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The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

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**The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open
Canada-United States Border**

**By
Jessica Shultz**

**A Thesis
Submitted to the Faculty of Graduate Studies
through Political Science
In Partial Fulfillment of the Requirements for
the Degree of Master of Arts at the
University of Windsor**

Windsor, Ontario, Canada

2009

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ABSTRACT

The Canada-US border is commonly referred to as the world's longest undefended border. The Canadian and American economies have become increasingly interdependent during the 20th century, making their shared border a means to economic prosperity. Immediately after the 9/11 terrorist attacks, the United States' perception of the porous border shifted from a symbol of friendship to a security risk. The Bush administration was concerned that the border, which was largely unguarded between official ports of entry, was a risk to terrorism and the cross-border smuggling of drugs, small arms, and humans. Borders reemerged as a means to security when the Bush administration took action to increase security along US borders. Canada's economic stability is entirely dependent on the US market and the open Canada-US border, so Canadian policymakers immediately proposed a bilateral border security agreement that would keep the border open to trade and closed to illegal activity. This proposal led to the implementation of the Smart Border Declaration in December 2001. Part of the Declaration stipulated that Integrated Border Enforcement Teams (IBETs) would be expanded across Canada. These teams are comprised of law enforcement agencies from Canada and the US, who share intelligence and patrol the border between ports of entry to more effectively police cross-border criminal activity. The purpose of this thesis is to investigate why it has become more effective to secure the Canada-US border through bilateral initiatives like IBETs than through unilateral initiatives since 9/11. The extent to which Integrated Border Enforcement Teams have fulfilled the objectives of the Smart Border Declaration are critically examined, as are the outcomes of shared intelligence through IBETs and their presence between ports of entry along the Canada-US border.

DEDICATION

I would like to thank my supervisor, Dr. William Anderson, for his guidance throughout the writing process. I would also like to thank Steven for his patience and support.

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LIST OF ABBREVIATIONS

APEC=Asian Pacific Economic Corporation
CBSA=Canada Border Services Agency
CEO=Chief Executive Officer
CIA=Central Intelligence Agency
CIC=Citizenship and Immigration Canada
CSIS=Canadian Security Intelligence Service
CUFTA= Canada-US Free Trade Agreement
DEA=Drug Enforcement Administration
DFAIT=Department of Foreign Affairs and International Trade
DHS=Department of Homeland Security
EU=European Union
FBI =United States Federal Bureau of Investigation
FTA=Free Trade Agreement
GHB=Gamma Hydroxyl Butyrate
GPS=Global Positioning System
IBET= Integrated Border Enforcement Team
IBIT=Integrated Border Intelligence Team
IMET=Integrated Marine Enforcement Team
IMF=International Monetary Fund
INS=Immigration and Naturalization Service
INTERPOL=International Criminal Police Organization
JIG=Joint Intelligence Group
JMT=Joint Management Team
MDMA=Methylenedioxymethamphetamine (Ecstasy)
NAFTA= North American Free Trade Agreement
NORAD=North American Aerospace Defence Command
OMG=Outlaw Motorcycle Gang
OPP=Ontario Provincial Police
RCMP=Royal Canadian Mounted Police
RCMP NSCI=Royal Canadian Mounted Police National Security Criminal Investigations
RTA=Regional Trade Agreement
SPOC=Stability Pact Initiative Against Organized Crime in South-Eastern Europe
TCO=Transnational Criminal Organization
THC=Tetrahydrocannabinol
UN=United Nations
UNODC=United Nations Office for Drug Control and Crime Prevention
US=United States
US CBP=United States Customs and Border Protection
USCG=United States Coast Guard
US ICE=United States Immigration and Customs Enforcement
WTO=World Trade Organization

The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

Introduction

The Canada-United States border extends for 6,416 kilometers between the Atlantic and Pacific Oceans, and an additional 2,475 kilometers along the Pacific and Arctic Oceans.¹ The world's longest continuous boundary² is more commonly referred to as the world's longest undefended border.³ Geographic proximity has always made it in the best interests of Canada and the United States to establish long-term security and economic alliances. Over the past 200 years, the two countries have developed a history of friendship and mutual trust as their economies have become more intertwined. The implementation of the Canada-US Free Trade Agreement (CUFTA) in 1988 and the North American Free Trade Agreement (NAFTA) in 1994 only deepened this interdependence. The effects of these agreements are astounding: between 1989 and 1999, two-way trade between Canada and the US increased by 167%.⁴ Every minute of the day, over \$1 million of goods cross the Canada-United States border,⁵ totaling \$500 billion in annual two-way trade.⁶

¹ See Figure 1.

² International Boundary Commission, "Good Neighbours: A Short History of the Canada-US Boundary," <http://www.internationalboundarycommission.org/centennialhist.html> (accessed February 25, 2009).

³ Canada, "Border Cooperation," last updated November 25, 2008, http://www.canadainternational.gc.ca/washington/bilat_can/border_frontiere.aspx?lang=eng&menu_id=34&menu=L (accessed January 31, 2009).

⁴ Blayne Haggart, *Canada and the United States: Trade, Investment, Integration, and the Future*, Depository Services Program, Government of Canada, April 2001, <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/BP/prb013-e.htm> (accessed February 3, 2009).

⁵ "Border Cooperation."

⁶ Frank McKenna, Address to the Association of Canadian Studies in the United States, St. Louis, Missouri, November 17, 2005, http://www.canadainternational.gc.ca/washington/offices_bureaux/amb/051117.aspx?lang=eng (accessed February 3, 2009).

Regional economic integration has brought about many positive outcomes for North America, but the ways in which globalization has undermined security cannot be overlooked. During the 1990s, the growth of legitimate global corporations was paralleled by a surge in global criminal organizations. These illicit industries have not only increased levels of violence, crime, and drug abuse in Canada and the United States; they also present a major security risk to the Canada-US border. The surge in cross-border commerce between Canada and the United States since the implementation of CUFTA and NAFTA has made it increasingly difficult to weed out the illicit from the licit along the 9000-kilometer border.

Immediately following the terrorist attacks in New York and Washington D.C. on September 11, 2001, the Bush administration abandoned its focus on the economy in its efforts to secure all points of entry into the United States. The administration's post-9/11 security strategy was based on the premise that increasing border security would help prevent another attack. However, increased security along the Canada-US border and the subsequent traffic delays at ports of entry into the US had devastating economic effects. The paradox of creating a border open to trade and closed to dangerous goods and people became evident in the immediate aftermath of 9/11. A porous border that would permit the efficient movement of goods and people would be vulnerable to terrorism and cross-border crime. Conversely, conducting a thorough search of each person and vehicle crossing the border at ports of entry would cripple the bilateral trade relationship. Even with a secure border, the laws of supply and demand dictate that if there is an increased demand, high profits increase the incentive to transport illicit goods and people across the border. Trying to stop these illicit flows by increasing security at official ports of entry is

reactive in nature and acts on the presumption that people with unlawful intentions will only cross the border at designated entry points. Because official ports entry have become more secure since the 9/11 attacks, many individuals who are involved in cross-border illicit activity will cross the border *between* ports of entry, where the border is difficult to patrol and the chances of being apprehended are lessened.

Motivated by the need to maintain a Canada-US border open to trade, Canadian policymakers have strengthened the bilateral security relationship by proposing a bilateral agreement that aimed to link economic and security issues. The *Smart Border Declaration* border security agreement, signed by US Director of Homeland Security Tom Ridge and Canada's Minister of Foreign Affairs John Manley in December 2001, outlines a four-pillar action plan that sets out to resolve the conflict between trade and security at the Canada-US border. The *Declaration's* objectives are meant to improve collaborative security efforts while making it even more efficient for legitimate goods and people to cross the border.⁷

The 9/11 attacks created a newfound focus on securing the border between ports of entry and investing resources to patrol areas where cross-border crime is most likely to occur. Maintaining a Canada-US border that is open to trade but closed to illicit activity can only be achieved through strategic initiatives like Integrated Border Enforcement Teams (IBETs), which police cross-border criminal activity between official ports of entry. These teams were developed before 9/11, but were given priority in the *Smart Border Declaration*. The *Declaration* states that intelligence and information coordination and sharing will be improved through the establishment of joint teams like

⁷ Canada, *The Canada-US Smart Border Declaration and Action Plan*, 2001.

IBETs, and that these teams will be expanded across Canada and the United States.⁸

IBETs were expanded after 9/11 as part of the United States and Canada's attempts to monitor cross-border terrorist activity. In doing so, these teams have also played a major role in policing the cross-border trafficking of illicit drugs, small arms, and people between official ports of entry.

This qualitative research study examines Integrated Border Enforcement Teams and their efforts to curb the illicit flow of small arms, drugs, and humans along the Canada-US border. This study will focus on addressing the following research question: have Integrated Border Enforcement teams met their operational objectives since the signing of the Smart Border Declaration?

Recognizing the dynamics of post-9/11 border security has generated the following thesis: the 9/11 attacks generated the political will to prioritize collaborative border security initiatives like Integrated Border Enforcement Teams, which enabled these teams to achieve their operational objectives.

Even if Integrated Border Enforcement Teams have succeeded in meeting their operational objectives, it cannot be assumed that these teams are an effective method of policing cross-border criminal activity due to the limitations of assessing *effectiveness*. Effectiveness would imply that because of IBET efforts, the interdiction rate at the border has increased. There have been various initiatives after 9/11 to better secure the Canada-US border, making it impossible to isolate the effects of IBETs alone. The absence of reliable statistics also makes it impossible to accurately assess *effectiveness*. IBETs are

⁸ Ibid.

responsible for policing illicit industries. Statistics on these industries are estimates at best, and since it is impossible to know the rate at which illicit activity has been increasing, the rate of interdiction cannot be determined. In spite of these limitations, examining IBETs abilities to meet their operational objectives is worthwhile, because it explores innovative methods of fighting international crime with international policing efforts.

The first chapter of this thesis provides a theoretical analysis of economic liberalism, and discusses the global shift away from protectionism and towards regional integration. This chapter examines the benefits of globalization, specifically the positive outcomes of the Canada-US Free Trade Agreement (CUFTA) and the North American Free Trade Agreement (NAFTA). Finally, this chapter discusses how globalization has changed the role of political borders, focusing on the reduced power of the state to monitor and control the growth of global business. Chapter 2 examines the negative consequences of globalization, namely the parallel rise of global legitimate business and the illicit drug, small arm, and human smuggling industries. This chapter also studies the ways in which these illicit criminal organizations have undermined efforts to police the porous Canada-US border during the 1990s. Chapter 3 discusses the re-emergence of the Canada-US border after the 9/11 attacks. Efforts to close the border to criminal activity while keeping it open to trade are critically analyzed. Chapter 4 discusses the methodology of this qualitative study. This chapter outlines the operational objectives that were used to analyze the role of IBETs in securing the Canada-US border between ports of entry. Information obtained from media reports, government documents, and elite interviews were used to explain the origins, purpose, and goals of IBETs after 9/11.

These documents and interviews were examined in order to determine whether IBETs have fulfilled the goals outlined in the *Smart Border Declaration*. Case studies of intelligence-led IBET operations and patrolling sessions were examined in order to determine whether their presence along the border is a useful method of curbing cross-border criminal activity. Chapter 5 outlines Canada's efforts to maintain its economic interdependence with the United States through improving its border security. This chapter also highlights the need for cooperative efforts to combat global crime through initiatives like Integrated Border Enforcement Teams (IBETs), and provides a survey of the origin, composition, and goals of IBETs. Chapter 6 critically analyses IBET operations, and through the examination of media reports, interviews, and official documents, discusses the extent to which IBETs have fulfilled their operational objectives, which were generated from the *Smart Border Declaration*. Other benefits of IBETs that were not addressed in the *Smart Border Declaration*, particularly the increase in seizures and arrests between ports of entry, will also be mentioned. Chapter 7 examines the limitations of Integrated Border Enforcement Teams. This chapter also provides conclusions and recommendations based on a comparison of IBETs with collaborative policing efforts between European Union member-states.

Chapter 1: Globalization and Regional Integration in North America

1.1 Economic Liberalism

Illicit industries have become global since the 1990s, increasing both in power and scope. There is a wide consensus that the larger process of globalization has fueled the growth of these industries. Although globalization can be discussed in social and cultural

terms, this study will focus on the economic component of globalization. The process of globalization is based on the theoretical principles of economic liberalism. Proponents of this theory denounce state-run economies,⁹ instead advocating for an independent private sector.¹⁰ According to economic liberalism, the state should have limited control over prices and economic activities,¹¹ and should avoid placing domestic restrictions on the international movement of commerce.¹² State action should be limited to allowing for the free movement of the market economy and providing an infrastructure and legal system that safeguard private property.¹³ State governments should also take proactive measures to lower barriers to trade and encourage the growth of private business¹⁴ through actions like reducing the number of state-owned enterprises.¹⁵

These ideals have only recently become the foundations of a global economy, but proponents of economic liberalism have opposed tariffs and other state-imposed limitations on the global movement of economic goods for hundreds of years.¹⁶ Economic liberalists argue that free-market economies are more efficient than state-run economies,¹⁷ claiming that “market-led, short-term efficiency will lead to long-term

⁹ Gerd Nonneman, “Economic Liberalization: The Debate,” in *Political and Economic Liberalization: Dynamics and Linkages in Comparative Perspectives*, ed. Gerd Nonneman (Boulder: Lynne Rienner Publishers, 1996), 4.

¹⁰ Ibid.

¹¹ Ibid.

¹² Jan Aart Scholte, *Globalization, A Critical Introduction*, 2nd ed. (New York: Palgrave MacMillan, 2005), 16.

¹³ Moisés Naim, *Illicit: How Smugglers, Traffickers and Copycats are Hijacking the Global Economy* (New York: Doubleday, 2005), 18.

¹⁴ Nonneman, 6.

¹⁵ Naim, 18.

¹⁶ Scholte, 38.

¹⁷ Scholte, 16.

growth.”¹⁸ Furthermore, privatization and deregulation are said to reinforce the principles of freedom, democracy, and peace.¹⁹

By the 1980s, a general consensus had emerged that the global economy could be more effectively stabilized through the market economy than by the state.²⁰ Commonly known as the *Washington Consensus*,²¹ this consensus emerged after many state-run economies during the 1970s were found to be extremely inefficient due to the lack of competition, incentives, and rewards. State-run economies wasted government resources and created deficits instead of predicted revenues. Ultimately, state-run economies were blamed for the global debt crisis of the 1980s.²² By the late 1980s, support for state-run economies was plummeting, and the ideals of economic liberalism soon became the “compass for economic policymakers around the world.”²³

Economic liberalism in practice soon became known as globalization, which Barbara Harriss-White defines as the “worldwide integration of markets.”²⁴ This interconnectivity of markets was complemented by global advances in information technology and communications, which have contributed to an unprecedented level of global integration.²⁵ Supporters of economic liberalism had long argued that a market-led global economy would lead to more efficient production and contribute to global stability. Transforming theory into policy has only demonstrated the validity of these

¹⁸ Nonneman, 4.

¹⁹ Scholte, 38.

²⁰ Nonneman, 6.

²¹ Nonneman, 3.

²² Nonneman, 5.

²³ Barbara Harriss-White, “Globalization, Insecurities and Responses: An Introductory Essay,” in *Globalization and Insecurity: Political, Economic, and Physical Challenges*, ed. Barbara Harriss-White (New York: Palgrave, 2002), 18.

²⁴ Harriss-White, 1.

²⁵ *Ibid.*

claims: communication is instant²⁶ and trade has become increasingly efficient.²⁷ More importantly, globalization has decreased the likelihood of war by creating a global marketplace and global culture. According to Moisés Naim, states that are linked to one another through trade agreements and investments are more likely to maintain positive relations. For example, the process of economic and political integration within the European Union (EU) has greatly reduced the possibility of another war in Europe.²⁸ Harriss-White believes there to be a positive correlation between globalization and global stability, arguing that “by making war both unlikely and unprofitable, our era of globalization is capable of bringing an end to it.”²⁹

1.2 Regional Integration

By the mid-1990s, the emergence of regional and international integration, combined with the reduction of regulatory trade barriers in developed and developing countries, served as evidence that the global economy was based on principles of economic liberalism.³⁰ Although proponents of this theory supported limited control by the state, they still recognized the need to develop regional and international institutions to support the processes of globalization.³¹ States have increasingly chosen to give up some of their sovereignty in exchange for the economic and security benefits of these

²⁶ Naim, 270.

²⁷ Free trade made price competition global in scope, which has pressured producers to become as efficient as possible. The result has been lower prices for consumers. (Malcolm Payne and Gurid Aga Askeland, *Globalization and International Social Work* (Farnham, Ashgate Publishing Ltd., 2008), 12)

²⁸ Naim, 270.

²⁹ Harriss-White, 2. This statement has been widely disputed. P.W. Singer argues that globalization has created a profit factor for war, citing the rise of private military firms that sell military services. For example, between 1994 and 2002, the U.S. government entered into various contracts with US-based military firms that cost over \$300 billion. (P.W. Singer, “War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law,” *Columbia Journal of Transnational Law* 42, no. 521 (2003): 522.

³⁰ Scholte, 16.

³¹ Scholte, 25.

institutions: “Isolationism of the pre-Second World War era is long gone. In the face of regional economic powers, the need for aggregation in order to remain viable in a global market is paramount.”³² Political support for regional and global integration led to a surge in institution-building, as evidenced through the creation of the World Trade Organization (WTO) and the International Monetary Fund (IMF), as well as Regional Trade Agreements (RTAs) like the Asian Pacific Economic Corporation (APEC)³³ and the European Union (EU).³⁴ The WTO reports that 109 RTAs were formed between 1948 and 1994 alone. One-third of these agreements were implemented between 1990 and 1994.³⁵ Writing in 2005, Gerald Blake observed that “the majority of states today belong to an economic or political grouping of some kind.”³⁶

The pressure to become increasingly efficient has motivated states to become involved in Free Trade Agreements (FTAs). Michael Byers defines free trade as “an absence of tariffs, quotas and other restrictions that make imports more expensive than domestically produced goods.”³⁷ According to the Law of Comparative Advantage, free trade makes it possible for countries to produce and export goods that they can produce most efficiently and import goods that cost less than they could to be produced domestically.³⁸ Efficient production is paramount in a globalized world: now that businesses have become global in scope, so has competition. Regional integration and the

³² Thomas M. Edwards, “Information Geopolitics: Blurring the Lines of Sovereignty,” in *Holding the Line: Borders in a Global World*, ed. Heather N. Nicol and Ian Townsend-Gault (Vancouver: UBC Press, 2005), 35.

³³ Haggart, *Canada and the United States*.

³⁴ Scholte, 207.

³⁵ Robert Went, *Globalization: Neoliberal Challenges, Radical Responses* (London: Pluto Press, 2000), 21.

³⁶ Gerald Blake, “Boundary Permeability in Perspective,” in *Holding the Line: Borders in a Global World*, ed. Heather N. Nicol and Ian Townsend-Gault (Vancouver: UBC Press, 2005), 18.

³⁷ Michael Byers, *Intent for a Nation: What is Canada For? A Relentlessly Optimistic Manifesto for Canada’s Role in the World* (Toronto: Douglas & McIntyre, 2007), 192.

³⁸ *Ibid.*

subsequent reduction of state regulation and tariffs have increased product specializations, and efficient production³⁹ has resulted in lower prices being paid for products.⁴⁰ According to Gerd Nonneman, “increased competition and trade end up creating more wealth overall.”⁴¹ The promise of efficient production, lower prices for the consumer, and improved economic and social conditions⁴² have encouraged countries around the world to enter into Regional Trade Agreements.

1.3 Regional Integration in North America

The proposal of a North American trading bloc was thus part of a larger trend of regional economic integration and the dismantling of tariffs and other protectionist measures. Discussions of free trade originated between Canada and the United States during the 1980s, and expanded to include Mexico in the mid-1990s. The right-wing policies of former Prime Minister Brian Mulroney, who held office between 1984 and 1993, were very similar to the policies of Ronald Reagan, the President of the United States at the time. Mulroney was determined to remove barriers to trade between the two countries while in office.⁴³ In September 1985, he announced that Canada and the United States were entering into negotiations to reduce trade barriers and increase levels of bilateral trade.⁴⁴ Even as he supported free trade with the US, Mulroney was aware of the controversial nature of the subject. The Canadian elections in 1891, 1991, and the election that Mulroney won in 1988 were all fought over the issue of free trade with the

³⁹ Scholte, 12.

⁴⁰ Scholte, 206.

⁴¹ Nonneman, 6.

⁴² Scholte, 39.

⁴³ Byers, 193.

⁴⁴ Norman Hillmer and J.L. Granatstein, *Empire to Umpire: Canada and the World Into the Twenty-First Century*, 2nd ed. (Toronto: Nelson, 2008), 293.

US.⁴⁵ Mulroney said in 1983 that “Canadians rejected free trade with the US in 1911. They would do so again.”⁴⁶ There had also been concern in the United States about how free trade would affect domestic industries.⁴⁷

By 1988, however, the world was gradually forming into three distinct trading blocs: Europe, Asia, and North America.⁴⁸ The Mulroney government recognized that the United States was its most important export market, and that it was thus in Canada’s best interest to support further integration with its neighbor.⁴⁹ Pierre Trudeau’s Liberal government had already tried to alter the patterns of trade away from the US and towards Europe during the 1970s. However, the percentage of trade with the US continued to rise while the percentage of trade with Europe continued to decline, evidencing the long-standing importance of the US to Canada’s economic stability.⁵⁰ The Canada-US Free Trade Agreement (CUFTA) was signed on January 2, 1988 by Prime Minister Mulroney and President Reagan.⁵¹ The Agreement stipulated that almost all tariffs on most goods would be eliminated by January 1, 1988⁵² in order to further expand the bilateral trading relationship.⁵³

The US had always been an important market for Canada because of its large population, powerful economy, and geographic proximity to Canada.⁵⁴ Table 1 shows

⁴⁵ Haggart, *Canada and the United States*. Canadians worried that developing close relations with would come at the expense of Canadian sovereignty.

⁴⁶ Hillmer and Granatstein, 293.

⁴⁷ Ibid.

⁴⁸ Haggart, *Canada and the United States*.

⁴⁹ Ibid.

⁵⁰ Hillmer and Granatstein, 293.

⁵¹ Hillmer and Granatstein, 296.

⁵² Ibid.

⁵³ Certain supply-controlled industries would still have tariffs i.e. the US and Canadian dairy industries (Haggart, *Canada and the United States*).

⁵⁴ Ibid.

that in 1988, the year in which CUFTA was implemented, two-way trade already totaled \$153 billion. The free trade negotiations between Canada and the US created an unprecedented level of economic integration and generated a sharp increase in two-way trade.⁵⁵ Between 1988 and 1998, trade between Canada and the US increased by more than 150% to \$329.5 billion. Throughout the 1990s, an increasing percentage of Canadian exports were headed to the US: between 1988 and 2002, the percentage of US-bound Canadian exports increased from 75% to 87%.⁵⁶ This rise in the US share of Canadian exports can be attributed to the Canada-US Free Trade Agreement, as well as to the low Canadian dollar and the economic boom in the US during the 1990s.⁵⁷ Table 1 shows a continuous rise in two-way trade after the signing of the CUFTA.

CUFTA's success motivated Prime Minister Mulroney to enter into trade negotiations with the US once again in September 1990 that aimed to include Mexico in the free trade agreement. This extension of CUFTA would safeguard North American corporations from Asian and European competitors by creating a North American trading bloc.⁵⁸ Even during negotiations, Canada and Mexico were the United States' largest and third-largest trading partners, respectively. Once signed, the North American Free Trade Agreement (NAFTA) would lead to a further increase in trade between the three

⁵⁵ Hillmer and Granatstein, 299.

⁵⁶ Michael Holden, *Not Just the FTA: Factors Affecting Growth in Canada-US Trade Since 1988*, Depository Services Program, Government of Canada, March 2003, <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/BP/prb0251-e.htm> (accessed March 6, 2009).

⁵⁷ Ibid.

⁵⁸ Hillmer and Granatstein, 299.

countries through a gradual phasing-out of tariffs. NAFTA was officially implemented on January 1, 1994.⁵⁹

The first objective stated in the text of the NAFTA is to “eliminate barriers to trade in, and facilitate the cross-border movement of goods and services between the territories of the parties.”⁶⁰ Following its implementation, the North American economy was marked by deregulation, privatization, and foreign investments. Between 1994 and 2000, trade between Canada and the US grew at an average annual rate of 13%.⁶¹ The Department of Foreign Affairs and International Trade (DFAIT) reported that Canada’s merchandise trade with the US had risen 80% in value between 1994 and 1998. During the same period, US investments in Canada increased by 63%.⁶² Within the first decade of NAFTA’s implementation, the Canadian economy grew at about 3.4% per year, and approximately 2.5 million jobs were created as a result of free trade.⁶³ Table 1 shows the continued increase in two-way trade from 1994-2000.

Amidst the successes of free trade, critics point out that CUFTA and NAFTA were directly responsible for widening the income gap in Canada. From 1995-2007, the average income of the richest of Canadian families increased by 16.8% while the income of the poorest 20% Canadian families fell by an average of 7.6%.⁶⁴ Critics of free trade agreements claim that the implementation of CUFTA and NAFTA made it difficult for governments to protect domestic industries, which led to job losses in Canada and the

⁵⁹ Carol Wise, *The Post-NAFTA Political Economy: Mexico and the Western Hemisphere* (University Park: Pennsylvania State University Press, 1998), 4.

⁶⁰ Canada, *The North American Free Trade Agreement*, 1994.

⁶¹ Peter Foster, “Higher Walls for Fortress America,” *National Post*, September 14, 2001, C11.

⁶² John Herd Thompson and Stephen J. Randall, *Canada and the United States: Ambivalent Allies*, Montreal: McGill-Queen’s University Press, 2002, 46.

⁶³ Byers, 196.

⁶⁴ Byers, 197.

US. However, Granatstein and Hillier argue that a low-valued Canadian dollar reduced the costs of Canadian exports, and the resulting increase in the US demand for exports “mitigated the effects of unemployment.”⁶⁵

By the year 2000, 86% of Canadian exports were US-bound, accounting for 33% of Canada’s GDP. Canada also held a consistent trade surplus with the United States,⁶⁶ which compensated for the trade deficits that were accumulated from trading with the rest of the world.⁶⁷ It was clearly in Canada’s best interests to remain economically dependent on the US market.⁶⁸ The US economy had also become more economically dependent on Canada since the signing of CUFTA and NAFTA. By 2001, Canada was the United States’ largest foreign market, with approximately 23% of US exports headed north. A greater percentage of US exports went to Canada than the entire EU, despite the fact that Canada has only one-tenth of the EU’s population.⁶⁹

Industries vital to the US and Canadian economies have also become completely dependent on the bilateral relationship. The integration of the Canadian and US auto industries began in 1965 when the two countries were engaged in an escalating dispute about Canadian export subsidies. The result was a sectoral free trade agreement known as the Canada-US Auto Pact. Under this agreement, the Big Three no longer had to pay tariffs, regardless of whether their production plants were located in Canada or the US. The Auto Pact laid the foundation for NAFTA negotiations that pertained to the auto

⁶⁵ Hillmer and Granatstein, 298. The Canadian dollar fell below 70% of the US dollar in 1997, and did not rise above 70% until 2001.

⁶⁶ In 1999 alone, Canada had a \$60.5 billion trade surplus (Haggart, *Canada and the United States*).

⁶⁷ In 1999, Canada’s trade deficits with other countries totaled \$26.5 billion (Ibid).

⁶⁸ Ibid.

