

Sharing the Burden of the Border: Layered Security Cooperation and the Canada-US Frontier¹

Authors: Stefanie von Hlatky (Georgetown University) and Jessica Trisko (Yale University)

Abstract: Effectively managing the Canada-US border has emerged as a major security challenge post-9/11. Burden-sharing theories suggest that the United States would take the lead on border security due to its hegemonic role in ensuring North American security, while smaller nations such as Canada free-ride. We refute the free-rider hypothesis and propose an approach which accounts for the differentiated concerns held by contiguous states. By dedicating sizeable resources to the issue of border security and by appealing to advantageous negotiation strategies, Ottawa has leveraged its position as a secondary state vis-à-vis the United States. Efforts employed by the province of Québec have bolstered Canada's relative influence in this issue area. We argue that Québec and Ottawa perceived and acted on complementary interests which empowered the Canadian government to respond more forcefully to US-driven border security measures after 9/11. We conclude with alternative models to border security management, as well the practical implications of our argument.

Résumé : Un des défis majeurs depuis le 11 septembre 2001 concerne la gestion de la frontière entre le Canada et les États-Unis. Les théories sur le partage du fardeau supposent que les États-Unis sont l'acteur dominant dans l'élaboration des politiques frontalières, assurant la sécurité du continent nord-américain. En contrepartie, les états secondaires, comme le Canada, se voient souvent attribuer le rôle du passager clandestin dans ces interactions. Cet article porte sur le partage du fardeau entre le Canada et les États-Unis en ce qui a trait à la sécurité frontalière. Nous réfutons l'hypothèse du passager clandestin en proposant une approche qui prend compte des préoccupations distinctes des deux états voisins. En investissant d'importantes ressources pour la gestion de la frontière et en appliquant des stratégies de négociations avantageuses, Ottawa a su surmonter son statut de puissance moyenne face aux États-Unis. Le Québec a contribué au renforcement de la position canadienne en agissant de concert avec Ottawa, puisque les deux paliers poursuivaient des intérêts complémentaires. Le résultat de cette coopération est une riposte cohérente et soutenue démontrée par le gouvernement canadien face aux mesures de sécurité initiées par les États-Unis après le 11 septembre. Enfin, nous discutons également des implications pratiques de notre argument en comparant les différents modèles dans la littérature portant sur la gestion de la sécurité frontalière.

I. Introduction

At 5,525 miles, or 8,891 kilometres, the Canada-United States border has typically been praised as the longest undefended border in the world. 90 per cent of Canada's population lives within 100 miles of this border. Economically speaking, the border is vital to Canada with the two countries sharing one of the largest trade relationships in the world, valued at \$1.8 billion² in daily cross-border trade. Since the attacks of September 11th 2001, border management has been a constant concern for both Canadian and American policy makers and major stakeholders as security concerns have increased at the border with significant implications for the flow of both goods and people. These concerns are well reflected in US Homeland Security Secretary Janet Napolitano's statement that, "we're no longer going to have this fiction that there's no longer a border between Canada and the United States" (CBC News, 2009c).

North American border policy has undergone a process of adaptation in response to these new security imperatives. While the Canada-US relationship was premised on, and has evolved as, a partnership built on "formal equality, consensus building, and a great deal of informal contact," a great tension exists in issue areas such as border policy (Mason 2005, 386). With regards to both economic and security cooperation, the Canada-US relationship is asymmetric by all material indicators of power. Security cooperation at the border is the product of bilateral negotiations and arrangements in the pursuit of common goals. Border management is also layered in that it requires the participation of state actors from all levels of government.

This article examines patterns of asymmetric security cooperation between Canada and the United States to assess how Canada has managed changes in border policy since 9/11. We pay special attention to the role of Québec which, on the dossier of border security, has furthered Canadian interests vis-à-vis the United States, due to its well-organized political network in neighboring states, as well as in Washington, D.C. Drawing on the insight of Clarkson (2001)

that Canadian national policymaking has become simultaneously internationalized and localized, we seek to answer the following questions: Is Canada disadvantaged when dealing with the United States on this sensitive topic? How do sub-national actors within Canada, such as the province of Québec, contribute to national border policy? We argue that the actions of Québec have enhanced Canada's position vis-à-vis the United States because the policy objectives of Canada and the province have been aligned. Québec is thus seen as a major player in Canadian strategies of asymmetric security cooperation with the United States.

Québec and Canada's role in security cooperation with the United States can be understood in the context of burden-sharing explanations of transnational policy coordination which have traditionally focused on the ability of the weaker party in institutional arrangements to free-ride. That is, the stronger party is assumed to bear a larger share of the costs as the leader of the arrangement while the weaker party benefits from the positive externalities generated by the actions of the stronger party. However, the extent to which this argument applies across issue-areas in the security realm is unclear. We take issue with the free-rider view of border security management between the United States and Canada and propose an alternative approach focused on the differentiated concerns held by contiguous states.

Despite the asymmetry in material power between these two countries, we argue that the underlying distribution of capabilities cannot predict which partner will drive the agenda on a particular issue.³ The extent to which a state is willing to take the initiative and to devote time and resources to a task depends on how significant this task is to its national interests. One state may care more about an issue-area than another state, regardless of size and this often translates into different approaches to the problem at hand. Additionally, the contributions of secondary states like Canada should be judged according to operational needs and placed in their proper context rather than in absolute terms based on the size of those contributions alone.

While Canada's attempts at policy independence may be interpreted by the United States as free-riding (see Sands, 2008), we argue that burden-sharing arrangements for North American security are best seen as a division of labour, with the dominant partner making specific requests about what is expected on the part of the contributing partners. How secondary states respond to such requests in the realm of border security policy is an important theoretical and empirical puzzle. Secondary states, like Canada, can deploy strategies that can overcome the disadvantage inherent in asymmetric security cooperation. In this context, sub-national actors such as Québec can play a key role due to the layered structure of border management.

The Canadian and American views on border security policy are different. Although both states care about their physical security, Canada is more sensitive to the economic repercussions of changes in border security policy and has taken unilateral steps to protect itself from the negative externalities of shared border management. Additionally, the decentralized nature of Canada's federal system led to opposition from important segments of society despite the relative absence of public debate over changes in Canada's security policy following 9/11.⁴ Nevertheless, certain provinces have emerged as important actors supporting Canada's position on border security. Below, we argue that Québec's actions are bolstering Canada's leverage over the United States when it comes to the negotiation and re-negotiation of North American border policy.

