICS and commentator in the media.

Robertson sits on the boards of the Conference of Defence Associations Institute and Canada World Youth, where he is vice chair. He is the immediate past president and executive member of the Canadian International Council’s National Capital Branch. Distinguished Senior Fellow at the Norman Paterson School of International Affairs (NPSIA) at Carleton University, Robertson is a former member of Carleton’s President’s Advisory Council and a current member of the NPSIA Advisory Council. He is honorary chair of the Canada Arizona Business Council. He is a member of the Pacific Council on International Policy, the Retired Heads of Mission Association, and the Sir Winston Churchill Society of Ottawa.

All of this means that there are now entrenched interests – unionized jobs as well as bureaucratic power - on both sides of the border whose livelihood depends on enforcement of new security rather than trade-based rules.

We can and have repealed tariffs but lifting ‘security’ in an age of anxiety is unlikely.

This is the real ‘thickening’ of the border and, as the Chinese observed centuries ago, nothing is more difficult to break than an ‘iron rice bowl’ especially when it is in defense of the security of the state and its citizens.

So what can we do?

We start with high favorability towards Canada. Gallup polls consistently place Canada as the nation Americans views most favorably – [91% in the February 2013 survey](#).

Business on both sides of the border needs to keep pressing their elected representatives for action. We need to press home the intellectual argument, [voiced by Allan Bersin](#), Assistant Secretary of International Affairs and Chief Diplomatic Officer for the U.S. Department of Homeland Security that we need to put aside the false choice between security and trade, and to view economic competitiveness on continental terms.

The twin initiatives around the Border and Regulatory Cooperation are making progress on everything from new NEXUS lines to cargo inspection. While it [is mostly beneath the waterline of media attention substantial progress towards meeting the commitments is being made and can be checked out on the US Embassy website](#).

Beyond the Border set up [twenty bi-national port operations committee advisory councils](#). We should look to them and their informal private sector and community advisors to come up with local solutions to local problems. In some cases their ideas will have national application.

The [‘smart driver’s license’](#) was an innovation championed by then Washington Governor Christiane Gregoire and [British Columbia Premier Gordon Campbell](#) and then [advanced by the Pacific Northwest Economic Region](#). Initially, the Department of Homeland Security was against the idea but their grass-roots efforts that eventually reached Washington, resulted in success.

The framework agreement to make the border more efficient is in place. Real and meaningful progress will mostly likely now come through bottoms-up, practical regional innovation starting at street level.