⁶⁹ Ibid.

industry.⁷⁰ By early 2001, 30% of Canadian auto exports were headed for the US and 25% of US auto exports were Canada-bound.⁷¹ Dependence normally increases vulnerability, but in the case of economic integration between Canada and the US, dependence created power and economic stability. Andrew Cooper argues that “from the criteria of national interest, the US [had become] Canada’s first, second, and third priority.”⁷²

1.4 Regional Integration and the State

By the 1990s, free trade had become synonymous with economic efficiency. It is of great importance to examine the changing role of the state amidst economic globalization. The 1648 *Treaty of Westphalia* invested in states the power to conduct their own affairs within their territory, thereby establishing a permanent connection between territory and sovereignty. European imperialism spread this notion of state sovereignty around the globe, making it “the cornerstone of international order.”⁷³ The recent liberalization of markets has increased the power of global business. Amidst global and regional integration, the role of borders has evolved from a means to security to a means to trade. Borders have become gateways for economic efficiency and profits. In the EU, for example, political boundaries have become very porous to facilitate the transfer of people and commerce.⁷⁴

⁷⁰ Gary Clyde Hufbauer and Jeffrey J. Schott, *North American Free Trade* (Washington, DC: Peterson Institute, 1992), 223.

⁷¹ Haggart, *Canada and the United States*.

⁷² Andrew F. Cooper, “Waiting at the Perimeter: Making US Policy in Canada,” in *Vanishing Borders: Canada Among Nations 2000*, eds. Maureen Appel Molot and Fen Osler Hampson (Toronto: Oxford University Press, 2000), 39-40.

⁷³ Blake, 20.

⁷⁴ Blake, 17.

During a 1996 speech to the UN Commission on Human Rights, Canadian Minister of Foreign Affairs Lloyd Axworthy discussed the relationship between globalization and the emergence of porous political boundaries. He admitted that national defence and sovereignty were of decreasing importance because of regional and multilateral alliances.⁷⁵ According to Axworthy, borders could no longer guarantee security amidst economic globalization. Integration had reduced state power to harness the national economy and to act as a regulatory force.⁷⁶ Harriss-White claims that there is a conflict between the state and globalization, calling the state “an unnatural and even dysfunctional unit for managing economic interests in a borderless world.”⁷⁷

Globalization has created permanent economic ties between countries around the world, which according to Harris-White, have decreased the possibility of renewed global conflict.⁷⁸ In North America, regional integration has arguably created jobs⁷⁹ and made the production of goods much more efficient. In spite of these successes, there have been many negative outcomes of globalization. Profits created by globalization have in many cases come at the expense of communities that are dependent upon local business and domestic production. For example, some workers in the North American auto production industry have suffered from lowered wages and decreased prospects of employment due

⁷⁵ J.L. Granatstein, *Whose War Is It? How Canada Can Survive in the Post-9/11 World* (Toronto: HarperCollins, 2007), 64.

⁷⁶ Harriss-White, 8.

⁷⁷ Ibid.

⁷⁸ Harris-White, 2.

⁷⁹ Byers, 196. This statement is very controversial. There is also evidence that under NAFTA, regional globalization has cost jobs. A case study conducted by Nozar Hashemzede of Radford University found that from January-November 1994, 1,555 jobs per month were lost as a direct cause of NAFTA. From December 1994-April 1996, that number increased to 3,200 jobs per month. According to the study, 60% of these workers were laid off because of production shifts from the US to Canada and Mexico. (Nazar Hashemzadeh, *Journal of Social Economics* 24, no. 10 (1997), 1084.)

to competition from developing countries, such as India and China.⁸⁰ The adverse effects of globalization, particularly the evolving role of borders amidst economic liberalization, must be further investigated. Chapter Two will discuss the parallel growth of legitimate and illegitimate global trade and the ways in which these industries have undermined the security of the Canada-US border.

Chapter 2: The Globalization of Illicit Industries

2.1 The Globalization of Crime

Laissez-faire economic policies that have been supported by many economists, political leaders, and academics do not come without consequence. Although economic liberalism claims that globalization advances democracy and peace, the theory does not address the potential for technological advancements and open markets to facilitate global activity that undermines these goals. The free flow of licit goods across political boundaries and the globality of communications and finance technology have both facilitated and encouraged the flow of illicit goods.⁸¹ From 1990-2000, global trade increased by 6% each year⁸² as barriers to trade were continually lowered multilaterally through institutions like the WTO and regionally through trade agreements like the EU and NAFTA.⁸³ Market reforms of the 1990s reduced the ability of governments to control who and what crossed through their borders. During this time period, it also became more financially rewarding to engage in illicit trade.⁸⁴ Illicit trade is defined as “trade that

⁸⁰ Julius Spatz and Peter Nunnenkamp, *Globalization of the Automotive Industry-Traditional Locations Under Pressure?* Institute for World Economics, Kiel Working Papers (2002): 1.

⁸¹ Peter Andreas, “US-Mexico: Open Markets, Closed Border,” *Foreign Policy* 103 (1996): 56.

⁸² Naim, 19.

⁸³ Naim, 18.

⁸⁴ Naim, 4.

breaks the rules- the laws, regulations, licenses, taxes, embargos, and all the procedures that natives employ to organize commerce, protect their citizens, raise revenues, and enforce moral codes. It includes purchases on sales that are strictly illegal everywhere and others that may be illegal in some countries and accepted in others.”⁸⁵

Although illicit business has always existed, the macroeconomic changes of the 1990s altered illicit trade in two distinct ways: It has caused it to increase exponentially in value, and it has expanded the type of activities it will engage in.⁸⁶ There was a complete reorganization of criminal organizations during the 1990s, similar to the processes that legitimate companies undertake to increase productivity.⁸⁷ Whereas criminal organizations were traditionally structured hierarchically with a central authority, globalization has made it safer and more profitable to have a networking system that in many ways mirrors the structure of corporations.⁸⁸ The result of this restructuring was the emergence of Transnational Criminal Organizations (TCOs). These networks engage in the trafficking and distribution of anything illegal, including: drugs, small arms, art, counterfeit products, nuclear material, and people.⁸⁹

A decentralized structure enables TCOs to change locations, develop new ways of doing business, and maximize profits⁹⁰ while operating under less risk than ever before.⁹¹ TCOs have also benefited from the globalization of transportation and technology. More efficient methods of global transportation have significantly reduced the cost of shipping

⁸⁵ Naim, 2.

⁸⁶ Naim, 217.

⁸⁷ Ibid.

⁸⁸ Naim, 80.

⁸⁹ Harriss-White, 29.

⁹⁰ Naim, 32.

⁹¹ Naim, 21.

anything illegal.⁹² Improved technology has created more efficient container vessels, better logistics, just-in-time shipping, satellites, and tracking systems; all of which have made trade faster and more accessible for legitimate businesses and criminal organizations.⁹³ Remote shipping capabilities are particularly challenging to state governments, since the people who are in charge of trafficking illicit goods through their borders are often halfway around the world. The internet has encouraged criminal organizations to conduct business via instant messaging and text messaging, and to track parcel shipments online. The global availability of internet cafés and anonymous e-mail accounts make these criminal networks virtually untraceable⁹⁴ by enabling them to “play across borders and cover their tracks without impeding the actual flow of goods.”⁹⁵

Michael Byers notes that in the face of globalization, the state is burdened with an important function: “Balancing the costs and benefits of trade, and guarding against its excesses, are among the most important responsibilities of any national government as it negotiates, ratifies, oversees and sometimes renegotiates trade agreements.”⁹⁶ However, globalization has made it increasingly difficult for the state to harness its power, especially amidst increasingly porous borders. Moisés Naim argues that the globalization of business has strengthened global criminal organizations while simultaneously weakening the ability of states to police them.⁹⁷ The surge in cross-border flows of commerce and people and innovative shipping technologies are making it increasingly

⁹² Naim, 4.

⁹³ Ibid.

⁹⁴ Naim, 23.

⁹⁵ Naim, 24.

⁹⁶ Byers, 192.

⁹⁷ Naim, 20.

difficult for law enforcement authorities to monitor cross-border criminal activity.⁹⁸ Globalization has resulted in border enforcement officers around the world being bombarded by the massive flow of goods and people between border crossings.⁹⁹ It has become impossible to check 100% of the goods in cargo ports and every FedEx and DHL package that crosses political boundaries.¹⁰⁰ Furthermore, recent technological advances in shipping have made illicit trade more complex than ever before.¹⁰¹ Shipping tracking can be done online, and the person in charge of an operation can be anywhere in the world when items are shipped.¹⁰²

Various laws and sovereignty concerns often prevent domestic law enforcement officials from finding the ringleaders of smuggling operations that undermine security at their borders.¹⁰³ Many of the world's richest countries have failed in their efforts to interdict the trafficking of illicit goods and people. Domestic law enforcement officials are still unable to curb these booming industries, even after funding increases, the imposition of stricter laws, and improved operational technology.¹⁰⁴ The laws of supply and demand dictate that if the demand for a good exceeds the supply, the price of that good will rise. As states increased border security and cut off supply routes to prevent the trafficking of illicit goods, the increased risk of being apprehended makes it even more profitable for criminal organizations to satisfy the demand for these goods. Moisés Naim concludes that "in the global clash between governments and criminals, governments are

⁹⁸ Naim, 7.

⁹⁹ Naim, 19.

¹⁰⁰ Ibid.

¹⁰¹ Naim, 3.

¹⁰² Naim, 19.

¹⁰³ Ibid.

¹⁰⁴ Naim, 34.

systematically losing. Everywhere.”¹⁰⁵ The failure to curb illicit trafficking industries is alarming. Global illicit trade is interconnected with international terrorism, the global proliferation of weapons, ethnic and regional violence and conflict, and has the potential to wreak havoc on the environment and the global financial system.¹⁰⁶ It is of great importance to determine the most effective ways to counter, if not eliminate, the illicit trafficking of goods and people.

According to the *Canada-United States Organized Crime Threat Assessment*, the three largest sources of revenue for organized crime globally are drug trafficking, arms smuggling, and human trafficking/migrant smuggling.¹⁰⁷ The lines separating each of these industries are becoming increasingly blurred, and these industries are harder to differentiate from legitimate business since “much of what makes illicit trade so successful today is the result of deliberate policies, ones aimed at global integration, open economies, and open societies.”¹⁰⁸ Section 2.2 will trace the rise of the three most powerful global illicit industries.

2.2 The Globalization of Illicit Drug, Small Arms and Human Smuggling

The illicit drug industry has experienced great success in the era of free trade. The covert nature of the industry makes it difficult to generate statistical information on revenues. However, experts claim that the illicit drug trade is one of the most profitable

¹⁰⁵ Naim, 13.

¹⁰⁶ Naim, 35.

¹⁰⁷ Canada, *Canada-United States Organized Crime Threat Assessment*, report prepared by the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Royal Canadian Mounted Police, 2006, 4.

¹⁰⁸ Naim, 36.

industries in the world,¹⁰⁹ generating upwards of \$400 billion in annual profits and accounting for 8% of all international trade.”¹¹⁰ In 2005, the United Nations Office for Drug Control and Crime Prevention (UNDCCP) reported that the past 20 years have been characterized by the “global spread of drug trafficking.”¹¹¹

Simple charts of drug flow patterns have evolved into complex networks that link almost every country in the world to the production and/or trafficking of drugs.¹¹² The illicit drug trade industry is directly correlated with increases in domestic violence and crime, worsened health statistics, unstable economies,¹¹³ and political corruption.¹¹⁴

The globalization of the illicit drug trade began during the late 1980s and early 1990s when the production and transfer of illicit drugs was taken over by major criminal organizations, several of which controlled large sectors of the illicit drug market. These organizations became extremely powerful as the illicit drug trade became a global industry, spreading to all major regions of the developed and developing world.

According to Moisés Naim, “the entire legal and technological apparatus of globalization

¹⁰⁹ Bernard Castelli, “The Globalization of the Drug Trade,” *United Nations Educational, Scientific and Cultural Organization*, no. 111 (April 1999): 8.

¹¹⁰ Bruce Zagaris and Scott Ehlers, “Drug Trafficking and Money & Money Laundering,” *Foreign Policy: In Focus* 6, no. 18 (2001): 1.

¹¹¹ Chantal Thomas, “Disciplining Globalization: International Law, Illegal Trade and the Case of Narcotics,” *Michigan Journal of International Law* 24, no. 1 (2006): 4.

¹¹² *Ibid.*

¹¹³ For example, Afghanistan produced over 70% of the world’s opium in the year 2000. The country is plagued by lawlessness, corruption, terrorism, poor health conditions, and poverty. (US, Congress, House, Committee on Armed Services, *Status of Security and Stability in Afghanistan*, statement, Karen P. Tandy, Drug Enforcement Administration, June 28, 2006 (Washington, DC: GPO, 2006), <http://www.usdoj.gov/dea/pubs/cngttest/ct062806.html> (accessed February 17, 2009)).

¹¹⁴ Harriss-White, 32. Although corrupt governments are in some cases involved with the illicit drug trade, establishing democracy and repairing corrupt governments do not always eradicate drug trafficking in developing countries. UN figures report that when the Taliban was in power in Afghanistan, opium cultivation was reduced by 96%. This number has increased by 3200% since the UN entered Afghanistan and established a Western-backed democracy. Eradicating drug trafficking would require that major social and economic programs were launched that would offer civilians a means to survival that did not involve the growing and trafficking of illicit drugs. Thus far, the UN mission in Afghanistan has failed to launch the necessary programs in Afghanistan in order that the economy does not depend on opium production and trafficking. (*2008 World Drug Report*, United Nations Office on Drugs and Crime, 231).

has made the illicit drug trade faster, more efficient, and easier to hide.”¹¹⁵ The blurring of the licit and illicit transfer of goods is achieved primarily through the ability of drug entrepreneurs to operate in a similar fashion as legitimate transnational corporations. Rapid technological advances offer the same conveniences to multinational corporations, small businesses, and drug traffickers alike.¹¹⁶ Drug entrepreneurs are able to send packages through express mail, track shipments online, and coordinate drug sales through cell phones and instant messaging.¹¹⁷ A sharp increase in global travel combined with the sheer impossibility of checking every FedEx package has made “the drug export sector...an unintended beneficiary of these economic changes.”¹¹⁸

Curbing such a booming industry through policing efforts is nearly impossible: Raymond Kendall, Secretary-General of the International Criminal Police Organization (INTERPOL) admitted that “there is no doubt that the illegal trade in narcotics is being increasingly interwoven with the regular economy on a national as well as an international level.”¹¹⁹ Throughout the 1990s, there were approximately 300,000 drug seizures around the world each year. By 1999, this number had quadrupled to 1.4 million.¹²⁰ However, increases in seizures do not necessarily indicate that policing methods have improved. It is more likely that there has been a sharp increase in the production and trafficking of illicit drugs since the early 1990s.¹²¹

¹¹⁵ Naim, 77.

¹¹⁶ Ibid.

¹¹⁷ Naim, 78.

¹¹⁸ Andreas, “US-Mexico: Open Markets,” 3.

¹¹⁹ Castelli, 4.

¹²⁰ Naim, 77.

¹²¹ Naim, 14.

A small arm is defined as a weapon that one or two people are able to carry. Small arms include anything from hand guns to stinger missiles, and include mortars and rocket-propelled grenades.¹²² The legitimate global trade in small arms creates over \$4 billion in annual revenues, accounting for 80-90% of small arms trading around the world. The remaining 10-20% of global arms trade falls into the category of the illicit arms trade industry.¹²³ By definition, the illicit trade of small arms includes the illegal trafficking of small arms, as well as trading small arms for currency, illicit drugs, or anything else that crosses a border between two countries.¹²⁴ The trafficking of illicit small arms generates approximately \$1 billion in annual revenues. This industry is particularly elusive, since many countries fail to provide accurate or transparent data on small arms exports.¹²⁵

The processes of globalization were directly responsible for creating a global market for small arms trafficking. According to RT Naylor, the early 1990s were witness to the “emergence of an international underground economy [for small arms]. That economy consists of a set of interrelated black markets supported by their own systems of information, their own sources of supply, their own distribution networks, and their own modes of financing.”¹²⁶ Around the same time, the massive stockpiles of outdated small arms that were used during the Cold War presented a major profit-making opportunity for

¹²² Aaron Karp, “Laudible Failure,” *SAIS Review* 22, no. 1 (Winter-Spring 2000): 177.

¹²³ *Small Arms Survey 2002: Counting the Human Cost* (Geneva: Graduate Institute of International Studies, Oxford University Press, 2002), 109.

¹²⁴ Rachel Stohl, “Fighting the Illicit Trafficking of Small Arms,” *SAIS Review* 24, no. 1 (Winter-Spring 2005): 59.

¹²⁵ *Small Arms Survey 2002*, 109.

¹²⁶ RT Naylor, “The Structure and Operation of the Modern Arms Black Market,” in *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*, ed. Jeffrey Boutwell, Michael T. Klare, and Laura Reed (Cambridge: American Academy of Arts and Sciences, 1995), 4.

entrepreneurs.¹²⁷ Since the 1990s, the illicit trade in small arms has become completely dependent on elements of globalization. Criminal networks use techniques similar to illicit drug entrepreneurs to conduct their business.¹²⁸

In his 1995 *Agenda for Peace*, former UN Secretary-General Boutros Boutros-Ghali expressed concern about the illegal proliferation of small arms and the lack of international regulations.¹²⁹ This industry is especially difficult to regulate and police because many countries have opposing laws regarding the production and exportation of small arms. The line between licit and illicit small arms has always been blurred, and has resulted in a near absence of international regulations. Ghali's effort to make the UN the overarching body to regulate the proliferation of small arms was largely unsuccessful. His talks sparked major controversy from governments who refused to give the UN the authority to regulate the small arms industry.¹³⁰

The absence of a rule of law regarding arms control has become particularly evident through US actions since the September 11th attacks. Rachel Stohl, Senior Analyst at the Center for Defense Institute claims that since 9/11, "the US has made the global war on terror its priority in determining arms transfers and military assistance." The Bush administration has increased US sales and transfers of weapons, military training, and other military assistance to countries around the world, regardless of whether they hold poor human rights records or democratic principles. The only precondition to receiving this assistance is that they remain allies with the US in its War Against Terror. The administration has opposed and effectively blocked several UN-led

¹²⁷ Karp, 177.

¹²⁸ Stohl, "Fighting the Illicit Trafficking," 59.

¹²⁹ Karp, 180.

¹³⁰ Stohl, "Fighting the Illicit Trafficking," 59.

initiatives to develop a system of international regulation on arms trading and military assistance.¹³¹

Despite the lack of international consensus on the issue, regulating and policing the small arms industry is of great importance. Small arms are the weapons of choice in many regional and ethnic conflicts in the developing world,¹³² as seen in Bosnia and Somalia during the 1990s.¹³³ The proliferation of small arms increases the level of crime and violence on a global scale,¹³⁴ and is often linked to terrorist organizations and other illegal activities: “Firearms are used by members of criminal organizations and individual criminal entrepreneurs to facilitate their illicit activities like drug trafficking.”¹³⁵ Effective policing methods must be employed in order to reduce cross-border smuggling of small arms.

The UN reports that human trafficking and migrant smuggling are quickly becoming “booming international trades.”¹³⁶ It is estimated that human trafficking for the purposes of the sex trade alone amounts to \$5 billion in annual profits.¹³⁷ Human trafficking and migrant smuggling both involve the movement of persons across borders, but there are notable differences between them. Trafficking in persons “involves the use of threats, force, coercion or fraud resulting in the conditions of servitude, slavery or

¹³¹ Rachel Stohl, “Questionable Reward: Arms Sales and the War on Terrorism,” *Center for Defense Institute*, January 28, 2008.

¹³² *Ibid.*

¹³³ Karp, 179.

¹³⁴ Karp, 182.

¹³⁵ Canada, *Combating Illicit Firearms: Canada and United States Overview*, report prepared by the Canada-US Consultative Group on Firearms Trafficking, 2006, 2

¹³⁶ United Nations Office on Drugs and Crime, *The Global Initiative to Fight Human Trafficking*, 2007, 2.

¹³⁷ *Organized Crime Threat Assessment*, 16.

commercial sexual exploitation.”¹³⁸ According to the *United Nations Global Report on Trafficking in Persons* (2009), the two most common forms of human trafficking are forced labour and sexual exploitation.¹³⁹ Migrant smuggling is defined as “the illegal movement of persons across international borders.”¹⁴⁰ In the case of human trafficking, the movement across borders is not voluntary and if it is, deception is normally involved. Conversely, migrant smuggling is a voluntary activity. People in search of better economic opportunity and a peaceful life often pay substantial fees to be transported illegally into another country.

Globalization has created more porous borders, which have given criminal organizations easy access into countries around the world. In the case of migrant smuggling, it has become much less risky to transport migrants from their country of origin through transit countries and to their destination. Border officials have the resources and time to check only a small percentage of goods and people crossing political boundaries, which has lowered the risks for criminal organizations engaged in migrant smuggling.¹⁴¹

The United Nations is particularly concerned about the rise in human trafficking because it is considered to be an international human rights violation. These concerns led to the implementation of the *United Nations Protocol Against Trafficking in Persons* in

¹³⁸ Canada, *United States-Canada Bi-National Assessment of Trafficking in Persons*, report prepared by the Governments of Canada and the United States, 2006, 1.

¹³⁹ “Sex Trade, Forced Labor Top UN Human Trafficking List,” *CNN News*, February 16, 2009, <http://edition.cnn.com/2009/WORLD/asiapcf/02/16/un.trafficking/> (accessed February 17, 2009).

¹⁴⁰ *Organized Crime Threat Assessment*, 16.

¹⁴¹ Andreas Schloenhardt, *Migrant Smuggling: Illegal Migration and Organized Crime in Australia and the Asia Pacific Region* (Boston: Martinus Nijhoff Publishers, 2003), 125.

2003.¹⁴² This Protocol presented an agreed-upon definition of human trafficking and established an international consensus that the trafficking of persons, particularly of women and children, is a criminal offense.¹⁴³ Despite these international regulations, migrant smuggling and human trafficking are two of the largest illicit sources of revenue around the world. It is of great importance to determine the most effective ways of curbing these industries, which undermine international human rights and domestic social welfare systems.

2.3 Free Trade in North America and Global Crime

This section will outline the ways in which regional integration and free trade have impacted criminal organizations operating in Canada and the United States. The *Criminal Code of Canada* defines a criminal organization as a group that “is composed of three or more persons in or outside Canada; and has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.”¹⁴⁴ Until the 1990s, most organized crime in Canada involved Outlaw Motorcycle Gangs (OMGs), which effectively controlled Canada’s illicit drug trade. The processes of globalization expanded illicit activity in Canada during the 1990s. Law enforcement officials report that drugs, small arms, humans, contraband cigarettes, counterfeit currency, art, and anything else that is illegal in either Canada or the United States is

¹⁴² “Sex Trade, Forced Labour Top.”

¹⁴³ *The Global Initiative to Fight Human Trafficking*, 3.

¹⁴⁴ Canada, *Criminal Code of Canada*, Sec. 467.1 (1985).

smuggled across the shared border.¹⁴⁵ *The National Security Policy of Canada* outlines the ways in which the globalization of criminal activity has impacted the security of Canadians: “Organized crime in Canada is increasingly becoming part of a global network that supports the narcotics trade, migrant smuggling and the trafficking in persons, weapons smuggling, money laundering, theft, commercial fraud, and extortion. A number of terrorist networks have advanced their activities by developing links with organized crime. Elements of organized crime are also increasing their attempts to undermine our justice system.”¹⁴⁶ *The National Security Policy* makes it evident that the Canada-US border plays a major role in global illicit criminal networks.

Regional integration in North America has increased the volume of goods and people that cross the Canada-US border. Since the two countries chose not to create a customs union as was done in the European Union, customs officials on both sides of the Canada-US border are still responsible for inspecting vehicles and completing the necessary paperwork. Increasing volumes of goods and people crossing the border has made it more difficult for customs officials to efficiently and effectively move people and goods through designated ports of entry.

While the increased movement between political borders has made trade more efficient, economic logic dictates that this process of globalization has unintentionally provided ideal conditions for the trafficking of illicit goods and people along the Canada-US and US-Mexico borders. Peter Andreas of Brown University, who specializes in border issues, argues that “opening economies through market liberalization reduces the

¹⁴⁵ Canada, *Working Together to Combat Organized Crime: A Public Report on Action Under the National Agenda to Combat Organized Crime*, 2006, 2.

¹⁴⁶ Canada, *Securing an Open Society: Canada’s National Security Policy*, 2004, 7.

ability of governments to withstand external market pressures, and the enormous demand for illegal drugs in the US is no exception.”¹⁴⁷ Unilateral and bilateral efforts to police the Canada-US border and control the supply side of these illicit industries may alleviate the problem temporarily, but different laws pertaining to illicit goods,¹⁴⁸ the prioritization of free trade between the two countries, and the long-term economic trend of open borders have continuously hindered the ability of the US and Canadian governments to permanently solve the problem. During the negotiation process of the North American Free Trade Agreement, there was concern that the increased flow of goods and the prioritization of efficient traffic flows would make it easier to smuggle illicit goods and people across political boundaries. Mexico was a major concern to the US, but officials also recognized the potential for illegitimate goods and people to cross into the US from Canada. According to Gary Hufbauer, an economist at the Institute for International Economics in Washington, D.C., even as the US administration was trying to minimize public outcry about the issue, official concerns about controlling illicit smuggling after the implementation of NAFTA were effectively ignored during negotiations. Hufbauer speculates that it was placed in the “too hot to handle” category for fear of upsetting the progress of the Agreement.¹⁴⁹ Law enforcement officials who did not accord with this view were reportedly silenced. When former US Drug Enforcement Administration (DEA) officer Phil Jordan was interviewed on *ABC News Nightline*, he maintained that

¹⁴⁷ Andreas, “US-Mexico: Open Markets,” 55.

¹⁴⁸ For example, Canada’s laws regarding the possession and distribution of small arms are more strict than US laws, and US laws regarding the possession and distribution of illegal drugs are more strict than Canadian laws.

¹⁴⁹ Andreas, “US-Mexico: Open Markets,” 58.

the DEA agency ordered all of its officials to keep quiet about any negative outcomes that were likely to result from NAFTA.¹⁵⁰

The implementation of NAFTA has created a surge in the cross-border flows of goods and people. Cargo trade between Canada and the US doubled during the 1990s and is expected to double again during the first decade of the twenty-first century.¹⁵¹ Amidst this increasing volume of cross-border traffic, customs officials have been faced with the cumbersome task of distinguishing between the legitimate and illegitimate while maintaining an efficient flow of traffic across the border.¹⁵² Although customs officers are obligated to prioritize criminal enforcement even if it slows the flow of commerce and people, it is realistically impossible to do so without creating chaos in traffic flows and undermining the open borders that were mandated under CUFTA and NAFTA. The covert nature of trafficking industries makes it difficult to gauge the amount of smuggling that takes place at the border, but the removal of economic barriers has without a doubt lowered the risks for transporting drugs across the border.

The US spent a total of \$30 billion in 1997 alone to curb the flow of drugs into the US, yet the United Nations reports that Americans still spend around \$60 billion annually on illicit drugs. These drugs are readily available in the US, and their prices are falling. By the late 1990s, the purity of cocaine and heroin in the US was increasing. Cocaine prices had also fallen by 50% and heroin prices by 40% since the early 1980s.¹⁵³ The high demand for illicit drugs in the US combined with the small percentage of vehicles

¹⁵⁰ Andreas, "US-Mexico: Open Markets," 56.

¹⁵¹ Peter Andreas and Ethan Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations* (New York: Oxford University Press, 2006), 203.

¹⁵² Peter Andreas, *Border Games: Policing the US-Mexico Divide* (Ithaca: Cornell University Press, 2000), 24.

¹⁵³ "Ending the War on Drugs," *The Economist Magazine*, January 2, 1999, 72.

that are actually inspected by US Customs and Border Patrol (CBP) and the Canada Border Services Agency (CBSA) has made it easier than ever to smuggle contraband into the United States. The obligation of the Canadian and US governments to safeguard their common border has been undermined by more powerful economic forces.