Taking 9/11 as a point of departure, we examine the policy changes and adaptations that occurred with the new security context and assess the success of policy innovations in reconciling provincial and federal concerns. We find that both levels of government are pursuing complementary interests, rather than acting at cross purposes. Indeed, this dynamic has enabled the Canadian government to respond more effectively to the new border management measures implemented after 9/11. We employ data from multiple Canadian and American government agencies to assess changes along the Canada-US border following 9/11. In the next section, we

introduce the relevant theoretical literature as a framework for our analysis of border security management. Next, we discuss how 9/11 has shaped security concerns on both sides of the Canada-US border. We then focus on Québec to illustrate the regional dimension of border security and the importance of reconciling security imperatives which operate at the provincial and federal levels. In so doing, we show that Québec's role can, in the case of border security, enhance Canada's position vis-à-vis the United States. In conclusion, we explore alternative security arrangements that have been proposed, offer avenues for future research, and discuss the practical implications of the article from a policy standpoint.

II. Burden-Sharing and Security Cooperation

The conventional view regarding asymmetric cooperation has focused on the role of power differentials within existing alliance relationships. Realist authors offer rationalist predictions about burden-sharing between allies, arguing that security cooperation with allies is a function of cost-benefit calculations (Miller, 1998). Concerns over relative gains are cited as the main impediment to cooperation (for example, Grieco, 1990; Snidal, 1991; Waltz, 1979) while gaps between the aggregate military capabilities of the actors dictate the form and direction of cooperation (Posen, 2006). Such arguments presuppose that the dominant power in the alliance will dictate the conditions of cooperation and highlight the tendency of the weaker partner to pursue reactive defensive policies, driven by its ties to the stronger state.

Several alternative theoretical frameworks have been applied to Canada-US security cooperation. The liberal view of asymmetric security cooperation has focused in large part on shared liberal values which mitigate the threat posed to liberal societies such as Canada, by the overwhelming power of the United States (Owen 2001/2002). In addition to shared values, states are able to overcome impediments to cooperation based on asymmetry because trade and

economic intercourse are a source of peaceful relations among nations. An open international economy has a moderating influence on conflict between states because it creates bonds of mutual interest and a commitment to the status quo (Gilpin, 1987: 31). Whether cooperation between Canada and the United States is seen as arising from their strong trade relationship or a shared philosophical viewpoint, the liberal view neglects the fact that economics and security are often competing interests.

Constructivist and other ideational approaches have framed Canada-US security cooperation in terms of a North American security community. The existence of such a community, characterized by the peaceful resolution of disputes and the absence of the threat of conflict, is seen as the foundation for efforts toward economic and security integration between the two countries (See Adler and Barnett, 1998; Andreas and Biersteker, 2003; Bukowczyk et al, 2005; Haglund, 2010. For an alternative view, see Gonzalez and Haggard, 1998). Within this community, the United States is often depicted as playing a hegemonic role in establishing North American security norms and practices. However, this view fails to capture the diversity of interests within North American societies and minimizes instances where Canadian and American interests are at odds.

While the United States is clearly the dominant partner in this particular security relationship, we believe that Canada can deploy autonomy-enhancing strategies when negotiating and cooperating with the United States. For example, the layered architecture of border policy has enabled Québec to partner up with the Canadian government to leverage the United States, a point which will be addressed later. We thus employ a more nuanced account of asymmetric security cooperation by focusing on the interests which drive Canada-US interactions in the realm of border security. In the context of a longstanding security relationship, such as that between Canada and the United States, we can assume that a minimal consensus about security goals has

emerged over time. The more enduring the alliance, the more likely it seems that partners will want to invest in upgrading the alliance, rather than terminating it (Hirschman, 1970). Moreover, these arrangements are supported by a hegemonic power willing to bear a greater share of the burden (Walt, 1997). The way such views translate into policy and public opinion is articulated by Meyers who states there exists,

“...a perception by Americans that Canadians think security and border issues are only a US problem and that Canadians are not taking seriously enough the security issues. In this view, Canadians are taking action only to humor the Americans and to achieve their other goals, particularly maintenance of a good relationship with the United States and complete and open access to the border, both crucial to their economy...Canadians, on the other hand, admittedly focused on their economy and the facilitation of people and goods, question whether the United States isn't overly focused on security to the exclusion of all other items, including economics and common sense. This issue becomes increasingly complicated as it relates to perceptions of sovereignty, identity, and independence” (2003; 15).

While Canada and the United States are clearly engaged in an asymmetric relationship, Canada can choose to assert its sovereignty by bearing the burden of its portion of the collective responsibility. As Sands notes, “where Canada chooses not to ‘free ride’ on the military contributions of others, it can make a significant contribution to its own national security and that of its allies” (2008: 106).

When looking at security cooperation between the United States and its allies, it is clear that the United States takes on a disproportionate share of the costs. However, focusing on this alone obscures the valued contributions of secondary states, making every ally look like a free-rider. To have a more balanced and operationalizable concept of burden-sharing, we must look at

how American and Canadian expectations about security are negotiated. The Canadian case is particularly relevant to what Zartman terms the “structuralist paradox”—that situations of asymmetry can in fact produce better agreements than symmetric negotiations—or as Zartman and Rubin put it, “that the most powerful party in terms of force or resources does not always win at negotiation” (Zartman and Rubin 2002: 12). By rejecting realist definitions of power as force and instead focusing on persuasion, influence, leverage and pressure, Zartman (1997: 18) contends that weaker powers can compensate for their weakness through several strategies, such as appealing to principle or building coalitions on particular issues. The durability of asymmetric alliances, such as that between Canada and the United States, is due in large part to complementary interests between the partners and the ability of the weaker party to make its demands and expectations heard.

In this context, it is essential to ask whether Canada is simply a free-rider caught up in American security interests or whether Canada is pursuing its own interests within the context of their bilateral relationship. Free-rider theory holds that the stronger alliance partner bears the brunt of the costs, while the weaker party is able to free-ride, enjoying the benefits of the alliance without adequately contributing to the costs (Olson, 1971). An alternative hypothesis is that burdens are shared according to the benefits respectively received by the allies (Sandler, 1993). Given substantial power differentials, weaker allies can minimize the appearance of free-riding through certain concessions, such as agreeing to the foreign use of military bases, making minimal troop commitments to joint missions, or substituting participation with increased foreign aid (for example, Donnely and Serchuk, 2005; Katada, 1997; Sakurada, 1998).

We find that neither of these perspectives regarding free-riding adequately describe Canada’s role in border security management. Canada does not simply undertake symbolic actions to minimize potential criticism from the United States. Neither does Canada shirk its

responsibilities at the border. Rather, Canada-US cooperation regarding border security is best explained in terms of an ongoing process of interest harmonization and a growing recognition that economic and security concerns at the border are two sides of the same coin. Thus, we find our perspective to be closer to Zartman than either the traditional liberal or realist views of asymmetric cooperation. The following section addresses the impact of 9/11 on border security and how it has affected shared interests regarding the Canada-US border. In a later section, we turn to Québec's contribution to Canadian border security objectives and strategies as an illustration of how Canadian concerns are being voiced.