2.4 The Globalization of Illicit Industries in North America

This section will focus on how criminal organizations operate in Canada and the United States, and the ways in which these organizations use the Canada-US border to maximize their profits through the trafficking of illicit drugs, small arms, and people. For decades, the United States has had the largest demand market in the world for illicit drugs. Prior to the economic globalization of the 1990s, organized criminal groups working both inside and outside the US had control over the supply of drugs that entered the country. Globalization has gradually caused the illicit drug industry in North America to evolve and to widen in scope, involving in some cases corrupt governments that managed illicit drug supplies headed for the US.¹⁵⁴ Increased demand pressured the US government to spend billions of dollars to cut off the supply routes for drugs entering the United States. The US government continues to spend about \$20 billion at the federal level alone each year to combat the use and trade of illicit drugs. Each year, there are 1.7 million arrests and 250,000 incarcerations that involve illegal drugs.¹⁵⁵ Although US authorities reported major increases in drug seizures throughout the 1990s,¹⁵⁶ Moisés Naim maintains that “a stronger force is winning: the market.”¹⁵⁷

¹⁵⁴ Harriss-White, 32.

¹⁵⁵ Naim, 68.

¹⁵⁶ Harriss-White, 32.

¹⁵⁷ Naim, 69.

In recent years, the United States government has focused on militarizing the Mexico-US border to curb the flow of illegal drugs from Mexico to the US. At the same time that the US was cracking down on Mexico as a supply route and the forces of globalization were changing the nature of illicit criminal industries, criminal organizations operating in Canada were playing a larger role in supplying the US illicit drug market. Authorities report that ecstasy and marijuana are generally smuggled from Canada to the US, while cocaine, contraband cigarettes, and small arms are brought illegally into Canada from the US.¹⁵⁸

Before 2004, the majority of ecstasy (MDMA) seizures in Canada involved powder and tablets that were being shipped from Europe to Canada. Authorities claim that from 2004 onwards, there has been a major surge in ecstasy production in Canada,¹⁵⁹ which has made this drug more readily available within Canada.¹⁶⁰ Between 2004 and 2006, 15 million dosage units of ecstasy were seized in Canada and 2 million dosage units were seized in the US. Considering the population differences between the US and Canada, this disparity suggests that there are major quantities of ecstasy being produced in Canada with the intention of being smuggled into the US. RCMP officials confirm that “a significant quantity of the MDMA [ecstasy] produced in Canada is eventually destined for sale in the US.”¹⁶¹ Asian Criminal Organizations (ACOs) are involved in the majority of ecstasy production in Canada.¹⁶² These networks typically import chemicals from Asia

¹⁵⁸ Canada, “The Canada-US IBET Threat Assessment 2007,” last updated May 27, 2008, <http://www.rcmp-grc.gc.ca/ibet-eipf/threat-menace-ass-eva-eng.htm> (accessed March 9, 2009).

¹⁵⁹ *Organized Crime Threat Assessment*, 11.

¹⁶⁰ *Organized Crime Threat Assessment*, 12.

¹⁶¹ *Organized Crime Threat Assessment*, 11.

¹⁶² *Ibid.*

that are used to make ecstasy.¹⁶³ Aspects of globalization like improved technology, the development of efficient business practices, and decreased transportation costs have drastically increased the profits for these criminal organizations.¹⁶⁴

Although there is a sizeable demand for cocaine in the US, most supply countries for this drug are located in South America. The US is generally used as a transit country for cocaine that is grown and produced in South America and destined for Canada.¹⁶⁵ In 2004, the amount of cocaine seized by Canadian border enforcement authorities doubled from the previous year.¹⁶⁶ As previously discussed, increases in seizures do not always signal a decrease in demand. There is no sign that consumption is decreasing, which indicates that there are increasing amounts of cocaine travelling from the US that are destined for Canadian markets.

The *Canada-US Organized Crime Threat Assessment* claims that Mexico is the primary supplier of marijuana to the United States.¹⁶⁷ However, the US focus on interdicting drug shipments from Central America and Mexico has made Canada a prime supplier for marijuana intended for sale in the US.¹⁶⁸ The *Organized Crime Threat Assessment* claims that “marijuana grow operations and trafficking are increasing across Canada,” particularly along the borders of Ontario, British Columbia, and Quebec.¹⁶⁹

Marijuana is grown all over Canada, but authorities are primarily concerned with BC Bud, which is high-grade marijuana grown in British Columbia and smuggled

¹⁶³ *Organized Crime Threat Assessment*, 5.

¹⁶⁴ *Ibid.*

¹⁶⁵ John C. Thompson, “Stopping Twenty-First Century Smugglers,” *The Fraser Forum Magazine*, March 2003, 8.

¹⁶⁶ *Organized Crime Threat Assessment*, 10.

¹⁶⁷ *Ibid.*

¹⁶⁸ Naim, 70.

¹⁶⁹ *Organized Crime Threat Assessment*, 10.

illegally along the British Columbia-Washington border. Organized criminal groups in Canada manufacture marijuana with high levels of THC, making it much more potent than other types of marijuana.¹⁷⁰ In 1999, the RCMP estimated that the total value of BC marijuana crops exceeded \$6.5 billion.¹⁷¹ According to law enforcement officials, there is a clear preference for this potent strain of marijuana amongst the US demand market.¹⁷² Whereas BC Bud sells for \$2,800 to \$3,200 per pound in Canada, smugglers can make up to \$4,000 per pound selling it in the US. This potential for higher profits has created a lucrative smuggling industry for BC Bud destined for sale in the US.¹⁷³ By 2004, the increase in BC bud crossing the border had driven marijuana growers in Washington out of business,¹⁷⁴ and in 2007, the United States government identified BC Bud as the primary narco threat along the northern US border.¹⁷⁵ The discovery of an underground tunnel between BC and Washington that was used to smuggle illicit drugs further legitimizes these claims.¹⁷⁶

Along the US border with Quebec, border enforcement authorities are battling the lucrative cross-border smuggling of high-grade hydroponic marijuana known as Quebec Gold. Whereas a pound of Quebec Gold sells for about \$3,000 in Canada, the same

¹⁷⁰ Thompson and Randall, 311.

¹⁷¹ Ibid.

¹⁷² *2008 World Drug Report*, 106.

¹⁷³ Lindsay Kines, "Cross-Border Smuggling on the Rise: How Organized Crime has Infiltrated Communities," *Vancouver Sun*, September 25, 2004, C3.

¹⁷⁴ Ibid.

¹⁷⁵ United States, Congress, Senate, Subcommittee of the Committee on Appropriations, *Department of Homeland Security Appropriations for Fiscal Year 2008*, hearing, 100th Cong., 1st sess., (Washington, DC: GPO, 2007), 53.

¹⁷⁶ Stuart Farson, "From '49th Parallel' to 'Security Perimeter': Changing Conceptions, Values and Structures Along the US-Canada Border," in *Homeland Security*, ed. James J.F. Forest (Westport: Greenwood Publishing Group, 2006), 50.

amount sells for \$5,600 Canadian in the New York state area and \$7,000 in California.¹⁷⁷ Outlaw Motorcycle Gangs in Ontario, Quebec, Alberta, and British Columbia are heavily involved in the production and smuggling of marijuana across the Canada-US border. Other organized criminal networks involved in smuggling marijuana to the United States are generally linked to these Outlaw Motorcycle Gangs.¹⁷⁸

The smuggling of cocaine, marijuana, and ecstasy were discussed separately, but the trafficking routes of these three drugs are intertwined. For example, Outlaw Motorcycle Gangs often smuggle BC Bud across the Canada-US border to sell in California. The marijuana is exchanged for methamphetamine, which in turn is smuggled into Canada.¹⁷⁹

Statistics show that the number of drug seizures at the Canada-US border increased throughout the 1990s, suggesting that law enforcement efforts to police this booming industry were becoming more effective. The total value of drug seizures at and between ports of entry in 1996 totaled \$750,000. The number of seizures increased by 500% in 1997 and another 300% in 1998, when over \$10 million of contraband was seized along the Canada-US border. The US Border Patrol reported an 800% increase in seizures/arrests between 1996 and 1998 at designated ports of entry.¹⁸⁰ One cannot assume that this rise in arrests and seizures is a sign of better enforcement. Higher drug purity and falling street prices of illicit drugs indicate that there were more drugs crossing the border during the late 1990s than the early 1990s. A simultaneous increase in arrests

¹⁷⁷ Lynn Moore, "Demand for Potent Pot Drives Smugglers to Risk Border Patrol," *The Gazette*, March 5, 2003, A8.

¹⁷⁸ "IBET Threat Assessment."

¹⁷⁹ Thompson, 9.

¹⁸⁰ "IBET Frequently Asked Questions."

and seizures suggests that the rate of interdiction has remained the same. Despite interdiction efforts, “drug trafficking is a major element of illicit traffic across the border.”¹⁸¹

The smuggling of small arms between Canada and the United States is the result of differences between the Canadian and US legal systems. In most American states, residents are legally able to own a handgun, but “unless exempted by a provision of the Customs Tariffs,”¹⁸² it is illegal to import a small arm into Canada. These conflicting laws and the proximity of the two countries have together created a lucrative illegal market for handguns in Canada.¹⁸³ The Canada Border Services Agency (CBSA) reports that 92% of all handguns that are seized at land ports of entry are headed towards Canada from the US.¹⁸⁴ Small arms are smuggled into Canada in personal and commercial vehicles, planes, and boats. The majority of illegal small arms are smuggled into Canada between official ports of entry by people carrying the weapons on their person or in private vehicles. Smugglers also make use of Aboriginal land that straddles the border to either bring handguns from the US to Canada or to store them for future smuggling ventures or distributions.¹⁸⁵ These factors make it impossible to estimate the number of handguns that are smuggled from the US to Canada each year.¹⁸⁶ When smugglers are caught, it is generally at official land ports of entry. The CBSA reported 4,281 firearm seizures between January 2001 and December 2005.¹⁸⁷ US Customs and Border Protection (CBP) reported seizing only 233 firearms between January 2001 and

¹⁸¹ *Organized Crime Threat Assessment*, 1.

¹⁸² *Combating Illicit Firearms*, 9.

¹⁸³ *Combating Illicit Firearms*, 6.

¹⁸⁴ “IBET Threat Assessment.”

¹⁸⁵ *Combating Illicit Firearms*, 3.

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

December 2005,¹⁸⁸ providing further indication that the majority of guns smuggled across the border are destined for Canada.

Migrant smuggling and human trafficking organizations use the porous Canada-US border to their advantage. Canada's Immigration Department reported that in 1998, approximately 15,000 people entered Canada illegally from countries around the world. The Department believes that these numbers have increased substantially since then.¹⁸⁹ Between 1,500 and 2,000 people are illegally transported from Canada to the US each year.¹⁹⁰ Many of these individuals enter Canada illegally prior to being smuggled into the US. There are also many criminal networks that smuggle humans from the United States to Canada. In the late 1990s, Canadian authorities reported that many petty drug dealers from South and Central America were travelling through the United States and sneaking across the border to Canada in order to evade law enforcement authorities.¹⁹¹

The RCMP's Criminal Intelligence Division reports that approximately 2,200 people are trafficked from Canada to the US each year.¹⁹² According to the *US-Canada Binational Assessment of Trafficking in Persons* report, criminal organizations use various entry points along the border to sneak people into the US. These enterprises focus on smuggling people along marine and rural areas like the Quebec-Vermont border region.¹⁹³ Staff Sergeant Glen Rockwell of the RCMP Integrated Border Enforcement

¹⁸⁸ *Combating Illicit Firearms*, 5.

¹⁸⁹ Linda Slobodian, "Expelling Calgary's Illegals Costly," *Calgary Herald*, July 29, 2004, B1.

¹⁹⁰ *Binational Assessment of Trafficking*, 7.

¹⁹¹ Adrienne Tanner, "Zero Border Tolerance: US Plans to Step up Patrols in Response to Dramatic Increase in Border Smuggling," *The Province*, July 9, 1999, A6.

¹⁹² "Human Smuggling/Trafficking: The Trade in People," *CBC News Online*, April 13, 2006, www.cbc.ca/news/background/crime/human-smuggling.html (accessed March 6, 2009). This estimate is much higher than the *US-Canada Binational Assessment of Trafficking in Persons*, which reports that 1500-2000 people are smuggled/trafficked across the border each year (p 7).

¹⁹³ *Binational Assessment of Trafficking*, 10.

Team claims that human trafficking is also a major problem along the BC-Washington border. Asian women are often brought into Canada and smuggled across the border into the US, where they are forced to enter the sex trade.¹⁹⁴

Officials at ports of entry have discovered people hidden in freight trains and transport trucks trying to cross through the Canada-US border unnoticed.¹⁹⁵ Criminal organizations have found it much easier to move people through official points of entry because of the heavy traffic flow: “Exploitation of designated entry points is facilitated by the large volume of commercial and traveler traffic between the two countries, and in some instances, aided by criminal elements influencing or operating at these ports.”¹⁹⁶

Even before the 9/11 terrorist attacks, US officials expressed concern about people being transported illegally into the US from Canada. In a testimony before US Congress in 1998, the Immigration and Naturalization Service (INS) Counterterrorism Coordinator labeled Canada as an “alternate gateway” to Mexico for illegal migration.¹⁹⁷ In 1995 alone, US officials prevented 15,000 illegal attempts to cross from Canada into the US.¹⁹⁸

It is clear that the Canada-US border has created a lucrative market for the illicit drug, small arm, and humans smuggling/trafficking industries. The increased border traffic and unguarded areas between official ports of entry have greatly decreased the risk

¹⁹⁴ Lena Sin, “Border Ruse Highlights Human Trafficking Problem,” *Times-Colonist*, December 21, 2003, C3.

¹⁹⁵ “IBET Threat Assessment.”

¹⁹⁶ *Binational Assessment of Trafficking*, 10.

¹⁹⁷ Farson, 45.

¹⁹⁸ Steven Kendall Holloway, *Canadian Foreign Policy: Defining the National Interest* (Peterborough: Broadview Press, 2006), 76.

of being apprehended. The following section will outline pre-9/11 initiatives to curb the globalization of crime in North America.

2.5 Pre- 9/11 Bilateral Initiatives to Curb Cross-Border Crime in North America

The globalization of communications and technology have in many ways enabled criminal networks to become more advanced than law enforcement authorities in terms of high-technology ways of conducting business. For centuries, Canada and United States law enforcement agencies recognized the importance of effectively policing these networks, but also realized that policing must not undermine the bilateral trading relationship. This realization created a consensus that having a heavily guarded border was not in the interests of either country,¹⁹⁹ and that partnerships were the most effective way to disband criminal organizations.²⁰⁰ The positive relationship between Canada and the US and the history of intelligence sharing and joint investigations, particularly in regards to illicit small arms smuggling, have created a unique opportunity to secure the border through bilateral initiatives.²⁰¹

Throughout the mid-1900s, US authorities became increasingly frustrated by the influx of cross-border smuggling between Canada and the US. Policing official ports of entry proved largely ineffective since most of border remained porous and vulnerable to the smuggling of illegitimate goods and people. In its efforts to develop effective border policing methods, the US Border Patrol became more proactive in its day-to-day

¹⁹⁹ Christopher Sands, "Fading Power or Rising Power: 11 September and Lessons from the Section 110 Experience," in *Canada Among Nations 2002: A Fading Power*, ed. Norman Hillmer and Maureen Appel Molot (Don Mills: Oxford University Press, 2002), 50.

²⁰⁰ Marcel-Eugene LeBeuf, "Canada-US Law Enforcement Border Partnership-an Evolving Situation," speech, Sixth Biennial Conference: International Perspectives on Crime, Justice and Public Order, London, 16-20 June, 2002, 7.

²⁰¹ *Combating Illicit Firearms*, 16.

activities. US Customs Officers began to travel undercover on railways to catch smugglers, and US agents were sent undercover into Canada to infiltrate smuggling organizations and provide intelligence to law enforcement authorities. These methods proved to be much more effective than relying solely on border security at official ports of entry.²⁰²

As the 19th century drew to a close, the continued success of cross-border criminal activity between Canada and the US created an urgent need to develop innovative ways to curb illegal migration and the smuggling of illicit goods. A *New York Times* correspondent writing in 1877 outlined the benefits of collaborative border enforcement efforts: “The situation, therefore, instead of involving two countries in hostilities, ought to unite them in earnest attempts to suppress crime and protect the honest, bona fide settlers along the border.”²⁰³ The long-standing history of friendship between Canada and the US made it possible for the two countries to collaborate in border policing efforts, but these joint ventures enjoyed only limited success. Efficient cooperation was often blocked by variations between the Canadian and US legal systems, sovereignty concerns, and the absence of an overriding authority for bilateral enforcement efforts.²⁰⁴

Criminal entrepreneurs have benefitted from these shortcomings of bilateral policing initiatives. The border has always been an asset to smugglers, since it is the illicit nature of smuggling across a political boundary that makes the industry so

²⁰² Ethan Nadelmann, *Cops Across Borders: The Internationalization of US Criminal Law Enforcement* (University Park: Pennsylvania State University Press, 1993), 25.

²⁰³ “The Mexican Border Difficulty: Views From an Army Officer on the Rio Grande,” *New York Times*, December 14, 1877, A1.

²⁰⁴ Nadelmann, 61.

profitable and enticing. Conversely, “the border has symbolized the limits of police powers, a line across which they have no control and are typically dependent on foreign authorities, and one they have crossed only at the risk of being arrested by foreign law enforcement officers and angering central governments on both sides of the border.”²⁰⁵ The RCMP often pursued smugglers in Canadian territory who intended to cross into the US illegally. If smugglers were able to evade the RCMP and cross into US territory, the RCMP did not have the authority to apprehend them.

Despite these limitations, Canadian and American border enforcement agencies developed a long-term cooperative relationship during the early 20th century that operated within the limitations of each country’s sovereignty.²⁰⁶ By the 1950s, joint efforts to police cross-border smuggling had become more formalized. Illegal activities were monitored by border patrol agents at ports of entry. These agents worked in collaboration with other law enforcement departments, and Canadian and US border enforcement officers often crossed into each other’s territory to patrol the border or to conduct enforcement operation without first having to seek departmental approval.²⁰⁷

By the 1990s, relations between US and Canadian law enforcement authorities were considered to be “very close and professional.”²⁰⁸ This positive relationship was evidenced by the development of bilateral initiatives that aimed to integrate US and Canadian immigration and border security systems. In February 1995, President Bill Clinton and Prime Minister Jean Chrétien signed the *Canada-US Accord on Our Shared Border*, which would establish the necessary infrastructure to manage the surge in cross-

²⁰⁵ Nadelmann, 62.

²⁰⁶ Nadelmann, 61.

²⁰⁷ Nadelmann, 156.

²⁰⁸ Nadelmann, 178.

border traffic flows resulting from NAFTA, as well as improve coordination between the Canadian and US immigration and customs departments.²⁰⁹ The *Anti-Smuggling Working Group* and the *Northeast Border Group* were established in February 1997 out of shared concerns over illegal smuggling.²¹⁰ These groups aimed to curb cross-border smuggling through improved intelligence and information-sharing systems.²¹¹ Two months later, Canada and the United States created the *New Border Initiative*, which concentrated primarily on immigration issues. The *Initiative* planned to harmonize the US Immigration and Naturalization Service (INS) with Citizenship and Immigration Canada (CIC), and to create a system to openly share intelligence related to illegal migration.²¹² In September 1997, the United States and Canadian governments established the *Cross-Border Crime Forum*. Whereas the *New Border Vision Initiative* had focused on immigration issues, this *Forum* was wider in scope, bringing together law enforcement agencies from both countries to develop effective ways to combat transnational organized crime. The *Forum* also laid the ground work for the development of two initiatives that would be expanded after the terrorist attacks of 9/11: the testing of the first Integrated Border Enforcement Team in the BC-Washington region, and the establishment of Bi-National Threat Assessments.²¹³ 1999 marked the establishment of the *Canada-US Partnership Forum*, which was intended to “facilitate improved communication between representatives of border communities, governments, and businesses on border management issues and

²⁰⁹ Sands, 54.

²¹⁰ Sands, 56. Canada was particularly concerned about the smuggling of small arms from the United States, and both countries were worried about the cross-border smuggling of illegal drugs.

²¹¹ Farson, 48.

²¹² Ibid.

²¹³ Ibid.

policies.”²¹⁴ More specifically, the *Forum* was developed to resolve the paradox of creating a border open to trade but closed to illegitimate goods and people.²¹⁵

Although these initiatives improved coordination between law enforcement, customs, and immigration agencies in Canada and in the US, their differing laws about gun control and drug possession and distribution limited their success.²¹⁶ Canadian and US authorities were concerned that too much intelligence sharing would infringe on each nation’s sovereignty, which further impeded these initiatives.²¹⁷ Christopher Sands criticizes the Canadian and US governments for failing to devote sufficient funding to the projects, particularly in the area of advanced technology.²¹⁸ George Haynal similarly argues that the two governments failed to allocate much-needed funding for the projects, and that a severe lack of priority on a national level “kept change within narrow limits.”²¹⁹

The concepts of bilateral cooperation and intelligence sharing had been firmly established before the 9/11 attacks, but the governments of Canada and the United States failed to give sufficient priority to these issues. However, it was these continuous discussions that laid the foundation for post-9/11 border security cooperation between Canada and the US. The next chapter will discuss the evolving role of borders after the September 11th terrorist attacks.

²¹⁴ Donald Barry, “Managing Canada-US Relations in the Post-9/11 Era: Do We Need a Big Idea?” In *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, ed. Duana Bratt and Christopher J. Kukucha (Don Mills: Oxford University Press, 2007), 121.

²¹⁵ Robert A. Pastor, *Towards a North American Community: Lessons From the Old World for the New* (Washington, DC: *The Institute for International Economic*, 2001), 122.

²¹⁶ LeBeuf, 2.

²¹⁷ Sands, 57.

²¹⁸ *Ibid.*

²¹⁹ George Haynal, “Interdependence, Globalization and North American Borders,” *Policy Options* 23, no.6 (September 2002): 21.

Chapter 3: Security Versus Trade After September 11th, 2001

This chapter examines post-9/11 US efforts to militarize the Canada US border, and how these efforts affected the bilateral trade relationship.

3.1 The Immediate Effects of 9/11 on the Canada-US Trade Relationship

Even before the terrorist attacks in New York and Washington, D.C. on September 11, 2001, policymakers recognized the importance of finding the right balance between securing the Canada-US border and keeping it open to trade. The Bush administration reacted to 9/11 by prioritizing security over the economy in its efforts to prevent future terrorist attacks. The administration's attempt to guard its borders unilaterally is based on the traditional belief that border security threats like illicit drug trafficking and cross-border terrorist activity are the result of poor border security measures. The administration used this logic to justify its decision to beef up US border security.²²⁰ Within hours of the 9/11 attacks, US border guards were put on level-one alert, which is defined as a "sustained, intensive anti-terrorism operation."²²¹ The US borders with Mexico and Canada were effectively slammed shut, and borders reemerged as a means to security rather than economic efficiency.²²²

It was soon evident that the US preoccupation with border security would have a detrimental effect on its trading relationship with Canada. Former US Ambassador to Canada Paul Cellucci said that "security trumped trade" in the post-9/11 era, emphasizing that anyone who wanted to do business with the United States must understand this

²²⁰ Heather M. Nicol and Ian Townsend-Gault, "Introduction," in *Holding the Line: Borders in a Global World*, ed. Heather N. Nicol and Ian Townsend-Gault (Vancouver: UBC Press, 2005), 2.

²²¹ Andreas and Nadelmann, 201.

²²² Ibid.

emerging reality.²²³ Canada's Minister of Foreign Affairs John Manley was openly supportive of the United States in his public statements, and reaffirmed Canada's loyalty to its neighbour in its *War Against Terror*. Manley's support for the US was likely motivated by his concern that the Bush administration's efforts to build up US borders unilaterally would undermine the bilateral trade relationship and thereby devastate the Canadian economy.²²⁴

Manley's concerns were well-founded: Critics of the Bush administration's unilateral border policies claim that in its rush to harden US borders to keep out potential terrorists, the administration failed to properly consider the damaging effects that these policies would have on regional trade in North America.²²⁵ This *Fortress America* mentality, which entails a shift away from internationalism towards unilateralism,²²⁶ has motivated the US to slam shut its borders on previous occasions. In the 1970s, the US shut down its border with Mexico to pressure the Mexican government to invest more resources in its drug interdiction program. *Operation Intercept* halted trade between the two countries and temporarily crippled Mexico's economy. Canadian policymakers were well aware that the free trade agreements of the 1980s and 1990s had created an unprecedented level of economic interdependence between Canada and the US. With 86% of Canadian exports destined for US markets, there was no doubt that the economic

²²³ Farson, 49.

²²⁴ Hillmer and Granatstein, 326.

²²⁵ Howard Adelman, "Governance, Immigration Policy and Security: Canada and the United States Post-9/11," in *The Maze of Fear: Security and Migration After 9/11*, ed. John Tirman (New York: The New Press, 2004), 114.

²²⁶ David Pugliese, "Canada Called a Weak Link: Report Critical of Border Security," *Calgary Herald*, September 13, 2001, A3.

consequences of 9/11 could be disastrous for Canada.²²⁷

These fears were confirmed as the line of trucks waiting to cross from Windsor to Detroit at the Ambassador Bridge, the busiest border crossing in North America, stretched for 36 kilometers within hours of the 9/11 attacks. Immediately after the attacks, US officials ordered that every truck crossing into the US must be inspected, which caused delays at the border up to 18 hours.²²⁸ According to the former Governor of Michigan John Engler, “things really ground to a halt” after the attacks.²²⁹ Integrated companies with components of production on both sides of the border were hit hard by these security delays. The heart of the North American auto industry is located in the Detroit-Windsor area, and the industry is completely reliant on *just-in-time*²³⁰ shipments of auto parts that keep assembly lines running.²³¹ In turn, just-in-time shipments depend on the efficient flow of trucks across the Canada-US border. 14 million trucks cross the border each year, or one every twenty seconds.²³² Most auto-related trade shipments cross the Ambassador Bridge in transport trucks. Security delays at this crossing created major losses for the North American auto industry. Ford Motors, one of the Big Three, reported that delays at the border prevented their company from producing more than 47,000 cars. Ford Motors had to temporarily shut down three plants in Windsor alone.²³³ General Motors and Honda were also forced to stop some components of production in North

²²⁷ Andreas and Nadelmann, 201.

²²⁸ Emily Schwartz, “Canada, US Agree to Tighten Border Security,” *National Post*, October 8, 2001, A18.

²²⁹ “US Customs Plans to Clear Bottlenecks; Twin Goals are to Aid Commerce, Enhance Security,” *Toronto Star*, April 17, 2002, E3.

²³⁰ The “just-in-time” system was created by Toyota Motor Company. Car parts would arrive three hours before being used, which reduced the costs of inventory management and storage space. “Big Car Makers Halting Production: A Shortage of Parts Coming Across the Border Sends Workers Home [Final Edition],” *Vancouver Sun*, September 14, 2001, C8.

²³¹ David Bradley, “Border Can’t be Barrier: Too Many Jobs in Both Canada and the US Rely on Trade Moving Efficiently,” *Windsor Star*, October 13, 2001, A9.

²³² *Ibid.*

²³³ Holloway, 75.

America because of border security delays.²³⁴ It was clear that US unilateral border security measures would be achieved at the expense of one of the most prosperous bilateral trade relationships in the world.

Despite Paul Cellucci's assurances that the US wanted to maintain a Canada-US border open to trade,²³⁵ US post-9/11 security policies reflected a clear prioritization of security over the economy. The *USA Patriot Act* provided the legislative framework for post-9/11 US security policies. Approved by US Congress, the *Patriot Act* gave the federal government increased policing powers within the US and internationally to more effectively combat terrorism. These policing powers include US efforts to beef up security²³⁶ along its northern and southern borders through the development of military-inspired border policing methods and high-tech border control elements.²³⁷ The Bush administration announced on December 2, 2001 that hundreds of National Guard troops would be policing the US-Canada border at designated ports of entry, and that military helicopters would be patrolling unguarded areas of the border.²³⁸ These measures were funded by the 2003 US Federal Budget, which allocated \$2 billion for border security upgrades.²³⁹ The *USA Patriot Act* also outlined plans to improve intelligence sharing amongst various US law enforcement agencies,²⁴⁰ which led to the consolidation of several US departments and agencies into the cabinet-level Department of Homeland

²³⁴ "Big Car Makers Halting Production," C8.

²³⁵ "Canada Called a Weak Link," A3.

²³⁶ Andreas and Nadelmann, 191.

²³⁷ Andreas and Nadelmann, 14.

²³⁸ Sheldon Alberts, "National Guard and Military Helicopters will Perform Inspections and Police the Skies," *National Post*, December 3, 2001, A1.

²³⁹ Andreas and Nadelmann, 200.

²⁴⁰ Andreas and Nadelmann, 191.

Security (DHS).²⁴¹ This restructuring process is considered to be “the largest reorganization of the US Federal Government in over fifty years.”²⁴²

3.2 The Emergence of Canada as a Security Threat

After 9/11, US efforts to prevent another terrorist attack inspired policies that aimed to beef up security along its borders. The Bush administration’s determination to increase security along the Canada-US border represented a major shift in US border policy. Whereas the Mexican border had been perceived as a security threat to the US for decades,²⁴³ Canada and the US had enjoyed a long history of friendship and trust that was reflected by a porous shared border. However, 9/11 created newfound concerns amongst US officials that the routes and methods that were employed to smuggle illicit drugs, small arms, and people across the Canada-US border could also be used to transport terrorists and weapons of mass destruction into the United States.²⁴⁴ US authorities were equally concerned that more than 90% of the Canadian population resides in urban areas within 100 miles of the Canada-US border. The “2007 IBET Threat Assessment” claims that there is generally more cross-border smuggling activity in urban border crossing areas.²⁴⁵ A US Customs and Border Protection report warned that there are organizations and people who reside in Canada close to the border who are potential threats to US national security. The report also claimed that powerful criminal organizations based in Canada that are involved in cross-border smuggling operations could be linked to the

²⁴¹ Adelman, 114.

²⁴² United States, *National Border Patrol Strategy*, report prepared by the Office of Border Patrol and the Office of Policy and Planning, US Customs and Border Protection, September 2004, ii.

²⁴³ Mexico was a major transit route for illegal drugs that were produced in South America and destined for the US supply market. Hundreds of illegal migrants from Central and South America are also smuggled across the Mexico-US border, which has posed a major security threat to the US for decades.

²⁴⁴ Andreas and Nadelmann, 199.

²⁴⁵ IBET Threat Assessment.”

cross-border movement of potential terrorists and dangerous weapons.²⁴⁶ According to the *Washington Times*, the Bush administration has since made it a priority to secure its border with Canada: “Since the September 11 attacks on America, transforming the northern border from a liability into a hardened line of defense has become the mission of both ICE [Immigration and Customs Enforcement] and the Bureau of Customs and Border Protection [CBP], two new agencies within the Department of Homeland Security.”²⁴⁷ These unilateral security initiatives were justified by US intelligence reports that terrorist cells, including Al Qaeda, were carrying out their operations from “sleeper cell” bases in Canadian cities like Vancouver and Toronto.²⁴⁸

Immediately after 9/11, New York Senator Hillary Clinton claimed that the terrorists that hijacked the planes had entered the US illegally through Canada. These allegations were completely false, but the US had legitimate reason to worry about the terrorist presence in Canada and the porous border.²⁴⁹ Even before 9/11, US officials had been concerned about the security risk posed by the open border, especially amidst mounting evidence that terrorists were using Canada as a launching pad to stage attacks in the US. In 1997, US authorities arrested a Palestinian named Gazi Ibrahim Abu Mezer and three other people at Mezer’s apartment in Brooklyn. Authorities searched his apartment and found bombs that he intended to detonate in the New York subway system. Mezer later claimed that he had lived in Canada so that he could illegally cross

²⁴⁶ *National Border Patrol Strategy*, 6.

²⁴⁷ Jerry Seper, “Terrorist Cells Too Close for Comfort: US Border With Canada a ‘Soft Spot,’” *Washington Times*, December 10, 2003, A1.

²⁴⁸ “Terrorist Cells Too Close for Comfort,” A1.

²⁴⁹ Hillmer and Granatstein, 326.

the open border into the US and carry out this act of terrorism.²⁵⁰ Two years later, an Algerian named Ahmed Ressay was apprehended by US border patrol agents when he attempted to take a ferry from Victoria, BC to Seattle, Washington. A US border officer became suspicious of Ressay, and upon searching his car, officers found explosives in his trunk that he was planning to use to blow up the Los Angeles Airport.²⁵¹ The *Millennium Bomber* incident alarmed US officials, who had already criticized Canada's disorganized immigration and refugee systems and questioned the effectiveness of Canadian intelligence and counterterrorism efforts.

Canadian law enforcement and intelligence authorities were well aware of a terrorist presence in Canada. Former director of the Canadian Security Intelligence Service (CSIS) Ward Elcock admitted in 1998 that "with perhaps the singular exception of the US, there are more international terrorist groups active here than any other country in the world."²⁵² In its 1999 report, the Canadian Senate Subcommittee on Security and Intelligence similarly claimed that "Canada itself is not a major target for terrorist attacks, but Canada is a venue of opportunity, a place where terrorists organize, plan, finance, and mount terrorist attacks elsewhere, particularly against the United States."²⁵³ A secret Department of National Defence report, released in 2000 and obtained by the *Ottawa Citizen*, admits that "Canadian territory is increasingly seen as part of the problem, and less of a solution."²⁵⁴ In his book *Cold Terror: How Canada Nurtures and Exports*

²⁵⁰ August Gribbin, "GAO Says Border Still Vulnerable to Terrorist Infiltrators: Calls for Long-Term Force by Canada," *Washington Times*, February 21, 2002, A6.

²⁵¹ *Ibid.*

²⁵² Stewart Bell, *Cold Terror: How Canada Nurtures and Exports Terrorism Around the World* (Etobicoke: John Wiley & Sons Ltd., 2004), xiv.

²⁵³ Canada, Senate, debates, 36th Parliament, 1st sess., Ottawa, February 16, 1999.

²⁵⁴ Cindy E. Harnett, "Security Under Attack: Experts say Canada will Never be Safe From Terrorism Unless Immigration, Refugee Policies Change," *Times-Colonist*, September 13, 2001, B1.

Terrorism Around the World, Stuart Bell claims to have obtained an internal CSIS report written immediately after the 9/11 attacks. According to the report, “since its inception, Al Qaeda has used Canada as an offshore base, [and] has operatives and intelligence gatherers in Canada.”²⁵⁵ Even though the 9/11 hijackers did not enter the US from Canada, they very well could have. The Bush administration failed to consider the economic consequences of militarizing the Canada-US border, but their efforts to secure the porous border were justified by mounting evidence that Canada is a security risk to the United States.

3.3 Militarizing the Canada-US Border Not an Option

Before the 9/11 attacks, US intelligence sources confirmed that multiple terrorist organizations were operating inside Canada and could easily cross the border to strike US targets. Canadian policymakers were convinced that the post-9/11 bilateral trade relationship would be paralyzed as the US increased security at ports of entry and invested resources to effectively monitor the 9,000-kilometer border. Despite these concerns, by mid-2002, the northern border was patrolled by only 345 US border guards. Even though the Mexico-US border is only half the length of the Canada-US border, by 2002 it was monitored by 9,065 US border guards. The US government was pressured by the public, the media, and policymakers to increase security along its northern border, but the politically powerful North American business community was adamant that the border remain open to trade, since many North American companies and entire industries depended on the open border for their survival.²⁵⁶

²⁵⁵ Bell, xv.

²⁵⁶ “GAO Says Border Still Vulnerable,” A6.

American policymakers were also hesitant to beef up the Canada-US border because of US economic interests in the bilateral trade relationship. As shown in Table 2, a significant percentage of US imports come from Canada.²⁵⁷ The North American auto industry is completely dependent upon bilateral integration and the quick movement of goods between Canada and the US.²⁵⁸ Despite the pressure from the North American business community to keep the border open to trade, Table 1 shows that there was a sudden drop in two-way trade in 2001. Two-way trade in 2002 was even lower. This sudden decrease in bilateral trade suggests a negative correlation between border security and the efficient cross-border flow of goods. Increased border security impeded the efficient flow of goods across the Canada-US border, creating huge financial losses for Canadian and US businesses. An Ontario Chamber of Commerce report released on April 21, 2005 claims that the US economy is losing \$4.1 billion per year and the Canadian economy is losing \$8 billion per year due to increased security delays at the Canada-US border. The report lists the economies of Ontario, Michigan, New York, Pennsylvania, and Ohio as the hardest hit by increased security delays and inadequate staffing at official ports of entry along the border.²⁵⁹

²⁵⁷ More US imports come from Canada than from any other country, but Canada is still far more dependent on the bilateral trade relationship than the US in terms of GDP. Whereas exports to the US account for 80% of Canadian exports and 49% of its GDP, US exports to Canada only account for 20% of its exports and 1% of its GDP. (Jean Daudelin and Daniel Schwanen, "Room for Manoeuvre and the Paradox of Globalization," in *Canada Among Nations 2007: What Room for Manoeuvre?* Eds. Jean Daudelin and Daniel Schwanen (Montreal: McGill-Queen's University Press, 2008), 13 and John A. McDougall, *Drifting Together: The Political Economy of Canada-US Integration*, Toronto: Broadview Press, 2006, 28).

²⁵⁸ Daudelin and Schwanen, 13.

²⁵⁹ Sheldon Alberts, "Choked Border Crossings 'Cost US Economy \$4B a Year,'" *National Post*, April 21, 2005, A4. The extent to which 9/11 damaged the bilateral trade relationship is debated. Table 1 shows a marked decrease in trade between 2000 and 2001, but a report published by the Conference Board of Canada claims that "no evidence could be found that tighter border security has had a negative impact on the total volume of Canadian exports to the United States." (Michael Burt, *Tighter Border Security and its Effect on Canadian Exports*, Conference Board of Canada, International Trade and Investment Centre,

Before 9/11, the US government had accepted the reality that some illicit goods and people would invariably slip through the borders, but in the immediate aftermath of the attacks, US Customs officials were pressured by the Bush administration to keep out 100% of illegal goods and people.²⁶⁰ After the initial shock of the 9/11 had subsided, policymakers admitted that building up borders at official points of entry does not guarantee security:

*Closing the border is certainly appealing to nationalistic sentiments and to the basic human instincts of building moats and walls for protection. But when threats travel via fiber optics, or when finding the way to move a load across the border ensures unimaginable wealth or the chance of a better life, the wisdom of relying mostly on unilateral security measures is highly questionable...it is an utterly naïve expectation to assume that nations can successfully fend off threats just by relying on tighter border controls.*²⁶¹

The case of the Mexico-US border further evidences the limitations of border security. From 1990 to 1996, the number of US border agents along the Mexico border increased by 65%.²⁶² However, the laws of supply and demand dictate that if there is a high demand, the supply will be provided by any means necessary. People often risk being apprehended if they are motivated by economic opportunity or financial gains. In the case of the militarized Mexico-US border, beefing up border security made it more risky to smuggle goods and people into the US, which in turn increased the profits for those who were willing to take the risk. One US border patrol officer admitted that “the more difficult the crossing, the better the business for smugglers.”²⁶³

2007). Ken Sunquist, Director General of the Canadian Trade Commissioner Service, also said less than two months after 9/11 that “the majority of trade is going through [the Canada-US border] unaffected.” (Bruce Johnstone, “Trade with the US Returning to Normal,” *Leader Post*, November 6, 2001, B3).

²⁶⁰ Andreas and Nadelmann, 200.

²⁶¹ Naim, 276.

²⁶² Andreas, “US-Mexico: Open Markets,” 62.

²⁶³ Andreas, “US-Mexico: Open Markets,” 64.

US attempts to militarize its border with Mexico have failed to curb illegal immigration. Migrants are instead adapting to the increased border security by crossing the border between designated ports of entry: “The border patrol all but shut down the traditional border jumping towns of San Diego, El Paso, and Laredo, Texas. As a result, more migrants are taking more dangerous routes through the deserts of Arizona and an increasing number of migrants are losing their lives-491 in 2001 to dehydration in the desert, freezing in the mountains, or shooting by angry rangers.”²⁶⁴ In its efforts to curb illegal smuggling from Mexico, the US government launched *Operation Hold the Line*, during which a 20-mile area of the Mexico-US border prone to smuggling was patrolled on a 24/7 basis. US officials admitted that although the operation reduced the number of illegal border-crossers in that area, eliminating the chance to smuggle along one area of the border simply causes people to cross the border in a more remote area.²⁶⁵ Even though the Mexico-US border is only 1/3 the length of the Canada-US border and is patrolled by eight times as many agents, it is estimated that over one million illegal immigrants slip through the border into the US undetected each year.²⁶⁶

US efforts to cut off supply routes for drugs entering the US from its southern border proved to be equally ineffective. During the 1980s, US law enforcement cracked down on Colombian shipments of cocaine through the Caribbean to southern Florida. In response, powerful Colombian drug cartels started to rely on Mexican trafficking groups to deliver the goods to the US. Before this series of developments, cocaine had been transported from Colombia to Mexico using small planes, but once Mexico became the

²⁶⁴ Charlie LeDuff, “A Perilous 4000-Mile Passage to Work,” *New York Times*, May 29, 2001, A1.

²⁶⁵ Andreas, “US-Mexico: Open Markets,” 64.

²⁶⁶ Byers, 213.

primary outlet to ship cocaine to the US, the nature of trafficking changed and trucks and ground shipments became the preferred means of smuggling cocaine across the Mexico-US border.²⁶⁷ This example proves that unilateral efforts to increase border security have failed to reduce the cross-border flows of illicit goods and people, since building up the border encourages smugglers to reroute their ventures to a more porous area of the border.

Despite this clear evidence that militarizing its borders does not permanently reduce levels of cross-border smuggling, the US post-9/11 efforts to beef up border security was based on the presumption that the biggest threats to the US lay on the opposite sides of its borders. Yet the discovery that the perpetrators of the London, England terrorist attacks were born and raised in England created the realization that border security can only do so much to prevent terrorist attacks. Even the best border controls cannot guard against home-grown terrorists and people who are determined to cross the border: “Despite tighter enforcement after 9/11, the US is failing to defend itself from the illegal things and people that seem to have no problem violating its borders.”²⁶⁸ Militarizing the 9,000-kilometer border is thus an infeasible policy option for the United States. Securing the border unilaterally would place a huge financial burden on US taxpayers, and closing the border would have devastating effects on the Canadian and US economies. Furthermore, the case of the Mexico-US border provides evidence that militarizing the border is an ineffective deterrent to crime. The increased financial gain only inspires criminal networks to develop new and innovative ways to meet the demands of the US and Canadian black markets.

²⁶⁷ Andreas, “US-Mexico: Open Markets,” 57.

²⁶⁸ Naim, 275.

3.4 North American Security Perimeter Not an Option

The previous section discussed the infeasibility of militarizing the Canada-US border. The enormous investments made by the Canadian and US governments to increase North American economic interdependence have made it impractical for the US to revert to isolationism through a highly militarized border. With the US determined to prevent another 9/11, US and Canadian policymakers have struggled to develop bilateral policies to make the border safer while keeping it open to trade. An alternative option to militarizing the border unilaterally was to create a common security perimeter around Canada and the United States. This perimeter would facilitate an open Canada-US border by integrating US and Canadian border controls, environmental laws,²⁶⁹ and immigration and refugee policies.²⁷⁰ The idea of forming a common security perimeter in North America predated the 9/11 attacks. After the Ressam incident of 1999 and the subsequent concern of a terrorist presence in Canada, former US Ambassador to Canada Gordon Giffin suggested that a common security perimeter be developed in order to curb the cross-border flow of terrorism and other criminal activity.²⁷¹ Just months before the September 11th attacks, US Ambassador to Canada Paul Cellucci revisited the idea of this perimeter. In what he called a “NAFTA-Plus arrangement,”²⁷² forming a perimeter around the entire continent would further dissolve the borders between the NAFTA signatories. The perimeter concept was supported by former Prime Minister Brian Mulroney, who argued that political borders within North America should be eliminated

²⁶⁹ Barry, 121.

²⁷⁰ Adelman, 112.

²⁷¹ Gordon Griffin, “Rethinking the Line: The Canada-US Border,” Conference Report, October 22-25, 2000, published in *Horizons Policy Research Initiative*, March 2001, 18.

²⁷² Barry, 121.

to facilitate the free movement of people and goods.²⁷³ However, efforts to dissolve the border were harshly opposed by the Canadian public and the Chrétien government, who feared that this agreement would erode Canadian sovereignty. Minister of Foreign Affairs John Manley responded to sovereignty concerns in a public statement. He said that Canada-US relations should be managed via bilateral arrangements rather than by completely integrating the two countries through the dissolution of the Canada-US border.²⁷⁴ Lamar Smith, a Republican Congressman from Texas and Chair of the House Subcommittee on Immigration, hinted that Canada presented a security risk to the US, and was thus equally adamant that the Canada-US border stay in place.²⁷⁵

After 9/11, the Canadian government's stance on a common security perimeter completely reversed. Fearful that increased US border security would damage the trade relationship, Canadian leaders proposed that the NORAD defence agreement be transformed into a common security perimeter that would increase both physical and economic security.²⁷⁶ The business communities in Canada and the US were particularly supportive of developing a perimeter,²⁷⁷ arguing that it was the most feasible way to maintain the Canada-US economic relationship. Canadian business leaders were adamant that Canada and the US integrate their security policies if it would reduce wait times at

²⁷³ Dalton Camp and Steve Lee, "'Good Fences' Keeping us Canadian," *Toronto Star*, October 3, 2000, A21.

²⁷⁴ Barry, 122.

²⁷⁵ Lamar said in January 2000: "Countering the threat of terrorism tops the agenda of the US Congress this week and our country's porous border with Canada may be the place to start cleaning house. Americans want increased security in an increasingly unfriendly world." ("'Good Fences' Keeping us Canadian," A21).

²⁷⁶ Noble, John J., "Fortress America or Fortress North America?" Paper prepared for the IRPP Conference on North American Integration: Migration, Trade and Security, Ottawa, April 1 to 2, 2004.

²⁷⁷ Genevieve Bouchard and William Chandler, "The Politics of Inclusion and Exclusion: Immigration and Citizenship Issues in Three Democracies," in *Crossing the Atlantic: Comparing the European Union and Canada*, ed. Patrick M. Crowley (Burlington: Ashgate Publishing, 2004), 209.

the border.²⁷⁸ Politically influential CEOs lobbied actively for the creation of a common security perimeter for fear that a militarized US border was the only other option. David O'Brien, then-CEO of Pacific Railway, argued that the survival of the Canadian economy in the post-9/11 era would depend on a Canadian willingness to harmonize its policies with those of the US, admitting that “we’re going to lose increasingly our sovereignty, but necessarily so.”²⁷⁹ Bouchard and Chandler agreed that a common security perimeter would be the most effective way to secure North America, since it would regulate everyone and everything coming into North America based on the same security standards.²⁸⁰ In November 2001, academics and business executives from Canada and the US wrote a letter to President Bush and Prime Minister Chrétien as a collaborative effort to create a “zone of confidence” in North America.²⁸¹

A common security perimeter would have improved security and preserved North American economic interdependence, but it was never implemented. US policymakers were wary of dissolving its borders with Canada and Mexico and refused to support the perimeter concept, thereby proving that the traditional link between borders and security still affects policy. The Chrétien government seemed to support the idea of a common security perimeter, but failed to take the necessary initiative or pressure the US to consider its potential benefits. In its December 2002 report, the House of Commons Committee on Foreign Affairs and International Trade advised that the effects of creating a common security perimeter be studied further by the Canadian government. However, the vague response hinted that this initiative would never become a priority: “[The

²⁷⁸ Adelman, 125.

²⁷⁹ Byers, 207.

²⁸⁰ Bouchard and Chandler, 209.

²⁸¹ Noble, 5.

Government of Canada] is committed to examining any options for improving operations while providing appropriate security at the border.”²⁸² Canadian and US policymakers continued to wrestle with the task of balancing economic interdependence with security concerns. Peter Andreas had predicted just before 9/11 that “trying to tighten controls over the cross-border flow of drugs while loosening controls over the flow of legal commerce will no doubt continue to be a formula for policy frustration. How this frustration is politically managed will significantly shape the future of the border region and the bilateral relationship.”²⁸³ The validity of his statement only became more evident in the aftermath of 9/11.

3.5 Resolving Trade and Security Through Bilateral Cooperation

The previous section discussed Canada and the United States’ attempts to resolve the conflict between securing their common border and keeping it open to trade. US efforts to militarize the border were unsuccessful due to the economic interests of keeping it open to trade as well as the realization that barricading the border would not keep out 100% of illegitimate goods and people. The policy initiative to create a common security perimeter around North America was equally unsuccessful. Although it was in the best interests of integrated businesses in North America to dissolve the Canada-US border, actions were blocked by US security and Canadian sovereignty concerns. 9/11 had created a deep-seeded fear of the busy Canada-US border because of the emerging links between cross-border smuggling and terrorism. This fear made it an immediate priority for the Canadian and US political administrations to develop

²⁸² Canada, Government Response to the Report of the Standing Committee on Foreign Affairs and International Trade: *Partners in North America: Advancing Canada’s Relations With the United States and Mexico*, 32.

²⁸³ Peter Andreas, “US-Mexico Drug Control in the Age of Free Trade,” *Borderlines* 8, no. 4 (2000): 4.

innovative methods of bilateral policing that were suited to the nature of global criminal activity.²⁸⁴ Nadelmann and Andreas acknowledge that “finding a balance between facilitating the growing volume of legitimate border crossings and enforcing laws against unwanted crossings had long been the defining challenge of border control, but given the rising stakes, the balancing act became more difficult to sustain with the same old inspection methods and tools.”²⁸⁵ Since it was impossible to barricade the border and equally impossible to dissolve it, policymakers were forced to reach a compromise between these opposing actions. The most effective way to create a border open to trade and closed to criminal activity was to preserve the border and develop innovative methods of bilateral collaboration.

The Bush administration reacted to the 9/11 attacks by unilaterally increasing security along US borders to keep out dangerous goods and people. Post-9/11 US policy was influenced by traditional realism, which in most cases advocates unilateral security policies. But after US efforts to militarize the Canada-US border were deemed impractical, it became in the country’s best interest to pursue bilateral security agreements with Canada. According to Colin Robertson, since the Roosevelt-Mackenzie King partnership of the 1930s, US leaders have acknowledged that the Canada-US border can be secured most effectively if bilateral relations are strong. Throughout the 20th century, the US benefited from maintaining a positive relationship with Canada. During the Cold War, Canada played a crucial role in US defence against Soviet missiles and bombers. The establishment of the North American Aerospace Defence Command (NORAD) reflects the permanency of the bilateral security relationship, and has provided

²⁸⁴ Naim, 237.

²⁸⁵ Andreas and Nadelmann, 203.

a strong foundation for other joint security initiatives.²⁸⁶ US leadership thus recognized that it was in its best interests to work with Canada to maintain the current level of trade interdependence and create a safer border: “To create borders that performed as better security barriers and more efficient economic bridges, US law enforcement strategists aggressively pushed for more intensive use of new technologies and more expansive cross-border surveillance and law enforcement coordination.”²⁸⁷

This chapter outlined the US post-9/11 security policies and discussed the ways in which these policies affected the Canada-US economic relationship. The paradox of increasing border security and keeping borders open to trade is evidenced through US attempts to militarize the Canada-US border and the North American business community’s efforts to implement a North American security perimeter. This chapter outlined the drawbacks of both dissolving and militarizing the border, and highlighted the need for Canada and the US to develop innovative policing methods that would effectively respond to the changing nature of globalized crime. The following chapter will outline the methodology of the study of Integrated Border Enforcement Teams and their role in making the border more secure and efficient.

Chapter 4: Methodology

The purpose of this thesis is to investigate whether Integrated Border Enforcement Teams have achieved their operational objectives since 9/11, as stated in the Smart Border Declaration. This investigation was conducted through a qualitative

²⁸⁶ Colin Robertson, “CDA_USA 2.0: Intermesticity, Hidden Writing and Public Diplomacy,” in *Canada Among Nations 2007: What Room for Manoeuvre?* Ed. Jean Daudelin and Daniel Schwanen (Montreal: McGill-Queens University Press, 2008), 270.

²⁸⁷ Andreas and Nadelmann, 204.

research study of Integrated Border Enforcement Teams (IBETs). Statistical data was not relied on for the purposes of this study. Any statistics involving illicit industries are estimates at best. Relying solely on such data is an ineffective method in itself to examine the outcomes of Integrated Border Enforcement Teams.

This research study involved an examination of media reports and government websites and reports, as well as elite interviews with a representative of the Windsor-Detroit IBET and a representative of the Canada Border Services Agency (CBSA) in Windsor.

The operational objectives of Integrated Border Enforcement Teams are as follows:

- Increase the number of agents policing the border between official points of entry.
- Establish permanent joint enforcement teams comprised of various Canadian and US law enforcement agencies.
- Increase levels of information and intelligence sharing amongst Canadian and US law enforcement agencies.
- Ensure that patrolling is conducted covertly. This includes actions like patrolling at night and deploying plain-clothed agents.
- Develop policing methods that are suited to fight global crime. This includes actions like forming joint Canada-US patrol teams so that territorial jurisdiction will not prevent arrests and seizures from being made.

These objectives were generated from Points 23-25 of the *Smart Border Declaration*:

Point 23: Integrated Border and Marine Enforcement Teams

- *Expand Integrated Border Enforcement Teams and Integrated Marine Enforcement Teams (IMETs) to other areas of the border and enhance communication and coordination.*

Point 24: Joint Enforcement Coordination

- *Work toward ensuring comprehensive and permanent coordination of law enforcement, anti-terrorism efforts and information sharing, such as by strengthening the Cross-Border Crime Forum and reinvigorating Project Northstar.*

Point 25: Integrated Intelligence

- *Establish joint teams to analyze and disseminate information and intelligence, and produce threat and intelligence assessments. Initiate discussions regarding a Canadian presence on the US Foreign Terrorist Tracking Task Force.²⁸⁸*

Although an IBET had been established prior to 9/11 and the operational objectives had been presented, the governments of Canada and the US did not sufficiently prioritize bilateral policing initiatives, nor did they devote the necessary funding to expand these teams across Canada. The IBET was thus unable to achieve its operational objectives due to a lack of political support. After 9/11, the need to keep the Canada-US border open to trade amidst increasing security generated the political will to expand Integrated Border Enforcement Teams along the border. The dependent variable for this study is *IBETs achieving their operational objectives*. The independent variable for this study is *political will*, since it was the Canada and US governments' post-9/11 prioritization of collaborative security efforts that enabled IBETs to successfully achieve their operational objectives.

Although the concept of Integrated Border Enforcement Teams (IBETs) was introduced in the late 1990s, there has been little academic study of their role in creating

²⁸⁸ *The Canada-US Smart Border Declaration.*

a smart Canada-US border²⁸⁹ since 9/11. This study examines the efforts of Integrated Border Enforcement Teams by using the following methods of data collection: Departmental websites and reports, media reports, and elite interviews. These reports and interviews were used in order to determine whether IBETs have achieved their operational objectives, which were outlined in the *Smart Border Declaration*.

Departmental websites and reports provide little information on IBETs beyond their basic composition and functions. Information from these websites and reports²⁹⁰ were used to outline the composition and goals of IBETs.

Media sources have reported extensively on the origin of IBETs and their role in policing cross-border crime. Media reports of IBET contributions to arrests and seizures of illicit goods between official points of entry along the Canada-US border were examined, since the media is the only source that provides this type of data. Media reports were also useful in assessing the limitations of IBETs.