III. 9/11 and the Border Shock

Seen as the first major attack on the American homeland since the 1941 bombing of Pearl Harbor, 9/11 had a profound effect on the American psyche and challenged prevailing definitions of security. The events of 9/11 had a lasting impact on American threat perceptions and both domestic and international security policy (Bowman, 2005). On the American side of the border, the official discourse regarding border policy now strongly prioritizes security concerns over economic ones. The fact that Canada and the United States shared the longest undefended border in the world became a liability for the United States, rather than the asset it once was. Canada's new priority has been to reassure the United States about border security without impeding trade.

Although Canada has witnessed substantial change in American border security policy since 9/11, the new American demeanor toward its northern neighbour has been hard to label. Secretary Napolitano has been straightforward in communicating the Obama Administration's nuanced approach to border management: "Let's not pretend that we can just wave a magic wand and we have a shared border management structure. It's not an easy thing to accomplish" (2009: 7). Despite this acknowledgement of the difficulties of creating a joint approach, what is often

referred to as the “thickening of the border” has largely involved the introduction of measures which make management more cumbersome and slow down cross-border movement. These measures, which will be detailed below, include an increase in the number of border guards, the introduction of new technology to enhance border security, and changing travel requirements for transit between Canada and the United States. The term “thickening” refers to increased security measures and congestion which impede cross-border flows and has been repeatedly used by Prime Minister Harper in joint press conferences with Presidents Bush and Obama to express Canadian concerns about American border management policies (CBC, 2008; Mayeda, 2009). Controversy over this term reflects that fact that the American view of the implications of changes in border policy differs from the Canadian one. Evidence of this is found in Secretary Napolitano’s statement that, “I think that phrase ‘thickening of the border’... I found it a difficult phrase. I’m not sure it’s an accurate characterization” (Savage, 2009). Regardless of the semantic disagreements, the increasing importance of the northern border in American security policy reflects the fact that, as Pastor argues, “US national security depends more on cooperative neighbors and secure borders than it does on defeating militias in Basra” (2008).

The concern over the thickening of the border stems from the fact that Canada had largely been sheltered from more intrusive security measures until the 9/11 Commission Report recommended that the Canadian and Mexican borders be tightened. This has been identified by some as the point at which US border interests became hegemonic. As Lennox suggests, “in defining terrorism as the primary existential threat to the North American homeland, the United States established a new security paradigm to which the Canadian state has no option but to conform. In practice this means duplicating in Canada the reconfiguration of the American state that was carried off after 9/11” (2007: 1021). This has resulted in what we term the application of the homeland security paradigm in Canada.

The creation of the Department of Homeland Security (DHS) immediately after 9/11 reflected a strong trend toward centralization on the American side. Canada followed suit with the creation of its Department of Public Safety in 2003. Now known as Public Safety Canada, this department was intended to serve the same coordination functions as DHS through the Government Operations Centre (GOC) which brings together an array of public safety and security-related government organizations including the RCMP, Health Canada, and the Canadian Security Intelligence Service (Public Safety Canada, 2009). The GOC is responsible for maintaining contact with the United States and NATO as well as Canadian provinces and territories which feature their own security organizations. Another example of Canada's willingness to conform to American expectations is Canada's 2009 *Intelligence Reform and Terrorism Prevention Act* which imposes stricter measures for border crossing in response to American recommendations. However, the responsiveness of Canada to American demands for increased security measures even prior to the 9/11 Commission Report has been clearly demonstrated and is based on the mutuality of interdependence among the two countries in protecting their domestic populations (Sands, 2008).

Canada's seemingly tacit acceptance of the American approach to homeland security and its emulation of certain policy changes within the United States does not mean that the application of this paradigm to Canada has occurred without consideration of the particular challenges Canada faces. Harvey (2007), in particular, stresses the potentially pernicious effects of what he terms the "homeland security dilemma" whereby the more security a nation has, the more it will need as enormous investments made in security inevitably raise public expectations and amplify public outrage after subsequent security failures. While Canada has been responsive to key American demands, particularly in the fields of intelligence sharing and terrorism prevention, Canadian border security policy has not been simply dictated by the United States.

The emergence of a shared border management structure has been the outcome of a process of negotiation on both sides of the border. Canada has been engaged by the United States as a key partner and has undertaken substantial unilateral initiatives of its own in which certain provinces have played a critical role as discussed below with the case of Québec.

Post-9/11 American national security concerns were addressed partly through measures such as the *Smart Border Action Plan* (Public Safety Canada, 2008). Developed after the December 12, 2001 signing of the *Smart Border Declaration*, the goal of the Action Plan is to build stronger border cooperation between Canada and the United States and to improve the flow of people and goods through stronger infrastructure and more efficient information sharing between the two countries (Foreign Affairs and International Trade Canada, 2001). The smart border is conceptualized as an intelligence-based strategy which keeps terrorists and other criminal activity out while letting the flow of commerce in. Bilateral agreements such as the Action Plan paved the way for the expansion of Canada-US cooperation under the North American Security and Prosperity Partnership (SPP) to include American security arrangements with Mexico. Although this initiative has been abandoned, the SPP was a promising dual-bilateral strategy to remove obstacles to trade and facilitate the flow of people and cargo, to improve emergency response and critical infrastructure protection, and to implement common border security strategies. The SPP was meant to work in the direction of harmonizing border policies, placing Canada on equal footing with Mexico in terms of addressing security concerns on the US borders (See, Andreas, 2005; Clarkson, 2008; Golob, 2008; Healy and Katz, 2008; Sokolsky and Lagassé, 2006).

The SPP aside, the adoption of the smart border approach is seen as an uncharacteristic demonstration of the United States' willingness to re-conceptualize its approach to its physical borders and as an acknowledgement that it cannot attain additional security through unilateral

actions alone (Meyers, 2003). By engaging Canada to create a smart border, the United States has demonstrated that it does not have an overriding position in border management. The participation of secondary states is essential in ensuring the security of the dominant partner, but in practice, Canada and Mexico vary in their ability to do so. Canada-US security cooperation under the smart border approach has involved the enhancement of integrated border enforcement teams (IBETS) as a joint effort to increase the responsiveness of enforcement agencies on both sides of the border, which had traditionally worked individually. IBETS have grown to include the Royal Canadian Mounted Police (RCMP), the Canada Border Services Agency (CBSA), the US Customs and Border Protection/Office of Border Patrol (CBP/OBP), the US Bureau of Immigration and Customs Enforcement (ICE) and the US Coast Guard. Three IBETS currently operate along the Québec frontier with New York, Vermont and Maine.

In addition to engaging Canadian agencies in cooperative arrangements, the United States has undertaken some unilateral initiatives which reflect its dominant position in North America. One of the most important initiatives for Canadian border security has been the more than six-fold increase in northern US border agents since 9/11. This includes the 2009 move to dispatch an additional 700 agents to patrol the Canada-United States border, bringing the total number of American border officers along the northern border to approximately 2,200 by September 2010 (MacLeod, 2009). These changes reflect in part the growing preoccupation with the Canada-United States border by Secretary Napolitano, who has stressed the legal non-differentiation between the United States' northern and southern borders and who incorrectly suggested during a 2009 interview that "to the extent that terrorists have come into our country or suspected or known terrorists have entered our country across a border, it's been across the Canadian border" (CBC News, 2009).

For its part, Canada has taken substantial unilateral initiatives in strengthening the border. These actions have shown the willingness of Canada to invest in national security independent of American demands. Since 9/11, approximately \$4 billion worth of infrastructure projects have been undertaken on the Canadian side of the border (Transport Canada, 2009). A key policy change has been the arming of Canada's border guards. Prompted by several "walk-outs" by border officers faced with dangerous incidents (see CBC News, 2006), Prime Minister Harper's government promised \$101 million to hire 400 additional CBSA officers in order to eliminate work-alone situations and to pay for weapons training. The program aims to arm 4,800 officers at all ports of entry, as well as officers who perform enforcement functions within Canada (CBSA, 2009). This initiative helps bring the capabilities of Canada's border guards in line with those of their American counterparts, but has not been accepted without criticism. The Akwesasne First Nations community has been in the forefront of opposition to this policy (See Barrera, 2009a and 2009b; Chiefs of Ontario, 2009). The arming of Canada's border guards is a clear attempt by Canada to overcome an existing asymmetry at the border without prompting or support from the United States.

To summarize, we have so far described the process of border security enhancement initiated by the United States post-9/11. Canada has engaged the United States constructively to address these mutual security concerns and to reassure the Americans about its commitment to the new security measures. In so doing, Canada has been mindful of the economic repercussions of such measures, a concern echoed by several provinces, including Québec, as well as American states on the northern border.

IV. 9/11's Economic Repercussions

Canada is more economically dependent on the United States, making its stake in the border management debate much greater. The post-9/11 trade environment of Canada and the United States has its roots in the Canada-US Free Trade Agreement of 1987 (which entered into force in 1989) and the North American Free Trade Agreement (NAFTA) of 1994 which permitted Canada to lock in what had been negotiated bilaterally in 1987 (Golob, 2008: 85). To reap the benefits of free trade, Canada and the United States adopted the Shared Border Accord in 1995 which created a long term investment plan to improve infrastructure and harmonize regulation procedures in order to create one of the most efficient borders in the world. 9/11 shifted the American objective on the border from that of ensuring efficient trade to creating a secure border and resulting in, “a challenge that threatens the very success of future North American free trade” (Bradbury and Turbeville, 2008). In the aftermath of the 9/11 attacks, Golob contends that Canadian statements reflected the fact that “economic security defined the national interest, making market access via the border the *sine qua non* of national survival” (2008: 87). However, Canada has increasingly come to recognize that economic and security interests are two sides of the same coin. As Public Safety Minister Toews recently noted, “we have to satisfy the Americans that we are also concerned about security and that we are a reliable partner because if we don't, that will impact our economic well-being. If we can't do that it will result in a thickening of the border between the United States and Canada” (De Souza, 2010).

Despite new American security measures which affect Canada directly by imposing greater controls over the circulation of goods across the border, such as the Container Security Initiative, the Customs-Trade Partnership against Terrorism, and the Free and Secure Trade program (FAST), Canada has sought to implement security measures in a way which minimizes negative effects on trade. Map 1 illustrates Canadian border crossings in the province of Québec.

FAST and NEXUS⁵ border crossings now operate in Québec at the Saint-Bernard-de-Lacolle (Champlain, NY) and Saint-Armand (Highgate Springs, VT) border crossings while the Stanstead (Derby Line, VT) crossing is FAST equipped. These three crossings account for approximately 7.8 per cent of total Canadian road trade with the United States and have seen over \$378.5 million worth of infrastructure improvements since 2001 (Transport Canada, 2009). The degree to which the Canadian economy is linked to the speed of cross-border travel remains an important concern for policymakers and citizens alike, particularly since delays at ports-of-entry have persisted despite ongoing improvements.

[Map 1 about here]

The current global economic downturn has also put pressure on border issues between Canada and the United States. Exports to the United States are, like for the rest of Canada, vital to Québec's economy, representing 80 per cent of its international exports and worth approximately \$57 billion (MRI, 2006a: 13). No clear consensus has emerged regarding the impact of new border regulations on Canada-US trade. As indicated in Figure 1, Canadian merchandise trade with the United States has remained fairly stable in the post-9/11 period. Yet, at the very least, new security regulations have increased the costs of shipping goods to the United States. In the United States, frustrations have been felt at the state level with business groups speaking out about the economic losses incurred due to the slowdown at the border. Shifting patterns in the use of specific border crossings greatly impact on border communities (CBC News, 2009a). Some have suggested that American security measures are equivalent to non-tariff trade barriers between Canada and the United States (MacPherson and McConnell, 2007: 301; see also Andreas, 2003; Andreas and Biersteker, 2003; Bradbury and Turbeville, 2008). Other questions have been raised as to why two countries which are party to a free trade agreement even continue to have Customs officers stationed at the border (Meyers, 2003: 15).

[Figure 1 about here]

One side effect of the increased costs of doing business post-9/11 has been the effort by some Canadian business to move away from the US market (MacPherson et al., 2006). More recent studies suggest that there have been significant adverse effects on Canadian exports. For example, Globerman and Storer (2009; 2008) suggest that public and private sector programs put in place since 9/11 may not as yet have compensated for the additional costs imposed by new border security regulations. The authors offer a comparison of projected Canadian exports in the absence of 9/11 border effects with actual export data to illustrate a potential export shortfall following 9/11. However, only future analysis will demonstrate the degree to which a potential 9/11 shortfall has affected both Canada and Québec's economies.

In focusing primarily on the economic repercussions of 9/11, Canadian policymakers did not fully appreciate the challenges that the country's federal structure would pose in formulating and executing a new approach to border management. The following section employs a case study of Québec to illustrate how recent developments have forced a reconsideration of Canada's commitment to the smart border approach and the American homeland security paradigm. Below, we argue that Québec's stand on border security has enhanced Canada's position vis-à-vis the United States.

V. The Québec-US Frontier

Québec's role in Canadian border security reflects important regional variations in border management. As a province within the federation of Canada, Québec operates under the "Gérin-Lajoie Doctrine" (see Paquin, 2006; also McRoberts, 2001). This doctrine implies that Québec ensures, at the international level, the extension of its domestic areas of constitutional jurisdiction and enables Québec to sign non-binding international agreements with sovereign countries.