Departmental websites and media reports were very useful for the purposes of this study, but they lacked first-hand accounts of the purposes and functions of IBETs. Conducting *elite interviews* with high-ranking officials from the Royal Canadian Mounted Police and the Canada Border Services Agency made the results of this study more comprehensive. Lewis Anthony Dexter defines an elite as anyone “who in terms of

²⁸⁹ A smart border is a border open to legitimate trade but secure from threats like terrorism and the trafficking of humans, small arms and illicit drugs (*The Canada-US Smart Border Declaration*).

²⁹⁰ Information will be gathered from the departments and agencies that are involved in IBETs. Canadian permanent IBET partners include the RCMP and the CBSA. US permanent IBET partners include US Customs and Border Protection (CBP), the US Bureau of Immigration and Customs Enforcement (US ICE), and the US Coast Guard (USCG).

the current purposes of the interviewer is given special, non-standardized treatment.”²⁹¹ Elite interviews differ from the structured, standardized format of survey research. The nature of some research studies makes it impossible for researchers to develop a structured survey instrument or a uniform list of questions that can be distributed to elite respondents. Janet Buttolph Joseph and H.T. Reynolds claim that researchers are often interested in the respondents’ interpretations of issues or policies, and do not want to lose “valuable information that an elite ‘insider’ may possess by unduly constraining resources.”²⁹²

Elite interviews involve face-to-face interaction between the interviewer and respondent. These types of interviews are more individualized and less standardized than survey research, since they give the researcher more flexibility in asking open-ended questions and follow-up questions based on the responses of participants.²⁹³ Elite interviews are a particularly useful method of generating data when the topic of study can be most effectively explained by the people who are directly involved in the process: “[Elite interviews] often provide a more comprehensive and complicated understanding of political phenomena than other forms of data collection, and provide researchers with a rich variety of perspectives.”²⁹⁴

Elite interviewing was an effective method of obtaining first-hand accounts of the functions of IBETs. These representatives are more familiar than the media with the specific functions of IBETs, and since they are directly involved in border security

²⁹¹ Lewis Anthony Dexter, *Elite and Specialized Interviewing* (Evanston: Northwestern University Press, 1970), 5.

²⁹² Janet Buttolph Joseph and H.T. Reynolds, *Political Science Research Methods*, 5th ed. (Washington: CQ Press, 2005), 271.

²⁹³ Ibid.

²⁹⁴ Joseph and Reynolds, 275.

operations, they contributed valuable information about the importance of IBETs and the ways in which these teams collaborate with other law enforcement agencies.

Before contacting the two permanent Canadian IBET partner agencies, the CBSA and the RCMP, I submitted an application to the University of Windsor Research and Ethics Board to request permission to conduct elite interviews (see Appendix 1). Once approval was granted, I contacted the agencies to request interviews. Interview respondents were recruited in the following manner: The RCMP website does not provide a list of high-ranked officials, so a fax explaining the details of this study and requesting an interview with an RCMP representative was sent to the RCMP Windsor Detachment. RCMP Staff Sergeant Bob Bergoine, Commander of the Windsor-Detroit IBET, contacted me to discuss details of the interview. A colleague who works for the CBSA provided me with the name and contact information of Gerry Dundas, the CBSA Chief of Enforcement Operations for the Windsor Area. This representative was contacted and an interview was requested. Once contact was made with representatives from both agencies, they were given Letters of Information.²⁹⁵ These letters provided details of the study and informed the representatives that the interviews would be audio-taped and that they would be identified in the results of the study by their names and official titles. Once they agreed to participate in an interview, representatives were verbally informed of their right to withdraw at anytime during and after the interview. The Letter of Information provided written affirmation of this withdrawal right.

²⁹⁵ As per the requirements of the University of Windsor Research and Ethics Board.

An interview with RCMP Staff Sergeant Bob Bergoine was conducted at the CBSA Headquarters in Windsor on January 26, 2009,²⁹⁶ and an interview with the CBSA Chief of Enforcement Operations Gerry Dundas was conducted at the CBSA office at the Windsor-Detroit tunnel on February 5, 2009. The interview questions, which are located in Appendices 2 and 3, were approved by the University of Windsor Research and Ethics Board prior to the interviews.

At the start of the interviews, the participants signed a form consenting to the terms of the study and having the interview audio-taped.²⁹⁷ Since participants were not guaranteed confidentiality, they were permitted to review the transcripts of the interview. Audio tapes were kept in a locked cupboard and were not shared with anyone. They were kept for 24 hours and erased immediately after the relevant interview responses were transcribed and verified by the participants. Participants had the opportunity to verify the transcripts of the interview through their choice of encrypted email or hard copy. The transcripts were kept for 48 hours after being reviewed by the participants so that they could be reviewed and the information data could be gathered.²⁹⁸ After the study was completed, participants were provided with a brief summary of the research results.

Elite interviews, media reports, and departmental websites and reports were used to evaluate whether IBETs have achieved their operational objectives. IBET efforts to achieve their operational objectives during the 1990s were compared post-9/11 efforts in order to determine whether political will has made IBETs more successful in achieving

²⁹⁶ Canadian members of the Windsor-Detroit IBET work out of the Canada Border Services Agency headquarters in Windsor.

²⁹⁷ Joseph and Reynolds recommend that elite interviews be audio-taped to ensure that the information is accurately recorded (p 273).

²⁹⁸ Joseph and Reynolds define interview data as “observations collected through elite interviewing” (p 274).

their operational objectives. The data from these sources was also used to assess the limitations of IBETs in making the border more secure.

The primary limitation to this research study was the absence of interviews with low-level CBSA and RCMP employees, who work directly at the border and who could have provided a first-hand account of the limitations of IBETs. However, since the RCMP and CBSA are tax-payer funded agencies, the agencies are obligated to convey a positive image to the public. The CBSA and RCMP both have designated spokespersons, who are trained specifically to conduct interviews with the media and academics. Low-level agents are not permitted to speak on behalf of their agencies, and must direct any inquiries to the designated spokespersons. The University of Windsor Research and Ethics Board stipulates that all interviews must be conducted in accordance with rules and regulations of any agencies that are involved in the interview process. Any outgoing information to the public must be approved by the RCMP and CBSA communications departments prior to being disseminated. Because of this censorship, it was evident that the spokespersons would not freely discuss many of the limitations and inefficiencies of Integrated Border Enforcement Teams, which made it difficult to objectively assess both the strengths and limitations of these teams.

This chapter outlined the methodology of the study by defining the variables, and justifying the utility of elite interviews, media reports, and websites/reports from US and Canadian government agencies. The next chapter will discuss Canada's response to US pressures to improve its border security, immigration, refugee, and intelligence systems. Canada's strong support for bilateral initiatives that would improve security while facilitating legitimate goods and travelers will be the focus of the chapter.

Chapter 5: Canada's Commitment to Creating a Smart Border

The Canadian economy enjoyed decades of prosperity during the 20th century, due in large part to the open Canada-US border. Immediately after the 9/11 attacks, however, one of the United States' closest allies was suddenly viewed as a security threat. Jean Chrétien's Liberal government faced intense criticism from the US that Canada's borders were unguarded, immigration and refugee systems were ineffective, and anti-terrorism efforts were mediocre. The Bush administration made it clear that the Canadian government must launch a complete reorganization of its immigration, border security, and intelligence divisions. Even though Chrétien had been adamant to preserve Canadian sovereignty by avoiding initiatives that would further integrate the two countries, he was aware of the consequences if his government failed to meet US demands. If the Bush administration was not satisfied by Canadian efforts to improve its immigration, border security, and intelligence divisions, the US could easily revert to isolationist policies and shut down its northern border. Such action would devastate the Canadian economy, which is completely dependent on the US market and the efficient flow of trade across the border: "A country that sends 87% of its exports to the US must keep its biggest customer happy. It has little choice. Short of reconfiguring the economy, Canada cannot do business if its trucks are lined up for miles at the border near Detroit and Buffalo."²⁹⁹ In order to maintain the existing trade interdependency, it became Chrétien's priority to prove that Canada was a committed US ally. Chrétien knew that the US would not accept commitment in the form of empty promises. The Bush administration expected concrete financial investments aimed at improving Canada's security divisions. The long-term

²⁹⁹ Andrew Cohen, *While Canada Slept: How we Lost our Place in the World* (Toronto: McClelland & Stewart, 2003), 190.

sustainability of the Canadian economy thus depended on the Chrétien government's contribution to creating a safer North America.

5.1 Canada's Post-9/11 Security Policies

The 2002 Federal Budget reflected Canada's changing priorities and its success in meeting US demands. When he tabled the budget, Canada's Finance Minister Paul Martin told the House of Commons that:

Canada was severely affected by delays and disruptions at the US border, reminding us of the vital importance of keeping an open flow of people and products between our two countries. Our challenge, therefore, is to create a border that is open for business but closed to terror. This means going beyond our simple restoration of things as they were before Sept. 11. It means we must create the most modern, sophisticated border possible using state-of-the-art technology to speed legitimate traffic while stopping those who would do our countries harm.³⁰⁰

The 2002 Budget stipulated that \$7.7 billion would be spent over a five-year period to improve the security of Canadians.³⁰¹ Of this, \$1.2 billion was allocated for border infrastructure improvements and the development of joint intelligence and policing efforts that would reduce security threats along the border while keeping it open to trade.³⁰² Between the years 2000 and 2008, the Canadian government would spend over \$10 billion to improve its law enforcement and border security divisions.³⁰³

In addition to funding these security initiatives, the Canadian government developed legislation that would integrate several of its departments and agencies, and thereby improve intelligence and information sharing. In many ways, this legislation

³⁰⁰ Robert Fife, "Overall Spending Increases Almost 10%: Expensive Program to Tighten Borders Highlights Shift in Attitude Toward US," *National Post*, December 11, 2001, A1.

³⁰¹ Canada, *Enhancing Security for Canadians: Budget 2001*, 3.

³⁰² *Budget 2001*, 5.

³⁰³ "Border Cooperation."

mirrored the US consolidation of multiple government departments into the Department of Homeland Security. *Canada's National Security Policy* outlined Canada's security interests after 9/11, which served as the foundation for Canadian foreign policy during the 21st century:

- 1) *Protecting Canada and the safety and security of Canadians at home and abroad*
- 2) *Ensuring that Canada is not a base for threats to our allies*
- 3) *Contributing to international security*³⁰⁴

These national security objectives would be pursued through the creation of the Department of Public Safety and Emergency Preparedness. Major Canadian intelligence and law enforcement agencies like the Canadian Security Intelligence Service (CSIS), the RCMP, and the newly-formed Canada Border Services Agency (CBSA) are now part of this overarching department that takes a proactive, intelligence-driven approach to national security.³⁰⁵ For example, the CBSA Immigration Intelligence Branch is responsible for screening possible terrorists or persons suspected of being involved in organized crime. Since its establishment, this branch of the CBSA has greatly improved the screening of visa and refugee applicants before they actually arrive in Canada.³⁰⁶ Improving visa and refugee screening was critical in order for Canada to satisfy post-9/11 US security demands. According to *Canada's National Security Policy*, “these actions are helping us better integrate intelligence and law enforcement officials with those responsible for making risk-based decisions on the flow of people and goods at our borders.”³⁰⁷ Canada's prioritization of its intelligence departments is clear: In the early

³⁰⁴ *Canada's National Security Policy*, 5.

³⁰⁵ *Canada's National Security Policy*, 43. The CBSA was created in 2003 to make border management more proactive through the integration of border security and intelligence.

³⁰⁶ *Canada's National Security Policy*, 42.

³⁰⁷ *Canada's National Security Policy*, 43.

1980s, the intelligence division of Canada Customs had nine full-time employees. Since 9/11, this number has increased to 780. All Canadian law enforcement and national security agencies have experienced similar staffing increases since 9/11.³⁰⁸

Chapter 3 outlined the drawbacks of militarizing the border and creating a North American security perimeter. Policymakers were aware that the US and Canada must reach a common ground so that “the integrity of the Canada-US border [can] be maintained while still allowing for the free flow of people and goods.”³⁰⁹ The history of cooperation between US and Canadian border enforcement agencies indicated to Canadian and US policymakers that bilateral initiatives would be the most effective way to secure the border while maintaining the current trade interdependency. In the case of Mexico, high levels of corruption in the policing and court systems have consistently undermined the success of bilateral policing initiatives between Mexico and the US, and led the US to militarize its southern border.³¹⁰ In contrast, Canada’s strong legal and justice systems are equally transparent to those in the US, making it much more feasible for the two countries to establish joint law enforcement teams. Furthermore, as John Noble argues, “neither country can individually address all of the threats posed by terrorists to the North American continent. Heightened security for North America can only come with increased cooperation between the countries concerned.”³¹¹

By the beginning of 2002, Canada and the US had already developed and implemented new methods of securing their shared border that entailed an integration of

³⁰⁸ Gerry Dundas, Canada Border Services Agency Chief of Enforcement Operations for the Windsor Area, interview, CBSA Office of the Windsor-Detroit Tunnel, Windsor, Ontario, February 5, 2009.

³⁰⁹ *Organized Crime Threat Assessment*, 1.

³¹⁰ “On the Trail of the Traffickers,” *The Economist Magazine*, March 7, 2009, 32.

³¹¹ Noble, 53.

their national security and law enforcement agencies.³¹² The importance of this collaboration was reiterated in the 2004 *National Security Policy*, which said that to keep Canadians safe in the 21st century, the federal government must create permanent partnerships with municipalities, provinces, and other countries around the world, particularly the United States.³¹³ These bilateral agreements were very similar to the bilateral partnerships developed during the 1990s, which were discussed in Chapter 2. The key difference is that the Canadian and US governments have made these ideas and concepts a priority since 9/11 by providing the political support and funding to fulfill the objectives of these bilateral agreements.³¹⁴

The *Safe Third Country Agreement* was signed on December 3, 2001 with the goal of improving Canada-US cooperation on illegal migration issues. Specifically, the *Agreement* aims to reduce the likelihood of illegal migrants accessing Canada through its liberal immigration and refugee policies and subsequently entering the US illegally through the porous border.³¹⁵ The *Binational Planning Group* emerged in 2002 out of the realization that Canada and the US faced many common domestic security threats. The group organizes joint response plans for terrorist attacks and other emergency situations, which involve such actions as sending Canadian and US troops into each other's territory.³¹⁶ The *Binational Planning Group* also develops innovative methods of intelligence sharing and coordinates the Canadian and US surveillance maritime waters

³¹² Sands, 50.

³¹³ Jennifer Welsh, *At Home in the World: Canada's Global Vision for the 21st Century* (Toronto: HarperCollins Publishers, 2004), 121.

³¹⁴ Sands, 65.

³¹⁵ Adelman, 113.

³¹⁶ Holloway, 74.

surveillance systems.³¹⁷ Whereas the *Binational Planning Group* facilitates the integration of the Canadian and US defence systems, the *Security and Prosperity Partnership Agreement* focuses on maintaining a positive trade and security relationship between the signatories of NAFTA. Created in 2005, this trilateral initiative established a framework that would preserve the trade agreement while improving security in North America through increased cooperation and intelligence sharing.³¹⁸

The *Security and Prosperity Partnership Agreement* complemented the *Smart Border Declaration*, which was signed by US Director of Homeland Security Tom Ridge and Minister of Foreign Affairs John Manley on December 12, 2001³¹⁹ in order to rectify Canadian economic concerns and US security fears.³²⁰ Soon after 9/11, Canadian policymakers took advantage of the US uncertainty about how to effectively secure its borders, knowing that this was the ideal occasion to put forward bold and innovative policy ideas. The “political oxygen” provided by 9/11 was used effectively by the Canadian government to create a proposal for the Canada-US border that viewed “economic prosperity and security as reinforcing rather than competing objectives.”³²¹ Ideas that had been discussed before 9/11 were put into a smart border strategy that aimed to make the border a filter rather than a barrier. This would be achieved through a framework aimed to increase the speed at which legitimate goods and people cross the border while weeding out high-risk elements. Whereas the *USA Patriot Act* advised that the border be secured by increasing the number of guards at ports of entry, the smart

³¹⁷ Barry, 124.

³¹⁸ Canada, “Security and Prosperity Partnership of North America,” last updated January 12, 2007, www.cbsa-asfc.gc.ca/agency-agence/spp-ppsp-eng.html (accessed February 25, 2009).

³¹⁹ Farson, 49.

³²⁰ *The Canada-US Smart Border Declaration*.

³²¹ Welsh, *At Home in the World*, 59.

border proposal incorporated proactive techniques like risk assessment, information sharing, licensing, pre-clearance, and the use of advanced technology.”³²²

This framework is outlined through the four pillars of the *Smart Border Declaration and 32-Point Action Plan*, which aims to facilitate “the secure flow of people, the secure flow of goods, secure infrastructure, and the coordination and information sharing.”³²³ Prime Minister Chrétien and President Bush met in Detroit, Michigan in September 2002 to assess what steps had been taken to implement the *Declaration*’s objectives.³²⁴ Three months later, the Canadian and American governments announced that the *Smart Border Declaration* would be expanded to increase the level of intelligence and criminal data sharing between intelligence and law enforcement agencies like the RCMP and the US Federal Bureau of Investigation (FBI). This expansion would also include the development of joint databases between the Canada Border Services Agency and US Customs and Border Patrol. According to *Canada’s National Security Policy*, “the initiative makes both countries partners in systems and programs that expedite the flow of low-risk goods and people while increasing the information that is needed to screen higher-risk flows.”³²⁵ Although Canadian leaders have normally shied away from supporting agreements that infringe on Canadian sovereignty, Chrétien and Martin’s Liberal governments recognized that the *Smart Border Declaration* was

³²² Ken Roach, *September 11: Consequences for Canada* (Montreal: McGill-Queen’s University Press, 2003), 141

³²³ Ibid.

³²⁴ Ibid.

³²⁵ *Canada’s National Security Policy*, 43.

preserving the bilateral economic relationship, and thus supported the resultant policies and initiatives.³²⁶

5.2 The Expansion of Integrated Border Enforcement Teams Across Canada

The *Smart Border Declaration* discredited the argument that trade and security are opposing goals. Although it emphasized the importance of securing the border through bilateral partnerships and increased intelligence sharing, the *Declaration* acknowledged the need to maintain an open Canada-US border. Gerry Dundas, the Canada Border Services Agency Chief of Enforcement Operations for the Windsor area, estimates that 97% of people who cross the Canada-US border are classified as legitimate travelers.³²⁷ In the case of the Windsor-Detroit sector, thousands of people cross the border daily or several times a week for work or school. For example, there are 5,000 Registered Nurses who live in the Windsor area but work in Michigan. These nurses use the Ambassador Bridge and the Windsor-Detroit tunnel to commute to and from work every day. Dundas argues that it is simply impractical and a waste of resources to force commuters to answer multiple questions each day, since the ultimate goal for border patrol agents is “to find a way to identify you quickly, clear you quickly, and get out of your way.”³²⁸ In recognizing these concerns, the *Smart Border Declaration* laid the foundation for programs like NEXUS³²⁹ and FAST,³³⁰ which have facilitated the efficient cross-border flow of legitimate goods and people.

³²⁶ Hillmer and Granatstein, 327.

³²⁷ Gerry Dundas, CBSA, interview.

³²⁸ Ibid.

³²⁹ Ibid. Through the NEXUS program, travelers fill out an application and provide the required information, after which a background check is conducted. If the person in question is deemed a low-risk

Political leaders in Canada and the US have always acknowledged the importance of effectively securing their common border, but the events of 9/11 turned this common objective into a priority. Both countries were particularly concerned that their border security systems were limited to official ports of entry along the border. Although Canadian and US Customs officials operate 119 land border crossings and several marine border crossings,³³¹ the Canada-US border stretches for almost 9,000 kilometers.³³² The ratio of border crossings to the length of the border makes it clear that most of the border was left unguarded prior to 9/11.³³³ Joe Comartin, New Democrat Member of Parliament for the Windsor-St. Clair riding, said that “we have all sorts of border points primarily in the Prairies, through BC, where they are just completely open. You just walk across the imaginary line that is there.”³³⁴

The Bush administration was particularly concerned that using marine ports of entry to secure the 3,830 kilometers of shared waters³³⁵ posed a major security risk to the US.³³⁶ If someone wanted to cross the border into the US with the intention of committing an act of terrorism, s/he would likely use these isolated areas between ports of entry to sneak into the US, since it would reduce the chance of creating suspicion or

traveler, s/he is given a card and is allowed to cross the border through the NEXUS lane, which processes travelers much faster because of the pre-approved background information.

³³⁰ Welsh, *At Home in the World*, 121. The FAST program was a pilot project that made the flow of trucks carrying commercial goods between Canada and the US more efficient.

³³¹ Canada, “About the Canada Border Services Agency,” last updated April 18, 2008, www.cbsa-asfc.gc.ca/agency_agence/what-quoi-eng.html (accessed February 25, 2009).

³³² International Boundary Commission, “Boundary Facts,” www.internationalboundarycommission.org/boundaryfacts.html (accessed February 25, 2009).

³³³ According to the Canada Border Services Agency website, only 61 of the 119 land border crossings operate on a 24/7 basis, which provides further opportunity to cross the border without being detected.

³³⁴ “National Guard and Military Helicopters will Perform Inspections and Police the Skies.”

³³⁵ “Boundary Facts.”

³³⁶ Bob Bergoine, RCMP Staff Sergeant and “O” Division IBET Commander, interview, Canada Border Services Agency Headquarters, Windsor, Ontario, January 26, 2009.

being apprehended.³³⁷ It was clear that in the aftermath of 9/11, innovative methods of bilateral cooperation would replace the traditional approach of building up borders as the most effective way to fight globalized terrorism and other criminal activity. According to Marcel LeBeuf of the RCMP, “the events of September 11 had a determining effect on developing partnerships between law enforcement regarding the border”³³⁸ by highlighting the importance of forming joint Canada-US enforcement teams that would patrol the border between official ports of entry.³³⁹ The importance of these teams was emphasized in the *Smart Border Declaration’s* 32-Point Action Plan:

Point 23: Integrated Border and Marine Enforcement Teams

- *Expand Integrated Border Enforcement Teams and Integrated Marine Enforcement Teams (IMETs) to other areas of the border and enhance communication and coordination.*

Point 24: Joint Enforcement Coordination

- *Work toward ensuring comprehensive and permanent coordination of law enforcement, anti-terrorism efforts and information sharing, such as by strengthening the Cross-Border Crime Forum and reinvigorating Project Northstar.*

Point 25: Integrated Intelligence

- *Establish joint teams to analyze and disseminate information and intelligence, and produce threat and intelligence assessments. Initiate discussions regarding a Canadian presence on the US Foreign Terrorist Tracking Task Force.*³⁴⁰

Like many other components of the *Smart Border Declaration*, Integrated Border Enforcement Teams pre-dated the 9/11 attacks. The first IBET was established in 1996 near Chilliwack, British Columbia as an RCMP initiative to patrol the British Columbia-Washington border, which had recently emerged as a major smuggling route for illicit

³³⁷ Ibid.

³³⁸ LeBeuf, 7.

³³⁹ LeBeuf, 7.

³⁴⁰ *The Canada-US Smart Border Declaration*

drugs.³⁴¹ The RCMP, US Border Patrol, and US Customs Service spoke extensively with residents of border communities to better understand the operations of criminal organizations in the BC-Washington region. Using this information, the agencies then discussed the ways in which specific limitations of border policing could be overcome through collaborative efforts.³⁴² This pilot project enabled US and Canadian law enforcement from local, provincial, state, and federal agencies to conduct joint forces operations and more effectively share information and intelligence.³⁴³ This cooperative effort enjoyed great success: IBET agents made major seizures and arrests between official ports of entry along the BC-Washington border. In a 10-day period during 1999, the team intercepted three cross-border smuggling attempts and seized a total of 71 kilograms of marijuana and 10 kilograms of cocaine.³⁴⁴ In May 1999 alone, the BC-Washington IBET seized US \$2.5 million worth of cocaine and marijuana,³⁴⁵ suggesting that this team was effectively policing the most porous areas of the BC-Washington border region. The RCMP reports that prior to 9/11, “IBETs continued to succeed in BC and gained a reputation as an effective method in managing border enforcement issues.”³⁴⁶ Between 1996 and 1998, seizures of illicit goods and people between ports of entry increased by 600%.³⁴⁷ But until the 9/11 attacks and the subsequent concern over

³⁴¹ LeBeuf, 8.

³⁴² Canada, “Integrated Border Enforcement Team (IBET) Frequently Asked Questions,” last updated June 9, 2008, <http://www.rcmp-grc.gc.ca/secur/ibets-eipf-faq-eng.htm> (accessed March 7, 2009).

³⁴³ Sands, 58.

³⁴⁴ Helen Plischke, “Border Cops Nab 3 for Smuggling,” *The Province*, May 14, 1999, A3.

³⁴⁵ “Zero Border Tolerance,” A6.

³⁴⁶ “IBET Frequently Asked Questions.”

³⁴⁷ *Ibid.*

the porous border, the IBET concept was not formalized, nor did the BC-Washington team receive sufficient funding to expand across the entire Canada-US border.³⁴⁸

After 9/11, the Government of Canada recognized the need to patrol its borders with the US between designated ports of entry. Part of Canada's 2002 Federal Budget allocations for border security, anti-terrorism, and public safety were used to create 23³⁴⁹ new Integrated Border Enforcement Teams³⁵⁰ in 15 strategic locations along the Canada-US border.³⁵¹ Since 9/11, IBETs have been comprised of two Canadian and three US permanent partner agencies:³⁵² The Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP), US Customs and Border Protection (US CBP), the US Coast Guard (USCG), and the US Bureau of Immigration and Customs Enforcement (US ICE).³⁵³ The participation of these five core agencies gives IBETs land, air, and marine components.³⁵⁴ These agencies also work closely with local, state, and provincial law enforcement agencies on an ad hoc basis. According to the RCMP, these teams were expanded across Canada and the US in order to “enhance border integrity and security at our shared border by identifying, investigating, and interdicting persons and

³⁴⁸ “IBET Frequently Asked Questions.”

³⁴⁹ In addition to the team already established along the BC-Washington border.

³⁵⁰ The “IBET Threat Assessment” defines Integrated Border Enforcement Teams as a “cooperative bilateral initiative that ensures borders are open for business but closed for crime.”

³⁵¹ Byers, 212.

³⁵² When they were first established after 9/11, IBETs were comprised of six core partner agencies: Canada Immigration, Canada Customs, the RCMP, US CBP, USCG, and US ICE. Since then, Canada Immigration and Canada Customs have merged to form the Canada Border Services Agency, which has reduced the number of core partner agencies from six to five (Bob Bergoine, RCMP, interview).

³⁵³ Ibid.

³⁵⁴ LeBeuf, 8.

organizations that pose a threat to national security or are engaged in other organized criminal activity.”³⁵⁵ Figure 2 shows the 15 IBET locations along the Canada-US border.

Since 9/11, the main role of IBETs has been to work in collaboration with the CBSA and the US CBP to secure the Canada-US border. Whereas these two agencies are primarily responsible for securing the border at official ports of entry, IBETs are mandated to police criminal activity between these ports of entry. IBETs are responsible for monitoring all land and marine borders between ports of entry. The marine borders include: The Atlantic Ocean between Nova Scotia and Maine, the Pacific Ocean/Washington State area, the Great Lakes-St. Lawrence Seaway region, and various other marine areas in the Atlantic and Red River regions.³⁵⁶

IBETs were expanded across Canada and the United States as part of the post-9/11 effort to more vigilantly monitor the porous Canada-US border. RCMP Sergeant Bob Bergoine attests that IBETs “number one priority is and always has been national security.”³⁵⁷ Even though the majority of IBETs activities involve the smuggling of drugs, small arms, and humans, their primary function is to police terrorist activity at the border and contribute intelligence to terrorism investigations. As terrorist attacks have become increasingly sophisticated, it became crucial in the aftermath of 9/11 that Canada and the US develop integrated policing efforts to effectively monitor and impede cross-

³⁵⁵ Canada, “Integrated Border Enforcement Teams,” presentation slides, unpublished, RCMP, December 2004.

³⁵⁶ “IBET Threat Assessment.”