Based on its application of the Gérin-Lajoie Doctrine, Québec's international security objectives as defined by the Québec Department of International Relations, or Ministère des Relations internationales (MRI) including preserving the flow of trade, making strategic infrastructure more secure, and ensuring that Québec does not become a source of threats to its partners (MRI, 2006b: 23). Québec's interests, so defined, are aligned with the interests pursued by the Canadian government. Moreover, Québec can deploy resources to bolster Canada's position when engaging with the United States. Québec's international presence is based on its Delegations and General Delegations, the mandate of which includes establishing lasting relationships with governments, opinion leaders and policy stakeholders and using their position of influence to expand Québec's market and expertise (MRI, 2010). Québec's relationships with American states, and strong presence in Washington, extend Canada's reach when Québec and Ottawa share the same goals. Canada thus benefits from a multi-level network that is an asset in bilateral negotiations and an asset which is unmatched on the American side.⁶ This layered approach to security cooperation has worked to redress the asymmetry inherent in the Canada-US relationship. Indeed, Canada's position has been strengthened by Québec's role in border policy.

The Québec government has been a strong proponent of the decentralized approach to border management, claiming that today's security threats are best addressed at the provincial level, rather than the federal level. Though there is a strong organizational interest in perceiving border management as decentralized, the so-called "new" threats to security, such as transnational organized crime, terrorism and threats to public safety and health, all require a solution that does not necessarily involve the military or other exclusively federal jurisdictions. In its various policy statements, the MRI lays out a list of threats which preoccupy international organizations, national governments, and local governments alike and describes how government

agencies at all levels share jurisdictions over these problems. The federal government has recognized this new dynamic in its *National Counter-Terrorism Plan*.

The government of Québec gives special emphasis to reconciling provincial interests with federal policy requirements. In the case of Québec, unilateral steps have been taken in response to post-9/11 security imperatives. A key initiative has been the conclusion of bilateral agreements with bordering states including Vermont, Maine, Massachusetts, New Hampshire and New York. Nevertheless, local governments in both Québec and the United States have expressed dissatisfaction with the continued centralization of national security policy since 9/11. The tension that sub-national governments face in responding to national challenges is expressly highlighted by Thacher (2005) who stresses that the costs of security are borne by locals while the benefits of enhanced national or international security are not easily measured in terms of local gains. Although measures to prevent terrorism have focused primarily on border security, provincial level policy changes have also played an important role, including collaboration with the United States to ensure the security of critical infrastructure (De Souza, 2010) as well as public information technology systems and personal information which may be used by potential terrorists.

With regard to border security, the Government of Québec, through the Sûreté du Québec (SQ) and the City of Montreal Police Department (SPVM), implements Canadian and American federal initiatives (MRI, 2008). An important provincial program to ensure increased border security while giving greater liberty to the province's population has been the enhanced driver's license (EDL), developed by the Société de l'assurance automobile du Québec (SAAQ), which may be used in place of a passport by travelers entering the US by land or sea.⁷ The SAAQ estimates program costs to be approximately \$12.8 million. For the program to break even, about 10 per cent of drivers in Québec, or a total of 500,000 people, must request an EDL and pay the

additional \$40 fee (Dougherty, 2009). The continued ease of travel between Canada and the United States at Québec border crossings will ultimately determine the future success or failure of this provincial program.⁸

Other Québec initiatives include the creation of the Internal Security Branch and Information Security Management Centre, the creation of SQ's counter-terrorism department, the permanent assignment of the SQ to the Maritime Security Enforcement Team, and the securing of infrastructure at Hydro-Québec's publicly-owned power generation facilities (MRI, 2008; MRI, 2010). The government of Québec actively participates in the Northeast Regional Homeland Security Directors Consortium which is comprised of ten states and the provinces of Ontario and New Brunswick. Through its Ministère des Transports, Québec belongs to several multilateral alliances such as the Eastern Border Transportation Coalition (EBTC) which encompasses states and provinces along the eastern segment of the Canada-US border (MRI, 2006a: 14). The development of these organizational relationships has served to enhance rather than restrict the autonomy of Québec as a political actor (see Kukucha 2008).

Despite the fact that the smart border approach is accepted as the policy paradigm which Québec operates under, important concerns with this approach have been raised. Although decisions relating to border issues fall under the exclusive jurisdiction of the federal government, these decisions have a direct impact on the responsibilities of the provinces which must adjust their legislation, policies, and programs accordingly. The provinces are not invited to bilateral negotiating tables, yet their participation is essential to the successful implementation of the smart border approach. Indeed, this layered framework has created a space for Québec to further Canadian interests. Despite efforts made by the Québec government subsequent to the *Smart Border Declaration*, participation in the new security programs by Québec businesses remains a strategic challenge. Until now, few of Québec's small and middle sized businesses have

registered for the smart border transit programs with the risk that over the medium term this will negatively affect the competitiveness of Québec businesses that export to the US market (MRI, 2006a: 15). Similarly, the low enrolment rates of trucking firms in FAST have been pointed to as an ongoing concern (Globerman and Storer, 2009: 184).

[Figure 2 about here]

When examining the effects of new border security policies in the province of Québec, it is clear from Figure 2 that traffic from Québec into the United States, though variable, has declined at almost every significant border crossing in the region since 2002. Even so, cross-border travel in Québec offers a different picture from the national one. Given the continued travel by Canadians to the United States as illustrated in Figure 3 below and the notable decrease in American travel across the Canada-US border since 2001, a clear asymmetry in the importance of the border continues to exist. While cross-border travel and tourism is a complex issue, the perception by American officials and policymakers of the ease with which the Canadian border can be crossed does not seem to match the reality of American northbound travel. However, the seemingly increasing difficulty of crossing the Québec frontier into the United States does suggest that changes are taking place at the border with important repercussions for the economic growth of the region.

[Figure 3 about here]

The case of Québec demonstrates that it is possible to reconcile provincial and national security concerns. Québec's actions are bolstering Canadian efforts in the realm of border security by cultivating strong ties with American states and through its sustained presence in Washington, as exemplified by the Québec Government Office. Not only is Canada taking independent initiatives regarding border security, but so are its sub-national governments, which

are uniquely positioned to design tailored, local responses to national policy objectives. Burden sharing along the Québec-US frontier is taken up in large part by agencies from the province of Québec such as the SQ. However, Québec also demonstrates the importance of identifying the actors involved in executing shared border management strategies. Multiple actors are often at work with competing interests. This is reflected in part by Québec's continued assertion that transnational security threats require local responses and that critical infrastructure should be protected by local agencies. In the case of border security, Québec has instrumentalized the layered security architecture to further the Canadian position, a show of support which may not be forthcoming in a distinct issue area.

V. Conclusions

Alternatives to the smart border approach have had uneven attention in policymaking circles despite their prominence in the Canadian foreign policy literature. One alternative approach is the external perimeter strategy which emphasizes border security at the external boundaries of Canada and the United States to reduce the emphasis on the internal Canada-US border itself, where levels of interaction and commerce make it more difficult to provide effective security. As MacPherson et al. argue, "in essence, the goal would be to develop a border-management philosophy similar to the one adopted by the European Union" (2006: 317). Like the EU, in moving toward an external perimeter strategy, Canada should seek to build a larger sense of a North American community which would serve to secure its political sovereignty while protecting the Canadian economic interest by creating enforceable rights and obligations (Gotlieb, 2004: 39). Proposed institutions for the external perimeter strategy include a customs union, a North American commission and a common team of customs and border guards to man the borders and the continental perimeter.

A modest step in this direction was taken when President Obama and Prime Minister Harper signed a perimeter security deal on February 4, 2011. Though the details of this initiative are still unknown, it is expected that measures will include jointly-operated border facilities, a harmonized entry-exit system for travelers in Canada and the United States and greater information sharing. The goal is to target threats before they reach North America, thereby enabling both countries to ease traffic at their shared border to facilitate trade. There is no set timeline for the implementation of this agreement so it is difficult to tell how big a step away from the status quo this will represent.

Prior to the signing of the Obama-Harper deal, the perimeter approach was perceived as dangerous in Ottawa, representing an expansion of Canada's security obligations beyond what the country was perhaps able to perform. In fact, the rejection of an EU-like structure which would entail the reduction of national sovereignty for participating governments is enshrined in the smart border approach (SPP, 2009). While this can be attributed to an explicit attempt to sideline domestic opposition to border management changes in Canada (Healy and Katz 2008), national sovereignty concerns and a reluctance on the part of the American government to cede risk-management responsibilities to its counterparts (Globerman and Storer, 2009: 184), a commitment to advancing Canada's privileged position vis-à-vis Mexico (Golob, 2008: 84), or simply the fact that bilateral negotiations have proven to be a successful strategy in the past (Meyers, 2003: 25), the current dual-bilateral approach has contributed to the continued differentiation in the importance of the Canada-US border in national security policies. Despite this, and criticism from the American and Mexican publics, the existing approach to border security management does have its supporters who ask "if not the SPP, what?" (see Sands and Anderson, 2008). Perhaps the perimeter security deal will offer some answers.

Other proposed alternatives involve the development of a Canada-US customs union (see Dobson, 2002; Goldfarb, 2003). Bilateral external tariff harmonization, in the context of a customs union, would free up resources for firms to meet existing smart border security procedures (Globerman and Storer, 2009). Complying with existing NAFTA regulations is seen as a similar alternative while the development of a common market is seen as an option offering even deeper integration within North America. However, by focusing solely on the economic repercussions of new border regulations these proposals may overlook the broader security implications of further Canada-US integration and potential changes to the smart border strategy. Such proposals are also largely agnostic on the role of Mexico or Latin American countries in further integration efforts.

Regardless of what alternatives are being considered, it has become increasingly clear that the Obama Administration is ready to move towards a continental approach to border security. Given past efforts, such as NAFTA, which aimed to eliminate the borders between the three countries, it seems counterproductive for the Obama Administration to raise new walls. The dual-bilateral strategy of the SPP exacerbated the defining and debilitating characteristic of the United States' relations with its neighbors—asymmetry—and failed as a policy (Pastor, 2008). A North American approach, as advocated by Pastor (2008), should be premised on the belief that each country benefits from its neighbors' successes and each is diminished by their problems or setbacks. Overcoming the asymmetries which exist in North America is the long term key to ensuring security on the continent. While the thickening of the Canada-US border has spurred greater cooperation between the two nations, it has not led either country to be safer in a measurable way and has had clear negative effects on trade and the day-to-day lives of those in border communities.

Despite the costs imposed by the smart border approach, a number of benefits can be identified. As a result of this approach, Québec is emerging as an important actor in North American border security. Its bilateral treaties with various American states testify to the fact that many border security issues cannot be addressed solely at the federal level. Secondly, the smart border approach has brought increased cooperation at the organizational level between federal, provincial and local agencies, and between Canadian agencies and their American counterparts. The integration of various security-related organizations may lead to better and more comprehensive security provisions on both sides of the border in the future.

In sum, there remains room for improvement in Canada-US border management. The leaders of Canada, the United States and Mexico need to articulate a clear vision for North American security that moves away from the current focus on land borders and adequately deals with the transnational issues—including public health threats, the drug trade and climate change—which may become the most relevant threats to national security in the future. In light of this, future research should be directed towards whether a process of collective securitization of transnational issues is occurring on the North American continent (see Haacke and Williams, 2008).

Both the American and Canadian publics appear to support deepening security cooperation at the border. Public opinion surveys (SES and the University at Buffalo, 2007) show that Americans and Canadians favour closer cooperation with each other on border security issues. In addition, 67.2 per cent of Québec respondents were in favour of deeper border security cooperation with the United States while 76 per cent of Northeastern respondents favour closer cooperation with Canada. In terms of national security, 70 per cent of Québec respondents and 84.7 per cent of Northeastern respondents believed that existing cooperation between Canada and the United States should be maintained or increased. These numbers suggest that adopting the

perimeter strategy, which may offer the prospects of a more symmetric security relationship than the smart border approach, is a better reflection of the existing consensus regarding security cooperation.

Notes

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² All figures are reported in Canadian dollars unless specified to be otherwise.

³ Our argument, like that of Bow (2009), challenges thoroughly structuralist accounts of the Canada-US relationship which emphasize the overriding role of power asymmetries. We support his view regarding the potential for Canada to pursue an autonomous foreign policy yet we stress the role of critical provinces in shaping or bolstering Ottawa's negotiating power.

⁴ The United States has experienced similar state-level mobilization on border policy.

⁵ NEXUS is designed to expedite the border clearance process for low-risk, pre-approved travelers into Canada and the United States. Eligible individuals apply for acceptance into the program which is geared towards frequent cross-border travelers. For more details, see the

CBSA's NEXUS page at: <http://www.cbsa-asfc.gc.ca/prog/nexus/menu-eng.html> (September 10, 2009).

⁶ The idea of a multi-level network is inspired from the literature on European integration and multi-level governance. See for example, Marks, Hooghe and Blank (1996) and Jachtenfuchs and Kohler-Koch (2004).

⁷ Enhanced driver's licenses are available in the provinces of British Columbia, Ontario and Québec. Enhanced identity cards are available in the provinces of British Columbia and Manitoba. See, the Canadian Border Services Agency's *Western Hemisphere Travel Initiative* at: <http://www.cbsa-asfc.gc.ca/whti-ivho/edl-pcp-eng.html> (August 24, 2009).