³⁵⁷ Bob Bergoine, RCMP, interview. Bergoine limits the scope of national security to matters dealing with terrorism. According to *Canada’s National Security Policy*, national security “deals with threats that have the potential to undermine the security of the state or society. These threats generally require a national response, as they are beyond the capacity of individuals, communities or provinces to address alone” (p 3).

border terrorist activity.³⁵⁸ Even though the FBI and RCMP National Security Criminal Investigations (NSCI) are responsible for coordinating terrorism investigations in Canada and the US, IBETs contribute to national security by patrolling the border between ports of entry for terrorism-related activity, assisting in investigations, and sharing relevant intelligence with the FBI and the RCMP NSCI.³⁵⁹

Monitoring cross-border terrorist activity is the primary function of IBETs, but the *US National Security Strategy* and *Canada's National Security Policy* acknowledge that there are other national security threats besides terrorism.³⁶⁰ Statistically, the majority of IBET activity involves organized crime, which the "Canada-US IBET Threat Assessment 2007" claims is the principal threat along the Canada-US border.³⁶¹ In an internal report, the RCMP listed IBETs priorities as follows: "National security, organized crime, and other border criminality between ports of entry."³⁶²

IBET operations focus exclusively on the Canada-US border. In many cases, IBET arrests and seizures produce intelligence about the sources of criminal organizations. Any inland operations that result from seizures or arrests become the responsibility of the designated Canadian and US agencies. For example, if an IBET team seizes a large amount of money that is being smuggled across the border by boat, that money is likely related to the illicit drug trade. After the IBET makes seizures and/or arrests, their role in the investigation would end there. The money and those arrested would be handed over to the appropriate unit within Canada or the US, which would then proceed with the

³⁵⁸ "IBET Threat Assessment."

³⁵⁹ Ibid.

³⁶⁰ *The National Security Strategy of the United States of America, 2006*, 47, and *Canada's National Security Policy*, 7.

³⁶¹ "IBET Threat Assessment."

³⁶² "IBET presentation slides.

investigation. Since the investigation would likely take place far away from the borders, IBETs would not take part since it would take the teams away from patrolling the Canada-US border. According to “O” Division IBET Commander Bob Bergoine, this duty is the main reason for their existence: “If an IBET investigation required inland investigations for long periods of time, we don’t want to be away from the border for too long. We don’t want to avoid the activity at the border. That’s our main focus.”³⁶³

This chapter has outlined the role of Integrated Border Enforcement Teams after 9/11, the origins of these joint enforcement teams, and their basic composition. The following chapter will explain in greater detail the functions and priorities of IBETs, and will assess how these teams fulfilled the operational objectives set out in the *Smart Border Declaration*.

Chapter 6: The Smart Border Declaration and Integrated Border Enforcement Teams

This chapter will analyze IBET efforts to fulfill their operational objective, which were outlined in the *Smart Border Declaration*. It will also examine the outcomes of IBETs that were not specifically mentioned in the *Declaration*, focusing on the increase in seizures and arrests between designated ports of entry. Points 23-25 of the *Smart Border Declaration* were used to generate five operational objectives for Integrated Border Enforcement Teams. This section will examine how IBETs have fulfilled each of these objectives. The link between political will and the post-9/11 success of Integrated Border Enforcement Teams will also be examined.

³⁶³ Bob Bergoine, RCMP, interview.

6.1 More Agents Policing the Border Between Official Ports of Entry

The first operational objective of IBETs is for an increased number of law enforcement agents to police the border between official ports of entry. Even before 9/11, these porous areas of the border presented a major security risk to the Canada-US border. Windsor-Detroit IBET commander Bob Bergoine admits that before 9/11, “the areas between the ports of entry were, I’m not going to say neglected, but not as much attention was paid as were the ports.”³⁶⁴ Michael Pearson, Executive Associate Commissioner for the US Immigration and Naturalization Services (INS) Field Operations, addressed this security issue to a Subcommittee of the US House Judiciary Committee in 1999. Although Pearson spoke highly of the RCMP for cooperating closely with US border patrol staff to secure the border, he said that the lack of attention paid to porous areas between ports of entry had made the Canada-US border “a potential terrorist threat.”³⁶⁵

Law enforcement officials found it particularly difficult to patrol marine areas of the border. Some of these marine crossings freeze during the winter, making it easy for people with both legitimate and criminal purposes to travel easily between the two countries.³⁶⁶ Authorities report that water bodies that span across Canada and the US are a haven for illegitimate activity like the smuggling of drugs, money, tobacco, weapons, liquor, and humans. Water bodies that straddle the border make it relatively easy for people to slip between Canada and the US through cargo and cruise ships, pleasure crafts,

³⁶⁴ Ibid.

³⁶⁵ Tim Naumetz, “Leaky Border Fears not new, Documents Show,” *Times-Colonist*, November 7, 2001, A6.

³⁶⁶ *National Border Patrol Strategy*, 5.

and ferries.³⁶⁷ Marine enforcement officials have also caught people trying to sneak across the border on foot or by using all-terrain-vehicles, sleds, snowmobiles, boats, rafts, trains, and aircrafts. Criminal organizations often employ drivers or pilots to move people or goods across the border. They use technology like GPS, scanners, decoy vehicles, and counter-surveillance techniques to avoid being detected by law enforcement authorities.³⁶⁸

When anyone crosses the border without offering themselves for investigation, which is the case when anyone crosses between designated ports of entry, their action is considered to be an immigration offense, since official permission has not been granted to cross the border. According to RCMP Staff Sergeant Bob Bergoine, when people avoid points of entry, they may be involved smuggling operations, or they do not want authorities knowing that they are crossing into another country.³⁶⁹ It is thus crucial that the border be guarded between ports of entry. Gerry Dundas, Canada Border Services Chief of Enforcement Operations for the Windsor area, claims that IBETs are responsible for apprehending these individuals who try to slip past customs authorities at official border crossings: “[IBETs] job is to be between those points of entry and to be in those covert areas and to be those eyes and ears out there.”³⁷⁰

Since they have expanded across Canada and the US, IBETs have greatly aided the CBSA and US CBP with the daunting task of effectively securing the border. The RCMP has taken a lead role in the development and expansion of IBETs across Canada,

³⁶⁷ “IBET Threat Assessment.” Human smuggling in marine areas generally involves unauthorized persons who board cargo ships, cruise ships, ferries, or pleasure crafts.

³⁶⁸ Ibid.

³⁶⁹ Bob Bergoine, RCMP, interview.

³⁷⁰ Gerry Dundas, CBSA, interview.

recognizing the limitations of reactive border security measures like CBSA/CBP vehicle searches at ports of entry. According to Sergeant David Mackay, unit commander of the Rocky Mountain IBET, “the volume of activity along the border requires inter-agency co-operation.”³⁷¹

A US Customs and Border Protection report similarly claims that law enforcement cooperation is a more effective way of securing the Canada-US border than unilateral efforts, since customs agents at ports of entry cannot be expected to interdict 100% of illicit goods and people that cross the border: “While resources have been significantly increased since 9/11 from approximately 350 agents to 1,000 agents, the Border Patrol’s ability to detect, respond to, and interdict illegal cross-border penetrations along the Canada-US border remains limited.”³⁷² The CBP report goes on to highlight the importance of collaborative efforts like IBETs to secure the porous areas of the border: “To identify specific northern border threats, CBP Border Patrol has strengthened its partnerships with Canadian law enforcement authorities and intelligence officials, and with officials from other federal, state, local, and tribal organizations by leveraging information and increasing communication and cooperation. The Integrated Border Enforcement, Maritime, and Intelligence Teams (IBET/IMET/IBIT) are examples of this effort.”³⁷³ The RCMP reports that unlike the US CBP and CBSA, whose operations are in many cases limited to designated ports of entry,³⁷⁴ “the area IBETs cover is vast and requires the team to be mobile and operate in strategically chosen locations based on

³⁷¹ “Expelling Calgary’s Illegals Costly,” B1.

³⁷² *National Border Patrol Strategy*, 5.

³⁷³ *National Border Patrol Strategy*, 6.

³⁷⁴ *Department of Homeland Security Appropriations for Fiscal Year 2008*, 163.

investigative priorities targeted through information and intelligence-sharing.”³⁷⁵ While the US CBP report clearly outlines the limitations of the CBP actions alone, it advocates for joint initiatives like IBETs to effectively curb criminal activity along the Canada-US border. By the summer of 2008, US CBP had contributed a great deal of personnel towards the IBET effort to patrol the Great Lakes region³⁷⁶ and remote forest areas,³⁷⁷ which suggests that the agency favors bilateral cooperation over unilateral efforts to secure the border.

The expansion of IBETs across Canada has increased the number of agents patrolling the border between ports of entry, but each team is still responsible for policing a sizeable area of the border. It is unreasonable to expect these agents to patrol hundreds of miles of borderland on a 24/7 basis. Recognizing the limitations of IBET agents, the governments of Canada and the US have provided the funding to open satellite offices for IBETs that are responsible for patrolling vast geographic areas. For example, the Prairie IBET is based in Estevan, but there is a satellite office located in Eastend. This additional IBET office has improved response times in emergency situations, and has enabled IBET agents to more effectively patrol remote areas of the border. Corporal Brian Jones, an RCMP Spokesperson, said that the Eastend satellite office will improve the Prairie IBET’s ability to curb cross-border criminal activity and “enhance...the ability to follow-up with any reports or information that is coming in.”³⁷⁸ IBET satellite offices like the one based in Eastend are complemented by improved information analysis and sharing

³⁷⁵ “IBET Frequently Asked Questions.”

³⁷⁶ IBET efforts to patrol the Great Lakes are particularly important, since major cross-border criminal organization use boats to smuggle illicit goods and people between Canada and the US in the Great Lakes region (Bob Bergoine, RCMP, interview).

³⁷⁷ Ibid.

³⁷⁸ Ken Gousseau, “RCMP Enhancing Security Patrols Along US Border,” *Leader Post*, November 26, 2005, A7.

between IBET partners, as well as emerging technical capabilities like joint radio systems³⁷⁹ and \$2.2 million Bell 206L-4 helicopters, which are used by IBETs to patrol rugged, marine, and isolated areas of the border that are difficult for officers to patrol on foot.³⁸⁰ Gerry Francois, head of the “K” Division Border Integrity, highlighted the importance of advanced technology like the 206L-4 helicopters: “We are limited in terms of human resources but we take advantage of some pretty advanced technology to monitor traffic across the border and remote areas that we can’t get to as easily and as often as we’d like to. We’re using a blend of technology and human investigations to do, I think, an effective job.”³⁸¹

Post-9/11 funding for IBETs has increased the number of law enforcement personnel that patrol the border between ports of entry, and the use of satellite offices and improved technology have made law enforcement teams far more effective at policing illicit activities between ports of entry than before September 11th. Lloyd Easterling, the US Customs and Border Patrol’s Assistant Chief for Border Security Operations, attests that “we’re out there more and a greater deterrent.”³⁸²

6.2 Permanently-Established Joint Enforcement Teams

The second operational objective of IBETs is the establishment of permanent joint law enforcement teams. Even before 9/11, there was a consensus amongst Canadian and US law enforcement agencies that establishing joint forces was the most effective way to

³⁷⁹ “IBET Frequently Asked Questions.”

³⁸⁰ Linda Slobodian, “Breached Borders,” *Calgary Herald*, September 11, 2005, B1.

³⁸¹ *Ibid.*

³⁸² Jason George, “US Alert to New Security Threat-Canadian Golfers,” *Edmonton Journal*, August 24, 2008, E3.

curb cross-border criminal activity.³⁸³ *The Smart Border Declaration* formalized this consensus, and since then, IBETs have had permanent staff members from law enforcement agencies in Canada and the US. Each IBET has a Joint Management Team (JMT), which is comprised of representatives from the five permanent IBET agencies. JMTs meet each month to determine which operations the IBET partners will work on collaboratively and how many resources and staff each agency will contribute to that particular operation. According to Sergeant Bob Bergoine, who oversees the RCMP component of the Windsor-Detroit IBET, JMTs open lines of communications between the agencies so that they can determine what joint actions should be taken through the IBET based on what individual action is already being taken by each agency.³⁸⁴

In addition to the JMTs, the Governments of Canada and the United States have developed a National Joint Management Team, which is comprised of senior officials from each IBET partner agency. This team acts as an overarching body to regulate IBET operations, and meets 2-3 times each year to discuss the findings and concerns of individual JMTs. IBET operations are also centrally coordinated through a National Coordination Team, which is made up of representatives from the five permanent IBET partners. If a local JMT has a concern, inquiry, or intelligence that should be shared nationally, they contact the National Coordination Team, which disseminates the information in the appropriate manner. This centralized authority makes IBET operations both transparent and organized.³⁸⁵

³⁸³ Gerry Dundas, CBSA, interview.

³⁸⁴ Bob Bergoine, RCMP, interview.

³⁸⁵ Ibid.

Permanent coordination between IBET partner agencies has also been implemented on a local level. Many RCMP and CBSA members of IBETs work out of the same office.³⁸⁶ Gerry Dundas of the CBSA is a strong supporter of this inter-agency cooperation: “I guarantee you that two CBSA guys and two RCMP guys working together is better than 4 RCMP guys working together. It’s a matter of wider-ranging authorities, because you get the benefits of the RCMP authorities and the CBSA authorities, which are sometimes similar but are much more wide-ranging from a search perspective.”³⁸⁷

Although Canadian and US IBET partners do not work in such close proximity as do the CBSA and the RCMP, partner agencies work on the same cases while respecting the territorial jurisdiction of each other’s country. For example, US and Canadian staff will both patrol the same marine border area, but American agencies remain on the American side of the border and Canadians work on the Canadian side while maintaining regular communication.³⁸⁸ This cooperative effort has become a permanent fixture of Canada-US border enforcement. RCMP Constable Randell Wong of the IBET considers these joint enforcement teams to be vital in border enforcement operations, admitting that “I don’t think either of us could do our job as efficiently without each other.”³⁸⁹

³⁸⁶ For example, RCMP and CBSA members of the Windsor-Detroit IBET work in the same office.

³⁸⁷ Gerry Dundas, CBSA, interview.

³⁸⁸ Bob Bergoine, RCMP, interview.

³⁸⁹ Kim Bolan, “Helicopters the Hot Trend in Pot Smuggling,” *Vancouver Sun*, October 1, 2005, C2.

6.3 Increases in Information and Intelligence Sharing.

Establishing permanent joint enforcement teams was the best way to facilitate intelligence-led policing,³⁹⁰ which was quickly emerging as the most effective way of securing the Canada-US border in the post-9/11 era.³⁹¹ There was a growing consensus that amidst the economic integration in North America, proactive bilateral initiatives would replace unilateral border security policies. Professor Don Alper, Director of the Centre for Canadian-American Studies at Western Washington University, notes that “the real solution is not building bigger walls or creating these new impediments. The solution is the close intelligence cooperation between the countries.”³⁹²

Canada’s National Security Policy identified intelligence as the foundation of policies and initiatives that would keep Canadians safe in the 21st century,³⁹³ suggesting that the Government of Canada’s border security policies would continue to prioritize intelligence-sharing initiatives and proactive law enforcement efforts. Gerry Dundas, the Canada Border Services Agency’s Chief of Enforcement Operations for the Windsor Area, has a background in intelligence, and considers it “the way to go to use your resources to the nth degree.”³⁹⁴ The CBSA and the US CBP’s efforts are often reactive in nature, since agents must in most cases wait until cars and trucks pass through border crossings before they can conduct inspections. In contrast, IBETs embody the notion that

³⁹⁰ According to the “IBET Threat Assessment,” intelligence-led policing involves “the collection and analysis of information to produce a product designed to inform police decision-making at both the operational and strategic levels. It is a model of policing in which intelligence serves as a guide, rather than the reverse.”

³⁹¹ *Combating Illicit Firearms*, 17.

³⁹² Katherine Barrett, “Protecting the ‘Other Border,’” *CNN News*, April 2, 2006, <http://www.cnn.com/video/#/video/us/2006/04/02/barrett.canada.passports.cnn?iref=videosearch> (accessed March 21, 2009).

³⁹³ *Canada’s National Security Policy*, 15.

³⁹⁴ Gerry Dundas, CBSA, interview.

proactive, intelligence-based joint operations are the most effective way to police the Canada-US border in the 21st century. According to Marcel LeBeuf of the RCMP,

*IBET is intelligence-driven. All information must be shared. Intelligence support builds upon existing inter-agency, intelligence structures by enhancing information gathering, evaluation, fusion, analysis, and reporting. The primary mission [of IBETs] is to provide tactical and operational intelligence for specific cross-border operations related to national security and organized criminal activity. Enforcement operations target cross-border criminal activity geographically, regardless of the direction of travel or the commodity of travel involved, and are designed to arrest as many perpetrators and seize as much contraband as possible.*³⁹⁵

IBETs are responsible for conducting routine patrols of border areas, but most of their operations are based on shared intelligence. The development of IBETs has provided a framework for law enforcement agencies like the FBI and the RCMP to share intelligence and work collaboratively to disband international criminal organizations.³⁹⁶ For example, if the Canada Border Services Agency searches a car at a designated port of entry and finds dozens of illicit firearms, this seizure may be the beginning of a massive operation that could potentially be linked to terrorism or the illicit drug trade. The CBSA would proceed by informing their intelligence staff and their partner agencies within IBET about this seizure and any related intelligence. Gerry Dundas explains that “once that contact is made, they just fan out and try to find out who is involved and what’s the scope of it...is it just a small-time or is it organized crime? Is it related to terrorism?” In some cases, seizures made by CBSA at border crossings lead to investigations that last for months or even years.³⁹⁷ This organized system of information sharing has greatly improved the efficiency of law enforcement operations related to cross-border criminal

³⁹⁵ LeBeuf, 8.

³⁹⁶ Robertson, 275.

³⁹⁷ Gerry Dundas, CBSA, interview.

organizations. Sergeant Dennis Daley, who coordinates the RCMP component of the IBET office in Woodstock, claims that “if there is a border incident anywhere at the New Brunswick-Maine border or at the Quebec-Maine border, we instantaneously get that information. There is a specific process as to how information is shared.”³⁹⁸ Daley says that because these teams work proactively based on shared intelligence, IBETs should be a model for effective policing.³⁹⁹

Many IBETs, such as the team in the Windsor-Detroit area, have created a permanent system of intelligence sharing called Joint Intelligence Groups (JIGs). These groups are comprised of representatives from the five permanent IBET partners. These agencies soon realized that this system of sharing intelligence should be expanded to include provincial and local law enforcement agencies, since its members have often come across valuable intelligence that may contribute to national and international operations. Representatives from the permanent IBET agencies now meet regularly along with provincial, state, and local law enforcement officials with the sole purpose of sharing intelligence and information. For example, members of the Ontario Provincial Police (OPP) and the Windsor Police often attend Detroit-Windsor JIG meetings. Gerry Dundas says that because of JIG meetings, “there is no risk of important intelligence not being shared because of IBETs. Everyone finds out at the same time.”⁴⁰⁰ This initiative has formally opened the lines of communication between law enforcement agencies in

³⁹⁸ Shawn Merrithew, *New Integrated Border Enforcement Team Office Highlights Combat of International Terrorism*, *Victoria Star*, September 10, 2008, B8.

³⁹⁹ *Ibid.*

⁴⁰⁰ Gerry Dundas, CBSA, interview.

Canada and the US, and has greatly contributed to improved intelligence sharing since 9/11.⁴⁰¹

After the RCMP seized eight men in 2006 that were suspected of planning a terrorist attack in Toronto, the US renewed its focus on Canada as a security threat.⁴⁰² On the *CBS News* coverage of the incident, US terrorism analyst Christopher Whitcomb claimed that the reason there have been no major terrorism-related incidents involving the Canada-US border since 9/11 is because of what is going on behind the scenes. According to Whitcomb, Canada and the US have engaged in proactive border enforcement techniques based on intelligence sharing and joint law enforcement activities, which have proven to be an effective way of creating a more secure border.

*Catching them through some kind of a strain moving across the borders is not the answer. It's doing investigations to find them before they try to cross the border. We don't need knee-jerk reactions. We don't need to go out with National Guardsmen along the Canadian border. We need to do what's worked for the last five years very very effectively. It is to concentrate on the investigations, it is to concentrate on the intelligence, it is to concentrate on those relationships that we have with Canada and with other countries that have proven very effective.*⁴⁰³

Whitcomb's perception of Canadian law enforcement greatly contrasts the negative tone of comments made by US officials before and immediately after the 9/11 attacks, suggesting that initiatives like IBETs have improved the US's perception of Canadian law enforcement capabilities.

⁴⁰¹ Bob Bergoine, RCMP, interview.

⁴⁰² "More Arrests Could be Coming, Says RCMP," *CTV News*, June 5, 2006, http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060605/terror_canada_update_060605/20060605 (accessed March 13, 2009).

⁴⁰³ "Border Security Heightened," *CBS News*, June 5, 2006, <http://www.cbsnews.com/video/watch/?id=1680320n> (accessed March 21, 2009).

6.4 Methods are More Covert

Whereas the presence of the Canada Border Services Agency and US Customs and Border Protection at designated ports of entry is very overt and agents are clearly identified, the efforts of IBET agents are more covert and “behind the scenes.”⁴⁰⁴ This role is necessary because of the intelligence-based nature of IBET operations.⁴⁰⁵ Travelers are aware that when they cross through designated ports of entry, they will likely encounter a CBSA or CBP agent. In contrast, people who sneak between these ports are usually doing so to avoid detection by law enforcement authorities. If IBET agents wore traditional RCMP uniforms or CBSA/CBP attire, illegal crossers would quickly identify the presence of law enforcement officials and divert their path accordingly. Ensuring that IBET agents are plain-clothed enables them to conduct their operations more covertly and more effectively detect illicit cross-border activity.

Gerry Dundas of the CBSA stresses the importance of conducting IBET operations covertly:

Some people say ‘forget about the intell and all the undercover guys...you should have uniformed officers out there with guns standing along the border.’ Well, the border I’m in charge of, just for my marine division, is 780 kilometers long. How many Border Services Officers with guns do I need to line up? And even if I had them all, if you gave me 1000 extra people, at a huge cost to the taxpayer, I still wouldn’t be any more comfortable than I am with 5 IBET guys, because you don’t know where they’re ever going to be. If you’re a bad guy, you’ve got to be careful. Because if we were lined up along the border, they would know where we were and where we weren’t. Whereas with IBETs, you don’t know if they are waiting for you or if they have intell on you... it’s just too vast an area to say that a non-intelligence, non-covert type of enforcement is applicable, because it’s not. You can give me as many uniformed officers as you want, but I will not guarantee you that something is totally secure... sometimes not

⁴⁰⁴ Agnes Welsh, “International Team will Patrol Canada-US Borders,” *Windsor Star*, December 4, 2001, A1.

⁴⁰⁵ Gerry Dundas, CBSA, interview.

*knowing where IBETs are will be is a big deterrent to bad guys.*⁴⁰⁶

It is evident that the covert nature of IBET operations is integral to their success in policing the Canada-US border. In addition to these covert patrolling efforts, IBETs are able to conduct their operations behind the scenes by making use of border community residents. Recognizing that it is impossible for IBETs to patrol the entire Canada-US border on a constant basis, these teams have developed a community watch program in regions that are especially prone to cross-border smuggling. The IBET National Coordination Team created and disseminated a brochure that informs community residents about what type of suspicious activities they should look out for and report to law enforcement authorities.⁴⁰⁷ For example, if an agent is patrolling the Lake St. Clair area between Lasalle and Amherstburg, s/he may give a phone number to locals who reside near the water and marina workers who could potentially contribute valuable intelligence on criminal organizations operating in the area. The agent would instruct residents and marina workers to call the number if they notice any suspicious activities along the border. By operating in this manner, one IBET agent is able to quietly form a web of local contacts to help guard miles of intricate waterways along marine borders.⁴⁰⁸ These covert operations have been entrenched in the IBET concept since the 1990s, and have greatly aided these teams in policing illicit activity along the Canada-US border.

⁴⁰⁶ Ibid.

⁴⁰⁷ Barb Pacholik, "Policing the Border: Authorities Work to Ensure that Sask. Isn't the Weak Link," *Leader Post*, June 17, 2006, G1.

⁴⁰⁸ Gerry Dundas, CBSA, interview.

6.5 Methods are More Suited to Fight Globalized Crime

Canada's National Security Policy acknowledges the emerging globality of illicit industries, recognizing that “the threats we face today do not respect national or international boundaries.”⁴⁰⁹ Global criminal operations in North America must be combated with global policing initiatives that take advantage of the positive relations and mutual trust that have come out of economic interdependence. Moisés Naim, Editor-in-Chief of *Foreign Policy Magazine*, agrees that “public safety [is] more likely to be ensured by a government’s close collaboration with other nations allied in the fight against illicit traffickers than through continuous attempts to plug leaking borders with sealants that do not work.”⁴¹⁰

Since they were expanded across Canada and the US in 2002, IBET operations have evolved in response to globalization and the changing role of borders. For years, one of the biggest impediments to successful joint enforcement operations between Canada and the US was the prevailing concern over territorial jurisdiction and sovereignty. The US Coast Guard often pursued boats near the Canadian border that were suspected of being involved in drug smuggling operations. If the drivers of these boats were able to speed into Canadian waters, the US Coast Guard would have no authority to apprehend them or search the boats. The same situation applied to Canadian law enforcement operating near US waters.

Much has changed since then. The Shiprider Program was launched in 2007 as an IBET pilot project to more effectively patrol smuggling operations in marine areas. For

⁴⁰⁹ *Canada's National Security Policy*, 16.

⁴¹⁰ Naim, 276.

two months, US and Canadian law enforcement authorities patrolled border waters in the same boats, which gave law enforcement authorities on board the authority to enforce both US and Canadian laws. During August and September 2007, officers involved in Shiprider seized a total of 214 pounds of marijuana, more than one million contraband cigarettes, six boats, and \$38,000 of Canadian cash that would have been used to fund additional smuggling ventures.⁴¹¹ In one instance, law enforcement officials were chasing a boat in US territory along the St. Lawrence River that was headed towards Canadian waters near the Akwesasne Indian Reserve. On board the law enforcement vessel was a member of the US Coast Guard as well as an RCMP officer. The presence of US and Canadian law enforcement enabled the officers to apprehend the vessel, regardless of whether it was in American or Canadian territory. Once the boat was caught, the RCMP and US Coast Guard discovered 103 pounds of marijuana and over one million contraband cigarettes on board. The marine area between Cornwall, Ontario and Massena, New York, as well as the BC-Washington state region, were also patrolled from August-September 2007. A total of 1,000 patrol hours were conducted between the two locations that year.⁴¹² Colin Kenny, Chair of Canada's Standing Senate Committee on National Security and Defence, praised the Shiprider Program as a "terrific idea. Security issues on the Canada-US border are a huge threat to relations between our two countries, and a real threat to the future of the Canadian economy."⁴¹³ The 2007 *Report of the United Nations International Narcotics Board* similarly hailed Shiprider as a success, claiming that it "strengthened law enforcement cooperation by providing transborder law

⁴¹¹ Brad Kieserman, "Cross-Border Policing and the 'Shiprider Program.'" *The RCMP Gazette* (Vol. 70 no. 1), February 11, 2008, <http://www.rcmp-grc.gc.ca/gazette/vol70n1/partnr-eng.htm> (accessed April 5, 2009).

⁴¹² Colin Kenny, "Joint Defence on the Great Lakes: Time to Sink or Swim," *Ottawa Citizen*, November 9, 2007, A15.

⁴¹³ "Joint Defence on the Great Lakes," A15.

enforcement authority to Canadian law enforcement officers operating along and across the border.”⁴¹⁴ Although the Shiprider Program was only implemented for a limited time, its success suggests a shift away from the traditional link between sovereignty and territory, and towards more globalized methods of law enforcement.