⁸ A similar Federal initiative has been geared towards First Nations. Canada obtained approval from United States Customs and Border Protection for the Secure Certificate of Indian Status (SCIS) for use as a cross-border document. The new SCIS is accepted by US Customs when First Nation individuals present it at a land or sea border crossing. See, Chiefs of Ontario (2009).

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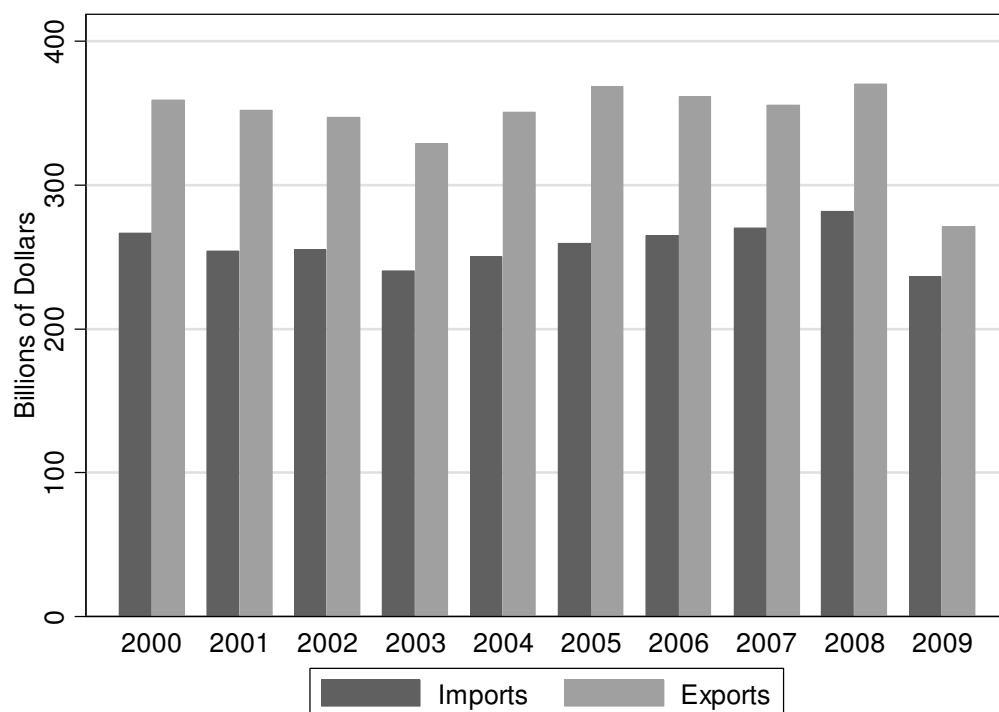
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Figure 1. Annual Canadian Merchandise Trade with the United States, 2000-2009.

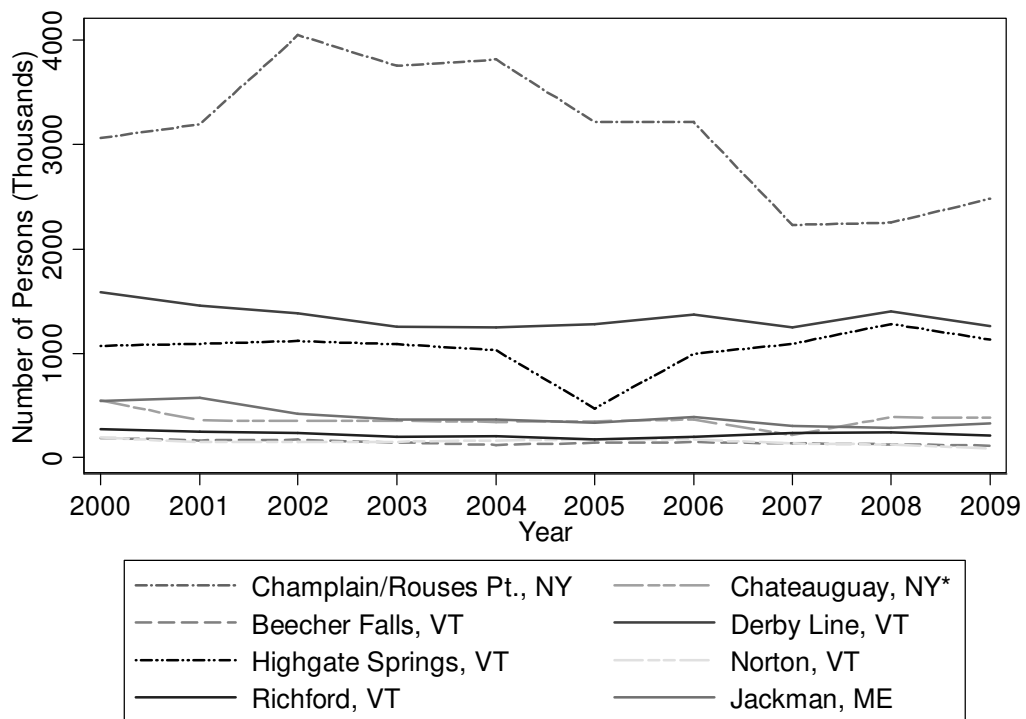
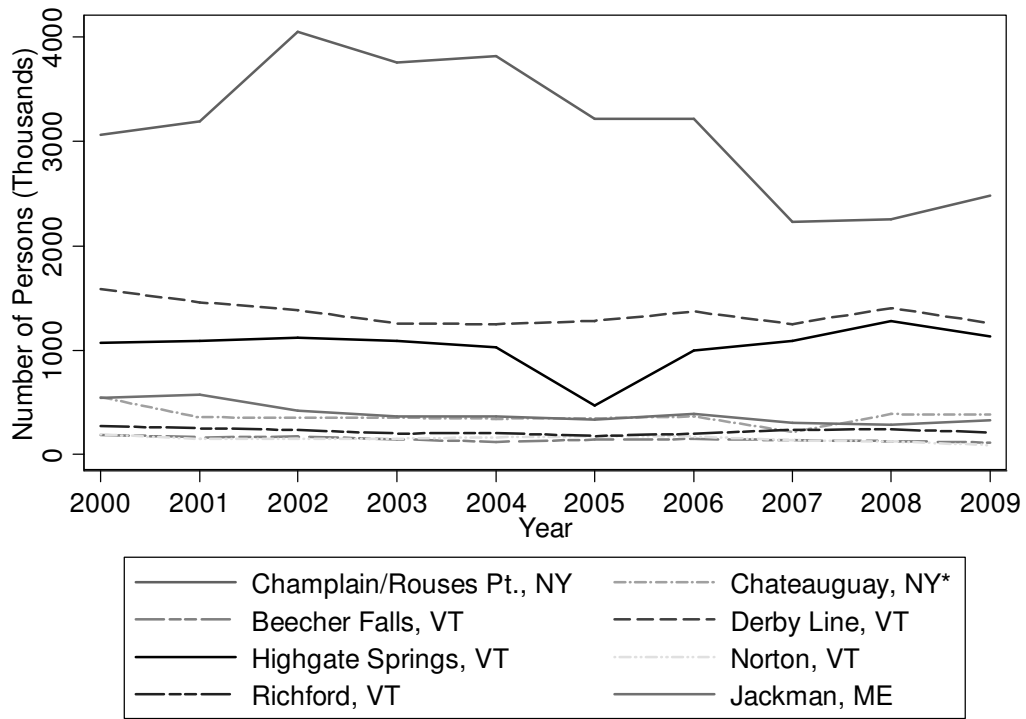


Source: Statistics Canada (2011a).