6.6 Additional Outcomes of Integrated Border Enforcement Teams

Sections 6.1-6.5 examined the extent to which Integrated Border Enforcement Teams achieved their operational objectives. It is crucial that the outcomes of their presence between designated ports of entry also be examined in order to determine whether meeting their operational objectives has contributed to seizures and arrests along the Canada-US border. The 2007 *Report of the United Nations International Narcotics Board* acknowledges that Canadian and American federal, state, provincial, and local law enforcement agencies cooperate very closely to curb drug smuggling operations along their common border. The report considers Integrated Border Enforcement Teams to be “*the primary tool*” used to ensure that criminals cannot exploit international borders to evade prosecution.⁴¹⁵ The importance of these teams is clear: Since they were established, IBETs have contributed to several national security investigations, disrupted organized crime rings, made numerous seizures of illicit drugs and small arms, and broken up cross-border smuggling networks.⁴¹⁶ The “2007 IBET Threat Assessment” attests that “IBETs have made tremendous progress since their inception in advancing cross-border cooperation between partner agencies, locally and internationally. The coordination and continued sharing of criminal information and intelligence by IBET partners has led to

⁴¹⁴ United Nations, *Report of the International Narcotics Board, 2007*, 47.

⁴¹⁵ *Ibid.*

⁴¹⁶ “IBET Frequently Asked Questions.”

the ongoing success of the IBET initiative and the dismantlement of cross-border crime between ports of entry on the Canada/US border.”⁴¹⁷

The contributions that IBETs have made to policing cross-border illicit activity can be shown quantitatively through statistics of seizures and arrests between ports of entry. However, the available data on this subject is limited. The “Canada-US IBET Threat Assessment 2007” compares the seizures of illicit drugs, small arms, and large amounts of currency made in 2005 to those made in 2006. The statistics seem to indicate that IBET efforts are consistently becoming more effective. The *quantity* of cocaine and marijuana seized between official ports of entry decreased from 2005 to 2006, while the *number* of cocaine and marijuana seizures increased.⁴¹⁸ Between 2005 and 2006, the quantity of ecstasy seized between ports of entry increased, but there was no change in the number of seizures.⁴¹⁹ The number of seizures of large amounts of currency also increased from 2005 to 2006. These types of seizures are a key element of IBET operations, since they are usually related to the illicit drug trade.⁴²⁰ Since the inception of IBETs, there have been significantly fewer firearms seizures between official ports of entry than at the ports. This disparity could be a sign of ineffective policing methods between ports of entry, but it is more commonly assumed that there are more firearms seized at ports of entry because US residents are often unaware of the Canadian laws restricting firearms, and bring them across the border for recreational purposes rather than to engage in illicit activity. Even though there are still more firearms seized at ports of entry than between these ports, the number of firearms seized between ports of entry

⁴¹⁷ “IBET Threat Assessment.”

⁴¹⁸ Ibid.

⁴¹⁹ Ibid.

⁴²⁰ Ibid.

increased from 2005-2006.⁴²¹ Many of these seizures were linked to illicit drug seizures and arrests. Although any increases in seizure amounts or numbers would seem to indicate that law enforcement efforts are becoming more effective, they could also be an indication that there is more illicit activity taking place at the border. In 2006, for example, 1,113 people were arrested between ports of entry while attempting to cross from Canada to the US, and 79 people were caught trying to enter Canada from the US.⁴²² These figures suggest that IBET presence between borders is having favorable outcomes. However, because there is no reliable data that shows whether the number of people who have successfully crossed the border illegally has gone up, down, or stayed the same, it is impossible to accurately gauge whether the rate of interdiction has gone up or down.

Examining statistics is thus an ineffective method in itself to determine the outcomes of IBET efforts. As an alternative to relying on statistics, the following section will examine case studies of successful IBET operations, including intelligence-based operations and seizures/arrests made by IBETs while patrolling the border between various ports of entry. Examining the outcomes of IBET operations will assist in determining whether these teams have successfully met their operational objectives.

6.6.1 Intelligence-Based Operations

The BC-Washington border has been plagued by illicit drug operations for the past decade. Intricate waterways and rugged terrain provide ideal conditions for smugglers to transport BC Bud and ecstasy to the large demand market in the United

⁴²¹ Ibid.

⁴²² Ibid.

States. Although there is a great amount of smuggling activity taking place in the area, most operations can be linked to a few powerful criminal networks. It is thus crucial for law enforcement authorities to target the source of these organizations rather than focus solely on apprehending people who smuggle illicit goods and people across the border. IBET partners use a coordinated system of intelligence-sharing to target the source of criminal networks, many of which operate internationally.

A major criminal organization based in Fraser Valley, BC was successfully disbanded after a two-year IBET investigation. The investigation began in February 2002 after IBET authorities searched a house and found 1,800 marijuana plants. The intelligence that resulted from this incident was disseminated to other IBET members, and led to search warrants that produced hundreds of thousands of dollars in cash, four stolen pleasure crafts, two kilograms of cocaine, 3,000 marijuana plants, a weapons cache that included loaded machine guns and ammunition, and multiple jackets with the word “police” emblazoned on the back.⁴²³

In March 2008, the ringleader of a criminal organization was arrested by law enforcement officials on a cruise ship in Miami, Florida. The Vancouver resident was the leader of a drug trafficking organization that smuggled BC Bud into the US and brought cocaine back to Canada across the Washington-BC border. A member of the Canada Border Services Agency was also found to be involved in the smuggling ring. The investigation led to the arrests of several US and Canadian citizens by law enforcement authorities. RCMP Corporal Norm Massie of the Pacific IBET said that Canadian law

⁴²³ John Colebourn, “Raids Yield Guns, Cash, Coke, Boat,” *The Province*, November 26, 2003, A12.

enforcement agencies collaborated with US agencies in the operation, using shared intelligence and joint operations to disband the ringleader of the organization.⁴²⁴

Between 2005 and 2007, IBETs in the Washington-BC area led the investigation into what is described as “one of the most brazen schemes ever to run along the Canada-US border.”⁴²⁵ Known in the US as *Operation Frozen Timber* and *Operation E Printer* in Canada,⁴²⁶ authorities successfully broke up a criminal organization that used helicopters and planes to transport BC Bud into the United States. Authorities launched the investigation after two men, who had been hired to fly small planes full of marijuana into the US and fly them back into Canada with shipments of cocaine on board, were spotted by US CBP surveillance planes. The CBP tracked the small plane until it landed in a remote Washington state wildlife reserve. Two men who were waiting on the ground loaded the marijuana into trucks, after which the US CBP arrested them and seized the 150 kilograms of marijuana on board. The two pilots were arrested by Canadian authorities once the plane landed in British Columbia.⁴²⁷ The intelligence from these arrests and seizures was disseminated to members of the Pacific IBET, who worked with US Forest Service, National Parks Service, Washington State Patrol, the US Attorney’s Offices in Seattle and Spokane, the DEA, the FBI, the Washington Department of Fish and Wildlife, the Sheriff’s Departments of Whatcom, Skagit, and Okanogan Counties, and the Abbotsford Police Department to reach the source of the criminal network. During the two-year investigation, authorities interrupted 17 shipments of illegal drugs

⁴²⁴ Kim Bolan, “Canadian Charged in Cross-Border Cocaine Ring; Police Hauled him off Ship in his Gotchies,” *Edmonton Journal*, March 26, 2008, A12.

⁴²⁵ Matthew Ramsey, “Drugs Airlifted in Brazen Scheme,” *The Province*, June 30, 2006, A6.

⁴²⁶ “IBET 2006 Joint Cross-Border Operations,” last updated November 13, 2006, http://www.rcmp-grc.ca/security/ibets_success_e.htm (accessed September 23, 2008).

⁴²⁷ “Drugs Airlifted in Brazen Scheme,” A6.

that were headed across the border. In one instance, US authorities intercepted a shipment of five suitcases in February 2005 that contained a total of 149 kilograms of cocaine, making it the largest seizure of cocaine in the Washington area that year. Law enforcement agencies seized a total of three airplanes, over 3,600 kilograms of marijuana, 800 kilograms of cocaine, and over \$1.5 million US dollars, and arrested 46 people in Canada and the US.⁴²⁸ Ongoing intelligence-sharing amongst IBET partners led law enforcement agents to the ringleader of the organization, who was acting as a middleman for several organized criminal groups involved in this major operation, including the Mafia, Asian Criminal Organizations, and Outlaw Motorcycle Gangs.⁴²⁹

A Washington resident was arrested in January 2007 and convicted of running a cross-border smuggling ring, where Indian and Pakistani nationals were charged upwards of \$40,000 per person to be transported illegally from British Columbia into the US. Five Canadian men were also arrested in the US in connection with the case. The investigation into this smuggling ring had begun nearly one year before when authorities got a tip about three men who visited a small town in Washington near the BC border to buy maps, and were questioning residents about border enforcement in the area. Twelve men were subsequently arrested for being involved in the operation. Officials claim that over 100 people were smuggled first into Canada, and then to the US through the smuggling ring. RCMP Corporal Massie, an IBET spokesperson, said that the RCMP and US Immigration and Customs Enforcement worked together to gather the intelligence that

⁴²⁸ Kim Bolan, "More Than 40 Arrested in Canada-US Drug Bust," *Calgary Herald*, June 30, 2006, A6.

⁴²⁹ Ibid.

enabled law enforcement officials to successfully arrest and prosecute those involved in the smuggling ring.⁴³⁰

In April 2006, a human smuggling ring was disbanded as a result of *Operation E-Patch*, a joint investigation conducted by the Pacific IBET. The network had been operating in the Lower Mainland region of British Columbia, where its members housed South Asian nationals while they waited to be smuggled into the US. The IBET investigation into the ring resulted in the arrests of 14 people by the US Attorney's Office.⁴³¹

The Olympic Peninsula (see Fig. 3), a waterway that straddles the BC-Washington border, has for centuries been one of the most popular smuggling routes along the Canada-US border.⁴³² The Peninsula was a notorious rum-smuggling route during the Prohibition Era. Recent law enforcement crackdowns on land crossings between BC and Washington have contributed to the reemergence of the Olympic Peninsula and the nearby Juan de Fuca Strait as popular smuggling routes for BC Bud headed for the US. Criminal organizations use planes to drop packages on beaches on either side of the Strait, and cross the Juan de Fuca Strait by water on kayaks and speedboats.⁴³³ IBET operations have evolved in order to successfully respond to this emerging threat. Joint law enforcement operations have led to the seizure of 1,000 kilograms of BC Bud and the arrests of 18 people in the Olympic Peninsula area between January and September of 2004.⁴³⁴ From January-December of that same year, a total of

⁴³⁰ Kim Bolan, "Human Cargo Leads to Conviction," *Vancouver Sun*, January 31, 2007, B1.

⁴³¹ "IBET 2006 Joint Cross-Border Operations."

⁴³² "Cross-Border Smuggling on the Rise," C3.

⁴³³ *Ibid.*

⁴³⁴ *Ibid.*

2,500 kilograms of BC Bud was seized in the Washington-BC border region. About half of these seizures were in the Olympic Peninsula/Juan de Fuca Strait area. In one instance, the RCMP passed on intelligence to US border authorities that there may be drugs on a pleasure craft that had recently left Canadian waters and crossed into US territory. When they caught and searched the boat, US authorities found bundles of marijuana with a wholesale value of \$627,000 as well as \$23,000 of currency. The driver was arrested and is facing charges of drug smuggling.⁴³⁵

In 2008, a Montreal smuggling ring that included a member of the Canada Border Services Agency was broken up by Canadian and US law enforcement authorities through an IBET-led operation. The criminal network facilitated the smuggling of marijuana and ecstasy into the US and the smuggling of cocaine back into Canada. Intelligence-sharing and joint operations led Canadian and US authorities to the source of the network.⁴³⁶

The Prairie IBET busted the largest marijuana grow operation in Saskatchewan's history in August 2003. The IBET collaborated with the Regina Integrated Drug Unit to investigate the operation, which led to the seizure of over 1,500 marijuana plants with a combined value of \$700,000.⁴³⁷

In April 2006, the Atlantic IBET led a two-year long investigation into a cross-border smuggling ring that was operating out of Edmundston, New Brunswick. The

⁴³⁵ Lindsay Kines, "US Swoops on Pot Smuggler," *Times-Colonist*, September 1, 2004, A1.

⁴³⁶ Paul Cherry, "Customs Guards Linked to Smuggling," *The Province*, July 27, 2008, A25.

⁴³⁷ Kevin O'Connor, "RCMP Bust Outdoor Marijuana Grow Operation," *Leader Post*, August 21, 2003, B4.

Bathurst-Edmundston Regional Drug Unit⁴³⁸ and the DEA contributed to *Operation Jaloux*. The investigation led to the arrest of 26 people by Canadian and US law enforcement agencies. IBET agents seized a total of 1,529 pounds of marijuana, 111,800 tablets of ecstasy, and US \$1.2 million dollars.⁴³⁹ A successful human smuggling organization that operated along the New Brunswick-Maine border was also disbanded after a successful intelligence-led investigation that involved the Atlantic IBET partners and the RCMP Atlantic Region Passport and Immigration Section in Halifax. Intelligence sharing between these agencies resulted in the arrests of three Canadian men who were trying to smuggle two Guyana nationals into Maine through a rural border area in New Brunswick.⁴⁴⁰

A human smuggling operation that took advantage of the remote Montana-Alberta border region was broken up by the Rocky Mountain IBET. Intelligence sharing between partner agencies made authorities aware that South Korean nationals were being smuggled into the US on foot near a designated port of entry along the border. In February 2004, Raymond-based IBET members used the intelligence to apprehend 12 South Koreans who were being smuggled into the US. The leaders of the organization were arrested and prosecuted.⁴⁴¹

Regional IBETs also contributed to investigations into criminal organizations whose operations extended across Canada and the US. *Operation Candystore* concluded in October 2008, when 18 US and Canadian citizens were arrested. The arrests were the

⁴³⁸ This unit included the RCMP and municipal agencies from Bathurst, Edmundston, and St. Jerome.

⁴³⁹ "IBET 2006 Joint Cross-Border Operations."

⁴⁴⁰ Chuck Brown, "Human Smuggling Case Adjourned," *New Brunswick Telegraph Journal*, February 14, 2007, C8.

⁴⁴¹ Linda Slobodian, "Human Smuggling Ring Smashed at US-Alberta Border," *Calgary Herald*, February 24, 2004, A1.

result of a two-year IBET-led investigation into a cross-border operation that smuggled marijuana, cocaine, and ecstasy between Ontario, BC, and California. Members of the criminal network had evaded law enforcement officials by conducting their operations through encrypted blackberries and coded emails rather than in person.⁴⁴²

In February 2006, 17 members of an international smuggling ring were arrested in the concluding stages of the Windsor-Detroit IBET-led *Operation O'Boy*. Illegal immigrants paid the ring thousands of dollars to be smuggled into the US in cars, boats, rail cars, and trucks. The majority of illegal crossings from the Windsor-Sarnia area to the US in the six-month period before the arrests were involved with this smuggling ring. Illegal immigrants were picked up in Toronto by members of the smuggling ring, and transported illegally to the US in the Windsor-Detroit area, where they were transported to New York City. *Operation O'Boy* was successfully broken up as a result of intelligence sharing and joint operations between the RCMP, US Immigration and Customs Enforcement Agency (ICE), the CBSA, the Windsor Police, the OPP, the Canadian Pacific Railway Police, US Customs and Border Patrol, and the Toronto Police.⁴⁴³ The investigation led to arrests made in Toronto, Windsor, Detroit, and New York City. These arrests produced intelligence that enabled authorities to arrest over 100 illegal immigrants as they tried to sneak across the border.⁴⁴⁴

In September 2007, 25 members of the Nguyen Vo criminal organization were arrested by the RCMP and the US ICE in Toronto during the first stages of *Operation Tien Can*. US Immigration and Customs Enforcement (ICE), the RCMP, the CBSA, the

⁴⁴² Kim Bolan, "BC Men Face Drug Charges in California; Police Shut Down Cross-Border Operation," *Vancouver Sun*, October 1, 2008, A3.

⁴⁴³ Doug Schmidt, "Cops Shut Down Smuggling Ring," *Windsor Star*, February 15, 2006, A1.

⁴⁴⁴ "IBET 2006 Joint Cross-Border Operations."

OPP, Toronto Polices Service, Peel Regional Police, the Canada Revenue Agency, the DEA, as well as state and local law enforcement agencies in Houston, Dallas, Los Angeles, Seattle, St. Paul, and Orange Country, California contributed to the operation that disbanded a powerful Vietnamese money laundering and drug smuggling organization. The network operated in Canada, the United States, Vietnam, and Mexico. The 2007 arrests led to federal search warrants for homes in Orange Country, Las Angeles, Houston, Dallas, Minneapolis, Davenport, and Cedar Rapids. Searching these homes produced intelligence that the source of the organization was located in Toronto. US officials then worked with the RCMP to obtain arrests and search warrants in the city. After a ten-month long investigation, the leaders of the organization were arrested and \$7.8 million in US currency, \$305,000 in Canadian currency, 85 kilograms of cocaine, and 803 pounds of marijuana were seized.⁴⁴⁵

In March 2004, the DEA searched a car in Buffalo, New York that had just crossed the border from Canada, and found 30,000 tablets of ecstasy and 10 pounds of high-grade marijuana. The DEA had received IBET intelligence that the drivers of the car were involved in a drug-smuggling operation, which enabled them to make the seizure and arrest the drivers. This incident was one of many in a three-year IBET-led investigation known as *Operation Candybox*. A total of 64 law enforcement agencies from Canada and the US participated in the operation to break up the Vietnamese organization, which supplied 15% of the ecstasy in the US by laundering drug money through businesses in more than a dozen cities. Three weeks after the seizure in Buffalo, officials reached the source of the organization, and 150 people were subsequently

⁴⁴⁵ United States, *National Drug Control Strategy 2008*, report prepared by the Office of National Drug Control Policy, 2008.

arrested in 19 cities across Canada and the US.⁴⁴⁶ It is clear that these successful operations could not have occurred in the absence of cooperation between US and Canadian agencies.

6.6.2 IBET Seizures and Arrests During Routine Patrols

Integrated Border Enforcement Team operations are primarily intelligence-based, but media reports show that regular patrolling of border areas pays off, even when law enforcement agents have no prior intelligence that there are criminal organizations conducting their operations in the area. The following media reports document the outcomes of routine IBET patrols between border crossings.

The Lake Superior IBET was conducting a routine border patrol in 2004 when agents caught two men trying to sneak into the US. Upon searching the men, agents seized 41 kilograms of heroin, which is considered to be the largest seizure of heroin in Thunder Bay's history.⁴⁴⁷

Routine IBET patrolling of the BC-Washington border has highlighted the importance of law enforcement presence between ports of entry. In January 2007, IBET agents conducting a routine patrol caught British Columbia's Labour Party leader Perley Holmes in the Washington state close to the BC border, where he was hiding behind a bush wearing camouflage pants. They searched Holmes and found a total of 61 kilograms of cocaine in two backpacks that he was carrying. US IBET agents informed the RCMP

⁴⁴⁶ Naim, 193.

⁴⁴⁷ "Trial Begins for BC Men Charged in Thunder Bay Heroin Bust," *The Canadian Press*, September 18, 2007, B2.

about the seizure and arrest, who then searched Holmes' home. The RCMP found 43 weapons, including six handguns and one assault rifle.⁴⁴⁸

Between January and December of 2003, 88 South Korean nationals were apprehended in one area of the border while trying to sneak into the US. This is ten times the number of South Korean nationals that were caught during 2002 in the same area. In December 2003, 12 Korean women were caught while crossing a rural area of the Washington-BC border. Three days later, 10 Korean women were caught in the same location.⁴⁴⁹ Soon after, the Okanagan IBET in British Columbia caught 10 South Korean women trying to cross the border to the US on foot. Most of the women were led into thinking that they would get jobs at restaurants, when in reality they would be forced into the sex trade once they reached the US.⁴⁵⁰

The Alberta/Montana divide is one of the most remote areas of the Canada-US border, which has made it a preferred location for smuggling operations. In December 2005, Rocky Mountain IBET agents were patrolling the area and caught a man driving across the border between two ports of entry. Authorities searched the car and found 32 kilograms of cocaine with a total street value of \$3 million. Joel Syr of the Rocky Mountain Integrated Border Enforcement Team is confident that the collaboration between Canadian and US law enforcement agencies has increased the number of illicit drug seizures in the region.⁴⁵¹ In July 2004, IBET officers who were patrolling the wooded Alberta-Montana border region caught 16 hypothermia and insect bite-ridden South Korean nationals trying to make their way to the US. Border officials suspected

⁴⁴⁸ Darah Hansen, "Weapons Found in House of Labour Leader," *Vancouver Sun*, January 31, 2007, B1.

⁴⁴⁹ "Border Ruse Highlights Human Trafficking Problem," C3.

⁴⁵⁰ *Binational Assessment of Trafficking*, 21.

⁴⁵¹ Linda Slobodian, "Rookie Dog Makes Drug Bust Collar," *Calgary Herald*, December 22, 2005, B2.

that since most of them were women, they would have been forced to work in the US sex trade.⁴⁵²

The Atlantic IBET reported three major cash seizures at the New Brunswick-Maine border in fall 2004, all of which were linked to organized crime in the region. One of these seizures occurred when IBET officers were patrolling the border area and caught an American citizen trying to sneak into Canada. The officers found over \$283,000 on his person.⁴⁵³ The Atlantic IBET also contributed to the arrest of a man listed as “armed and dangerous” by US authorities. In September 2008, an IBET agent spotted a car near the border in Maine that was making its way towards Canada. The man fled his vehicle when he realized he was being pursued, after which American and Canadian IBET agents conducted a search on both sides of the border with the assistance of a helicopter. The man was successfully apprehended, and is now facing charges.⁴⁵⁴

During routine patrols, the Champlain and Eastern IBETs⁴⁵⁵ caught a total of 117 people attempting to sneak into the US between ports of entry in a one-year period between 2007 and 2008. Some of these illegal crossers were charged only with an immigration offence, while others were found to be carrying large amounts of illegal drugs, including ecstasy and BC hydroponic marijuana.⁴⁵⁶

Although media reports, government documents, and interview responses have generated information about the role of IBETs in specific operations involving illicit

⁴⁵² “South Koreans Found Trying to Sneak Into US,” *Edmonton Journal*, July 23, 2004, B4.

⁴⁵³ “RCMP Seize \$600,000 at Maine-N.B. Border,” *Globe and Mail*, December 21, 2004, A11.

⁴⁵⁴ Bryan Tait, “Texas Man Runs Border,” *Bugle Observer*, September 23, 2008, A1.

⁴⁵⁵ These teams patrol the Vermont-Quebec border region.

⁴⁵⁶ Keith B. Richburg, “Homeland Security Divides Neighbours; Barricades End Bucolic Way of Life in Small Border Towns,” *Edmonton Journal*, August 25, 2008, A3.

drugs, illegal migrants, human smuggling victims, and small arms, these sources have not produced any specific information on their role in counter-terrorism operations.

Furthermore, reports of IBET arrests and seizures have not discussed whether any of these cases are connected to terrorist organizations that are banned in Canada. The RCMP reports that IBETs contribute to national security investigations, which indicates that their operations do in some cases involve terrorist groups.⁴⁵⁷ However, the lack of specific information about their role in terrorist investigations suggests that the related information is confidential.

These case studies have traced the outcomes of Integrated Border Enforcement Teams, and have provided further evidence that these teams have fulfilled their operational objectives.

6.7 The Importance of Political Will

As discussed in Chapter 2, Canada and the United States developed several formal agreements on joint border security initiatives before 9/11. According to Marcel LeBeuf of the RCMP, close cooperation between American and Canadian cross-border police forces is nothing new.⁴⁵⁸ Gerry Dundas of the CBSA agrees that before the attacks, there was already a general consensus that conducting joint forces operations was the most effective method of policing the Canada-US border. The RCMP and CBSA often shared intelligence and collaborated on various operations, but the border security

⁴⁵⁷ “Integrated Border Enforcement Teams: Backgrounder,” The Royal Canadian Mounted Police, last updated March 3, 2009, <http://www.rcmp-grc.gc.ca/ibet-eipf/background-contexte-eng.htm> (accessed April 5, 2009).

⁴⁵⁸ LeBeuf, 9.

agreements implemented after 9/11 have made this collaboration more formalized.⁴⁵⁹ The terrorist attacks generated a newfound political willingness to prioritize these initiatives and give them the necessary funding to carry out their objectives.⁴⁶⁰ The post-9/11 political will to make Integrated Border Enforcement Teams has enabled these teams to successfully achieve their operational objectives.

Chapter 6 has traced the success of IBET intelligence-based and routine patrol operations that were covered by the media. The amount and number of seizures of illicit drugs, firearms, illegal immigrants, and money associated with criminal activity indicates that this bilateral cooperative effort has been more effective at combating global illicit crime than the actions of the CBP and CBSA alone. The purpose of this thesis is to determine whether Integrated Border Enforcement Teams have achieved their operational goals since 9/11. Curbing cross-border criminal activity between ports of entry has become a priority for the Canadian and US government since 9/11, who have since the attacks provided the necessary funding to expand these teams across Canada. It is these actions that have enabled Integrated Border Enforcement Teams to meet their operational objectives. It can thus be concluded that the political prioritization of bilateral initiatives like IBETs has enabled these teams to meet their operational objectives, which were based on the principles of *the Smart Border Declaration*.

Chapter 7: The Limitations of Integrated Border Enforcement Teams

Examples of IBET operations, as discussed in the previous chapter, make it clear that these teams are a valuable asset to the Canadian and American governments in their

⁴⁵⁹ Gerry Dundas, CBSA, interview.

⁴⁶⁰ LeBeuf, 9.

efforts to curb global criminal activity in North America. In spite of their successes, there are several factors that have limited IBETs ability carry out their operational objectives.

7.1 Geography

Despite IBETs success in policing the border between ports of entry, the geography of the Canada-US border has undermined efforts to monitor 100% of border activity. A US government investigation conducted in 2007 reported that the length of the border makes it extremely difficult to seal it entirely. Even with effective law enforcement efforts, there remain many security gaps in the border where terrorists or people with other criminal intentions can sneak across the border undetected.⁴⁶¹ *CNN News* aired a simulation video conducted by the US Government Accountability Office, which showed a man carrying contraband and radioactive substances across unmonitored areas of the border. In one location, the video showed a man walking past a border marker carrying the contraband and radioactive substances. The video also demonstrated the ease at which people with illicit goods or who are unauthorized to enter Canada can cross through designated points of entry that are left unguarded at night.⁴⁶²

As discussed in previous chapters, IBETs have experienced great success in policing the border, but the geography of the border still presents serious limitations to their objectives. For example, there are six designated ports of entry along the Alberta border with the US, three of which are located in the Blackfoot First Nations Reserve.

⁴⁶¹ Craig Offman, "Border Towns Face Security Crackdown," *National Post*, October 27, 2007, A1.

⁴⁶² "Border Security Weakness," *CNN News*, September 27, 2007, http://imagesource.cnn.com/imagesource/ViewAsset.action;jsessionid=5CA68B94CFC57CBCEE082C7BEA36EDE4?viewAsset=&_sourcePage=%2FWEB-INF%2Fpages%2Fbrowseaction%2FsearchResults.jsp&searchResultsActionBeanClass=com.cnn.imagesource.action.search.BrowseActionBean&damId=5082714 (accessed March 21, 2009).

The Reserve spans 100 kilometers of the 298-kilometer border between Alberta and Montana. The US CBP monitors the six official ports of entry along the border, and security has much improved since 9/11. However, there are 14 back roads between the ports of entry on the Blackfoot Reserve where anyone can bypass a port of entry and cross the border. Robert DesRosier, who lives on the reserve, used to be a state trooper and now works with another security officer to monitor border areas of the Blackfoot Reserve. DesRosier claims that there is a high volume of suspicious traffic on five of these back roads, and that on some nights he spots over a dozen suspicious-looking vehicles crossing the border. The Alberta-Montana border runs through thick woods that house bears, cougars and insects. Although this rugged and dangerous terrain is a deterrent to some, anyone who is willing to travel through this area can generally cross the border without being detected. According to DesRosier, money is a strong motivator, and many people will brave the rugged terrain to profit from smuggling weapons, drugs, or people across: “The bad guys will go to those very isolated spots to cross because they know that these are challenges for us. It’s a big needle in a haystack that you’re looking for.”⁴⁶³ He claims that residents of these border areas often see vehicle tracks and footprints on back roads that no one should travel on: “Whatever they’re bringing across, I’ll bet it’s illegal. They’re not smuggling Twinkies.”⁴⁶⁴

DesRosier criticizes the US Border Patrol for doing a poor job at guarding these areas, and says that people could easily sneak across the border by foot or on horseback. He explains that the RCMP detachment is over one hour away from most of these back roads, which has resulted in delayed responses to border security-related incidents in

⁴⁶³ “Border Towns Face Security Crackdown,” A1.