Statistics Canada (2011a). *Table 228-0003 – Merchandise imports and exports, by major groups and principal trading areas for the United States, including Puerto Rico, annual (dollars)*. CANSIM (database), Using E-STAT (distributor). http://estat.statcan.gc.ca/cgi-win/cnsmcgi.exe?Lang=E&EST-Fi=EStat/English/CII_1-eng.htm. (Accessed March 23, 2011).

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Imports	266.51	254.33	255.23	240.36	250.04	259.33	265.09	270.07	281.56	236.29
Exports	359.02	352.17	347.05	328.98	350.58	368.28	361.44	355.73	370.02	271.17

Figure 2. United States Border Crossings from the Québec Region by Car and Bus, 2000-2009.



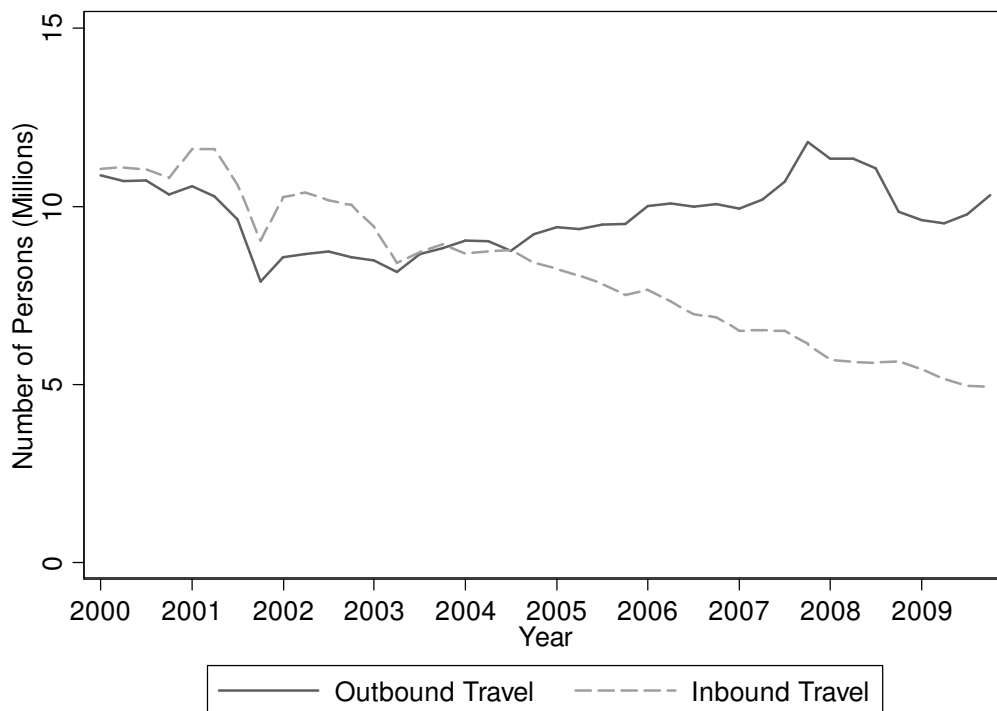
Source: U.S. Department of Transportation (2011).

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TABLE 2: Annual Number of Passengers by Car and Bus at United States' Ports of Entry along the Québec Frontier (in thousands of persons), 2000-2009.

Year	Champlain	Chateauguay	Beecher Falls	Highgate Springs	Derby Line	Norton	Richford	Jackman
2000	3064.346	550.552	190.477	1073.21	1584.059	193.65	274.216	541.049
2001	3193.427	357.693	166.694	1092.595	1460.398	149.103	252.248	572.282
2002	4049	354.893	173.118	1118.166	1383.989	153.983	237.079	423.585
2003	3755.711	352.832	146.578	1087.186	1257.067	153.462	202.278	363.262
2004	3815.7	344.259	123.444	1029.985	1249.602	166.109	207.451	364.849
2005	3217.508	348.459	142.952	473.141	1280.917	175.771	177.824	337.837
2006	3214.777	366.094	149.602	995.484	1371.811	173.245	201.043	387.97
2007	2230.193	216.541	138.868	1090.649	1251.113	137.117	239.796	302.121
2008	2252.448	387.592	128.993	1282.659	1405.223	126.759	241.993	288.157
2009	2481.076	385.218	115.883	1132.39	1259.935	91.538	212.142	329.54

Figure 3. Canada-United States Cross-Border Travelers, 2000-2009.



Source: Statistics Canada (2011b).

Statistics Canada. (2011b). *Table 387-0004 - International travellers, quarterly (persons)*. CANSIM, Using E-STAT. http://estat.statcan.gc.ca/cgi-win/cnsmcgi.exe?Lang=E&ESTFi=EStat/English/CII_1-eng.htm. (Accessed March 23, 2011).

TABLE 3: Number of International Travelers from the United States (in thousands of persons) with a quarterly seasonal adjustment, 2000-2009		
Quarter	Inbound Travel	Outbound Travel
2000/03	11059	10883
2000/06	11096	10710
2000/09	11031	10736
2000/12	10808	10337
2001/03	11604	10564
2001/06	11607	10280
2001/09	10608	9633
2001/12	9052	7891
2002/03	10264	8578
2002/06	10394	8672
2002/09	10176	8739
2002/12	10044	8570
2003/03	9431	8480
2003/06	8415	8169
2003/09	8726	8669
2003/12	8937	8833
2004/03	8679	9043
2004/06	8738	9030
2004/09	8781	8759
2004/12	8428	9216
2005/03	8249	9419
2005/06	8058	9360
2005/09	7829	9502
2005/12	7520	9513
2006/03	7667	10016
2006/06	7338	10089
2006/09	6971	9993
2006/12	6897	10075
2007/03	6511	9943
2007/06	6532	10189
2007/09	6506	10697
2007/12	6146	11811
2008/03	5703	11334
2008/06	5633	11345
2008/09	5620	11073
2008/12	5649	9861
2009/03	5443	9610
2009/06	5164	9533
2009/09	4977	9785
2009/12	4941	10326

Notes: Travellers include crews, seasonal workers and commuters as part of international travel.