⁴⁶⁴ “Breached Borders,” B1.

these isolated areas. Authorities estimate that there are about 225 such unguarded roads along the Canada-US border.⁴⁶⁵ The Quebec border region is considered to have more of these roads than anywhere else along the border.⁴⁶⁶

The Prairie IBET faces similar challenges. Saskatchewan's 632-kilometer border with the US is described as having "a lot of holes, and few plugs."⁴⁶⁷ The border region is replete with ditches, forests, pastures, and dirt trails like the *North Star*, which is a popular drug smuggling route. Al McIntyre, a lawyer in Regina, acknowledged that many people can easily cross into the US from the remote trails and roads in Saskatchewan. Much of the border is marked by ditches and hills rather than border markers. Organizations that smuggle BC Bud to the US are aware that it is less risky for their drivers to travel down the Trans-Canada highway and cross into the US in these remote areas than to sneak through the BC-Washington border. According to Barb Pacholik of the *Leader Post*, the Prairie IBET Sergeant does not disagree that the border is porous in remote areas of Saskatchewan. Authorities estimate that over two tons of Canadian-grown marijuana destined for US markets in Montana, Washington, and California has been smuggled into the US using the *North Star* route.⁴⁶⁸ It appears, however, that the Saskatchewan border is not the only area that is concerning US officials. In 2007, Republican Senator Chuck Grassley said that the Canada-US borderlands are "simply

⁴⁶⁵ Ibid.

⁴⁶⁶ Phil Couvrette, "Special Border Patrol Set for Que: Unguarded Areas Focus of Initiative," February 4, 2009, *Windsor Star*, A1.

⁴⁶⁷ "Policing the Border: Authorities Work to Ensure."

⁴⁶⁸ Ibid.

wide open, waiting to be crossed by anyone carrying anything—even a dirty bomb or a suitcase-type nuclear device.”⁴⁶⁹

In addition to the porous areas of the border, US officials have expressed concern that the border is becoming overgrown, making it difficult for enforcement officers to locate the boundary lines between the two countries in some areas. Having a border that is clearly marked is crucial during enforcement operations, since agents must know whether they are operating in American or Canadian territory when they are patrolling or trying to apprehend a smuggler. The Governments of Canada and the United States jointly fund the International Boundary Commission, an organization that is responsible for maintaining the Canada-US border that runs through mountains, cliffs, prairies, and waterways. According to the *National Post*, the US has increased its payment to the International Boundary Commission to \$1.2 billion per year since 9/11, but Canada has continued to allot only \$830,000 each year to the Commission. Canada’s Boundary Commissioner Michael O’Sullivan admitted that “we can’t get much done with that.”⁴⁷⁰ Currently, the Commission is failing to abide by its 80-year old treaty obligation to keep the border clearly marked and free of debris. This failure is largely due to Canada’s refusal to allocate the necessary funding to the Commission.⁴⁷¹ For legal and sovereignty reasons, it is crucial that IBET agents know whether they are conducting their operations in Canada or the United States. Canada must allocate the necessary funding to the International Boundary Commission for this reason, or the unkempt border will continue to undermine IBET operations.

⁴⁶⁹ “Border Towns Face Security Crackdown,” A1.

⁴⁷⁰ Anne Marie Owens, “Messiness of Border Sparks Security Fears,” *National Post*, April 5, 2005, A4.

⁴⁷¹ *Ibid.*

Another impediment to IBET operations is the bizarre geography of some border regions. Angle Inlet, Minnesota is an enclave that is not physically attached to the rest of the United States (See Fig. 4). To get to the small town of Angle Inlet by land, one must travel 40 miles through Canada. Residents of the town generally cross to the mainland United States through Lake of the Woods by boat during the summer and snowmobile during the winter. The border between Angle Inlet and Canada is guarded only by a checkpoint that operates on the honour system. Authorities estimate that only about 30% of people who cross through the checkpoint actually register with Customs authorities.⁴⁷² According to Grand Forks District Patrol Chief Glen Schroeder, Angle Inlet is one of the most vulnerable areas along the border in terms of security. Many people trying to cross illegally into the US have been apprehended by law enforcement authorities, and the town's sheriff is convinced that terrorists have travelled to Angle Inlet through Canada, and proceeded to reach the mainland US by water. Since *CNN News* aired a broadcast on the security risks of border regions like Angle Inlet, there have been even more incidents of people trying to enter the US illegally in the area.⁴⁷³ Although IBETs are mandated to guard the Canada-US border between ports of entry, areas like Angle Inlet pose a serious challenge to IBET authorities, and demonstrate the limitations of IBETs' ability to guard the entire border against potential security risks.

IBET's limited success in guarding marine areas of the border make these unguarded areas between ports of entry a continued security risk. Bob Bergoine of the Windsor-Detroit IBET claims that marine environments, particularly the Great Lakes and

⁴⁷² Gary Tuchmann, "Open Border," *CNN News*, May 3, 2006, <http://www.cnn.com/video/#/video/us/2006/05/03/tuchman.us.canada.open.border.cnn?iref=videosearch> (accessed March 21, 2009).

⁴⁷³ Jen Skerritt, "Isolated Spit of Minnesota Security Concern," *Winnipeg Free Press*, September 30, 2005, A7.

the St. Lawrence Seaway (see Fig. 5), present many challenges that are not encountered by land border enforcement authorities. Thousands of pleasure crafts, commercial vehicles, cruise ships, and ferries travel through the Great Lakes-St. Lawrence Seaway system and along Canada's east and west coasts. Amidst this heavily trafficked area, the smuggling of drugs, small arms, currency, contraband cigarettes, and people pose a major security threat to Canada and the US.⁴⁷⁴

In 2006, a *CNN News* reporter interviewed Ken Befield, who runs chartered boat trips between Canada and the US. Befield and his colleagues claim that any boater can slip through marine ports of entry undetected: "It's pretty wide open. It's more based on the honour system, but it's pretty easy."⁴⁷⁵ Along the St Lawrence River, for example, boaters cross between Canada and the US by the thousands during the summer. Much of the river freezes during the winter, enabling people to simply walk to the other side of the border. Befield says that "it makes you really stop and think how easy people who want to hurt Americans can come over here and do what they want to do."⁴⁷⁶ Authorities have only recently started to maintain electronic records of existing pleasure crafts, but it is estimated that there are more than one million Canadian registered private boats in the Great Lakes-St. Lawrence Seaway region alone.⁴⁷⁷ There are also an unknown number of unlicensed pleasure crafts travelling through marine areas, which IBET commander Bob Bergoine claims is the biggest threat to IBET marine operations.⁴⁷⁸ Smugglers can travel through narrow waterways between Canada and the US in a matter of seconds.

⁴⁷⁴ "IBET Threat Assessment."

⁴⁷⁵ Bob Franken, "Insecurity on the Canada-US Border," *CNN News*, August 14, 2006, <http://www.cnn.com/video/#/video/us/2006/08/14/franken.us.canada.border.security.cnn?iref=videosearch> (accessed March 21, 2009).

⁴⁷⁶ Ibid.

⁴⁷⁷ "IBET Threat Assessment."

⁴⁷⁸ Bob Bergoine, IBET, interview.

Authorities suspect that private docking areas and inland canal systems along the St. Lawrence River are used by criminal organizations to smuggle illicit drugs and exchange payments.⁴⁷⁹ *CNN News* interviewed border patrol officers who claimed that changes were being made, but the news report said that basing marine border security on the honour system gives people opportunities to break laws.⁴⁸⁰

Chris Romosz of the Buffalo sector US Coast Guard agrees that illicit activity in marine areas of the border is commonplace. He claims that people sneak across the border at night in boats, and that some people even swim across small marine crossings to avoid detection. Romosz admits that it is impossible to completely seal off the 600 miles of shoreline that the Buffalo sector of the US Coast Guard is responsible for patrolling. Lieutenant Chris Sweeny of the US Coast Guard similarly reports that “it’s wide open. It’s a huge vast area and it’s tough to enforce.”⁴⁸¹

Bob Bergoine, commander of the IBET “O” Division, leads a team that is responsible for safeguarding much of the Great Lakes. Bergoine claims that there are thousands of pleasure crafts on Lake Saint Clair during the summer season, and considers it an operational challenge for IBET members to determine whether any of these boats are involved in illegal activities.⁴⁸² If people want to avoid crossing through a port of entry, they could just dock on a shoreline or at a marina close to the border. The “2007 IBET Threat Assessment” notes that on Lake Ontario in particular, there are many private properties located along the shorelines that smugglers use to their advantage. These

⁴⁷⁹ “IBET Threat Assessment.”

⁴⁸⁰ “Insecurity on the Canada-US Border.”

⁴⁸¹ Mary Snow, “Canada-US Border Safety Fears,” *CNN News*, June 5, 2006, <http://search.cnn.com/search?query=border%20safety%20fears&type=video&sortBy=date&intl=false> (accessed March 21, 2009).

⁴⁸² Bob Bergoine, RCMP, interview.

criminal networks also make use of busy marine areas crowded with boats, where smugglers can conceal themselves in the legitimate boater traffic.⁴⁸³

One of the most troubling shortcomings of IBETs is the continued lack of consensus as to who should patrol the marine areas of the border between ports of entry. IBETs are technically responsible for guarding the waters to make sure that high-risk individuals do not cross the border through marine areas, but most IBET operations on the water are intelligence-based, meaning that agents are looking for something specific. IBETs are thus not mandated to perform routine security patrols of the waters. The OPP was given increased funding to perform routine patrols along the Great Lakes waters in Ontario, but in spring 2004 the Ontario provincial patrols were trimmed down to their pre-9/11 numbers. These funding cuts were discussed in 2005, when the federal government suggested that municipal police forces take responsibility for patrolling the waters. This idea was quickly stuck down when former Windsor Chief of Police Glenn Stannard made clear that “our position hasn’t changed. We do not accept responsibility for international security.”⁴⁸⁴ The confusion as to who is responsible for conducting routine patrols of border waters was illuminated in a Canadian Senate report, which concluded that there is not nearly enough regular surveillance of the Great Lakes waters and that the unarmed Canadian Coast Guards are an ineffective deterrent to illicit activity. The *Binational Planning Group* has also published numerous reports that stress the need for more maritime surveillance cooperation, especially on the Great Lakes.⁴⁸⁵

⁴⁸³ “IBET Threat Assessment.”

⁴⁸⁴ Kelly Patrick, “Marine Unit not on Terror Patrol: Stannard Refuses to Accept Security Role,” *Windsor Star*, January 14, 2005, A2.

⁴⁸⁵ Gloria Galloway, “National Security in Peril, Report Says,” *Globe and Mail*, December 9, 2004, A6.

A final challenge for IBETs in terms of border geography is the restrictions of patrolling First Nations reserves that straddle the border. The Regis Mohawk Indian Reserve stretches for 30,000 miles along the St. Lawrence River. About 50% of the Reserve covers US territory, and the rest spans across Canadian land. A very small police force staffed by members of the tribe has been responsible for securing the land, but laws have never been effectively followed in the area. Sovereignty issues have reduced the ability for Canadian and US authorities to access the land and guard the borders in the same manner as they secure the rest of the shared border. During the Prohibition Era, these limitations made the area one of the most popular smuggling routes for bootleggers. Now, the Reserve is a major gateway for illegal migrants, illicit drugs, and contraband cigarettes.⁴⁸⁶ Walpole Island, located along the St. Clair River, is the responsibility of the Windsor-Detroit IBET. The Island poses one of the biggest operational challenges for the team, since many organized criminal groups use this route to smuggle narcotics and people between Canada and the US.⁴⁸⁷ Akwesasne Territory, a First Nations reserve adjacent to the Regis Mohawk Reserve, spans across Ontario, Quebec, and the New York state, and presents similar challenges to IBET enforcement operations.⁴⁸⁸

7.2 Limited Resources

Although IBETs have received a great deal of funding since 9/11, the operational challenges, the geography of the shared border, and the advanced operations of criminal organizations have created an urgent need for more resources than are currently being allocated to these teams. During a meeting of the Atlantic Integrated Border Enforcement

⁴⁸⁶ Stephen Flynn, *America the Vulnerable: How our Government is Failing to Protect us From Terrorism* (New York: HarperCollins Publishers), 25.

⁴⁸⁷ "IBET Threat Assessment."

⁴⁸⁸ Ibid.

Team Communications Working Group in 2003, speakers stressed the need for shared satellites, more interoperable communication devices, and mobile communications platforms.⁴⁸⁹ In 2004, there was also a conference in Texas where academics, business owners, military leaders, law enforcement agents, and government officials discussed ways in which the NAFTA partners could collaborate to improve security in North America. There was a consensus that the most crucial issue to be addressed was the lack of effective technology used in border security efforts.⁴⁹⁰ The *Washington Times* reported in 2008 that despite these initiatives, there is still much room for improvement in these areas.⁴⁹¹

An internal US investigation similarly reported that there is an urgent need to upgrade the Border Patrol's Integrated Surveillance Intelligence System. IBET's ability to monitor the border between ports of entry is dependent on the effectiveness of this system. After 9/11, the Bush administration had planned to increase the number of guards between ports of entry, but the administration's subsequent efforts to cut costs resulted in a hiring freeze of US border agents along the northern border. The 2005 US Federal Budget only allocated enough money to hire 210 agents, which were subsequently placed on the border with Mexico. This number was a major shortfall from the number of agents that should have been deployed to the border with Canada as per the *Intelligence Reform and Prevention of Terrorism Act*, which George Bush himself signed into law. The Act stipulated that 2,000 full-time CBP agents would be hired each year between the years 2006 and 2010, and at least 20 percent (400) of these officers would be assigned to patrol

⁴⁸⁹ Peter Brown, "Are US and Canada Talking?" *Washington Times*, June 8, 2008, B3.

⁴⁹⁰ David Crane, "NAFTA Members Must do More on Terrorism," *Toronto Star*, September 22, 2004, E2.

⁴⁹¹ "Are US and Canada Talking?" B3.

the Canada-US border. The Bush administration claimed that only 200 as opposed to 400 agents needed to be hired each year to patrol the border with Canada, since improved technology like the Border Patrol's Integrated Surveillance Intelligence System has reduced the need for extensive foot patrolling in remote border areas. Despite these assurances, the internal US government investigation concluded that the Border Patrol's Integrated Surveillance Intelligence System, which involves the use of cameras and sensors along US borders with Mexico and Canada, is severely flawed. Many of the cameras along the Washington-BC border were wired so poorly that they produced only blurry images, which were useless for law enforcement purposes.⁴⁹² The need for improved technology to aid the sparsely-located IBETs is clear, and must be addressed so that these teams can achieve the objectives set out in the *Smart Border Declaration*.

In addition to the need for more funding for technological improvements, Colin Kenny, Chair of Canada's Senate Committee on National Security and Defence, addressed the urgent need for more staff to undertake IBET marine operations. He praised the success of the Shiprider pilot project, but claimed that there were not enough resources on the Canadian side to make it effective as it could have been. He also stressed the need to fund the hiring of more RCMP officers to patrol the Great Lakes waters, since currently there are 14 officers responsible for patrolling 92,000 square kilometers of water. This level of patrolling is simply not a deterrent for terrorism and other criminal activity. According to the Senate Committee on National Security and Defence, an additional 5,000-7,000 Canadian Mounties are needed to create an adequate level of security, which would require the Canadian government to invest an additional \$1.03-

⁴⁹² Sheldon Alberts, "US Budget Cuts Leave Holes in Border Security," *Vancouver Sun*, April 23, 2005, A18.

\$1.95 billion towards the RCMP budget.⁴⁹³ A 2005 report by the Canadian Auditor General similarly criticized RCMP understaffing, arguing that there are not enough staff members to input national security-related information into data systems and effectively perform RCMP objectives.⁴⁹⁴

7.3 History of an Open Border

IBET efforts to police illegal activity along the border have had a negative impact on residents of border towns, who have for centuries enjoyed a history of friendly relations with their neighbours. The Canada-US border crosses directly through the middle of towns and establishments. For example, the Aroostook Valley Country Club pro-shop and parking lot are in Maine, but the golf course and club house are located in New Brunswick. US Customs and Border Protection officials want to stop people from being able to play unless they have first registered with US Immigration, since any smugglers or potential terrorists could sneak across the border through the golf course and its associated rural areas.⁴⁹⁵

The Canada-US border also runs through the middle of border communities, such as the towns of Derby Line, Vermont and Stanstead, Quebec. After 9/11, authorities soon realized that trying to secure the border between these two towns was impossible. Residents share water and sewer systems and various community services. The front doors of the Haskell Free Library are in the Canada and the checkout desk is in the US.⁴⁹⁶

⁴⁹³ “Joint Defence on the Great Lakes, A15.

⁴⁹⁴ Deborah Feyerick, “Canadian Border Threat,” *CNN News*, October 12, 2004, <http://www.cnn.com/video/#/video/us/2004/10/12/feyerick.canada.border.threat.cnn?iref=videosearch> (accessed March 21, 2009).

⁴⁹⁵ “US Alert to New Security Threat,” E3.

⁴⁹⁶ “Homeland Security Divides Neighbours,” A3.

Americans and Canadians cross over the border every day to the other side of town, and are not accustomed to the increased border security measures that have been implemented since 9/11.

This history of friendly relations has had troublesome consequences for some area residents. In October 2002, a resident of a small Quebec town went on a hunting trip, during which he crossed 45 feet into Maine to fill up his gas tank. Because he had not checked in with the customs station nearby prior to crossing over, which no one had made a priority for years, the man was apprehended by the US Border Patrol and charged with entering into the US illegally and possessing a firearm. He spent 35 days in a US prison before he was released at the Government of Canada's request.⁴⁹⁷

Despite the concerns of residents and the operational challenges of patrolling these border towns, the high levels of illegal activity in the area seem to necessitate a law enforcement presence. RCMP Senior Sergeant Bob Bergoine said that these border towns are a major border security risk, acknowledging that "if somebody wants to cross into another country without being detected, what better way to do it? Just blend into the crowd."⁴⁹⁸ In 2007, US Border Patrol searched two vans that had crossed into Derby Line from Canada and found 21 illegal immigrants from Pakistan, Afghanistan, India, Mexico, and Guyana.⁴⁹⁹ Between January and June of 2007, the Eastern IBET reported that 32 people were caught trying to cross the border illegally near the library that divides Derby Line and Stanstead. This number was a major increase from the 44 people who were

⁴⁹⁷ "The Unfriendly Border," *The Economist Magazine*, April 27, 2005, 32.

⁴⁹⁸ Bob Bergoine, RCMP, interview.

⁴⁹⁹ "US Alert to New Security Threat," E3.

caught in 2006 and 27 in 2005.⁵⁰⁰ The situation seemed to be growing worse when the local IBET caught 31 illegal immigrants from Columbia trying to enter Canada through Derby Line in October 2007.⁵⁰¹ These incidents motivated IBET authorities to check every car that travelled through the official crossing between the two towns, which created massive delays and traffic problems. The IBET no longer inspects every car, but continued security measures in the area have been a huge burden to the 3,200 residents of Stanstead and 800 residents of Derby Line.⁵⁰² Although IBETs continue to monitor the area with cameras and motion detectors on the three streets that straddle the border, “no one knows how much smuggling goes undetected”⁵⁰³ in the Derby Line/Stanstead region.

7.4 Sovereignty concerns

Since the expansion of IBETs across Canada, Gerry Dundas of the CBSA claims that cooperation between the RCMP and CBSA has much improved, but admits that collaborating with their American counterparts has been a much greater challenge.⁵⁰⁴ Although these bilateral enforcement teams work together on operations, there remains a link between sovereignty and territory that stops IBET agents from crossing over that “imaginary line”⁵⁰⁵ along the border. These lingering sovereignty concerns have been problematic during enforcement operations, since RCMP officers still lack the authority to arrest people on American territory and vice versa.

⁵⁰⁰ Jenna Russell, “Border Debate Disrupts Bucolic Towns,” *Hamilton Spectator*, June 26, 2007, A6. 90% of the people who were caught trying to cross the border illegally were destined for the US, and 10% were headed for Canada.

⁵⁰¹ “Border Towns Face Security Crackdowns,” A1.

⁵⁰² “US Alert to New Security Threat,” E3.

⁵⁰³ “Border Debate Disrupts Bucolic Towns,” A6.

⁵⁰⁴ Gerry Dundas, CBSA, interview.

⁵⁰⁵ Bob Bergoine, RCMP, interview.

In 2007, Prime Minister Harper responded to multiple US accusations that Canada has failed to take sufficient action to curb the cross-border flow of humans, small arms, and drugs. He was confident that Canada is and will continue to prioritize proactive initiatives like Integrated Border Enforcement Teams.⁵⁰⁶ In spite of Harper's positive response to US criticisms, a US CBP report claims that the limitations of bilateral law enforcement efforts have undermined their mandate to safeguard the border from terrorism and other criminal activities: "Despite ongoing bilateral and multilateral initiatives, cultural, legal, and political differences will continue to allow Canada and Mexico to be used as a potential haven or gateway for terrorist and criminal activity directed at the United States."⁵⁰⁷

This dilemma reflects the conflict between sovereignty and information-sharing related to international law enforcement. While the principle of state sovereignty gives states the power to conduct their own affairs within their territory,⁵⁰⁸ the International Commission on Intervention and State Sovereignty claims that sovereign states have the responsibility to safeguard the human rights of its citizens.⁵⁰⁹ If Canadian law authorities share information about a Canadian citizen with US officials, US officials then have the power to conduct an investigation in accordance with US laws. Through this process, Canada will have lost some of its power as a sovereign nation to protect the rights of this citizen in accordance with the Canadian Charter of Rights and Freedoms. The sharing of

⁵⁰⁶ Ibid.

⁵⁰⁷ *Securing America's Borders at Points of Entry: Strategic Plan FY 2007-2011*, report prepared by US Customs and Border Protection, 14.

⁵⁰⁸ Ramesh Thakur, "Outlook, Intervention, Sovereignty, and the Responsibility to Protect: Experiences From the ICISS," *Security Dialogues* 33, no. 3 (September 2002): 329.

⁵⁰⁹ Thakur, 330.

information can thus undermine the responsibility of sovereign states to protect the human rights of their citizens in accordance with their laws.

7.5 Limitations to Intelligence Sharing

The previous section outlined the limitations of border enforcement cooperation between Canada and the United States. The most critical limitation involves the bilateral sharing of intelligence. In the aftermath of 9/11, US authorities traced the events leading up to the attacks and found numerous systematic flaws that prevented law enforcement officials from “connecting the dots” of the terrorist plot. One cannot assume that had there been a complete sharing of intelligence, authorities would have easily discovered the plot soon enough to prevent the attacks. However, it is clear that these institutional obstructions made it nearly impossible to discover such an advanced terrorist plot.⁵¹⁰ The *9/11 Commission Report* attempted to rectify these weaknesses, advocating for an increase in intelligence sharing by shifting from a “need to know” to a “need to share” strategy.⁵¹¹

Even though data and information sharing between border enforcement agencies has improved since 9/11, security experts claim that it is not nearly as effective as it should be. The Canadian and American law enforcement communities have both struggled to create more effective information sharing systems. However, the majority of Canadian law enforcement data banks are not even linked with each other, let alone with

⁵¹⁰ Anja Dalgaard-Nielsen and Daniel Sheldon Hamilton, *Transatlantic Security* (New York: Routledge, 2006), 131.

⁵¹¹ United States, *United States Intelligence Community Information Sharing Strategy*, report prepared by the Office of the Director of National Intelligence, February 22, 2008, 6. The “Need to Know” mindset, which prioritized the protection of methods and sources, had been in place since the implementation of the National Security Act in 1947.

US data banks.⁵¹² The United States has also grappled with coordinating intelligence sharing amongst their security departments. In many cases, intelligence-gathering agencies report to different ministries, a process that complicates the sharing of information between agencies and places limitations on intelligence sharing agreements with other countries.⁵¹³ Experts say that a much larger system is needed that will maximize the utility of the intelligence that is gathered.⁵¹⁴

Since 9/11, authorities report that there are still “missing links” in investigations that are overlooked or considered to be too confidential to share with other agencies.⁵¹⁵ Canadian and US privacy laws limit the amount of intelligence-sharing between the two countries. In some cases, information sharing is not permitted in order to safeguard the privacy of individuals or other matters that authorities deem necessary.⁵¹⁶ Some intelligence is labeled “For Canadian Eyes Only” or in the case of the US, “No Foreign Access” (NOFORN).⁵¹⁷ Various legal and statutory limitations that have remained in place since 9/11 have restricted the level of cooperation between US and Canadian IBET partners and blocked attempts to facilitate a complete sharing of intelligence related to border security issues.⁵¹⁸ This has been a serious impediment to improved information sharing between IBET partners. Unless all intelligence and information is shared, no one can be sure what seemingly irrelevant pieces of information are of vital importance to an

⁵¹² LeBeuf, 9.

⁵¹³ Dalgaard-Nielsen and Sheldon, 131.

⁵¹⁴ Rudolph, 9.

⁵¹⁵ Christopher Rudolph, “Creating Smart Borders: Intelligence Sharing is Key to Canada-US Security,” *The Fraser Forum Magazine*, May 2008, 9.

⁵¹⁶ Dalgaard-Nielsen and Sheldon, 131.

⁵¹⁷ Robert D’A. Henderson, “We Need to Continue Bilateral Intelligence Cooperation-but Carefully,” *Woodrow Wilson International Centre for Scholars: One Issue, Two Voices*, no. 6 (January 2007): 5.

⁵¹⁸ *Ibid.*

investigation.⁵¹⁹ The RCMP acknowledges the tension between sharing information and abiding by domestic privacy laws in the “2007 IBET Threat Assessment:” “The sharing of national security information, both inside and outside the IBET domain, remains a difficult and challenging issue.”⁵²⁰

Since the expansion of IBETs, the US has implemented new legislation, such as the Intelligence Reform and Terrorism Prevention Act of 2004,⁵²¹ to increase intelligence sharing within its departments as well as with key allies. Amidst their efforts, US officials have criticized Canadian laws for being too restrictive in terms of sharing results and intelligence. Terry Breese, Deputy Chief of Missions for the US Embassy in Canada, praised IBETs as a successful collaborative initiative to keep the border safe, but admitted that “it is often awkward or difficult to get co-operation on sharing. Canada’s laws often prevent the sharing of results.”⁵²²

Canadian and US authorities recognize, however, that if intelligence-sharing becomes too open and involves too many people, the risk increases that the information will be leaked.⁵²³ The Canadian government has also become aware that an increase in intelligence sharing with other countries can undermine the rights of Canadian citizens that are guaranteed under the Canadian Charter of Rights and Freedoms. In 2002, a dual citizen of Canada and Syria named Maher Arar was detained by US Immigration and Naturalization Service (INS) at an airport in New York. The INS had received intelligence from the RCMP that Arar may be affiliated with an Al-Qaeda terrorist

⁵¹⁹ Rudolph, 9.

⁵²⁰ “IBET Threat Assessment.”

⁵²¹ *United States Intelligence Community Information Sharing Strategy*.

⁵²² Jeff Lee, “Results, not Finger-Pointing, Needed in Cross-Border Crime: Harper,” *Edmonton Journal*, November 8, 2007, B8.

⁵²³ Rudolph, 9.

network. The US government placed Arar in solitary confinement for two weeks after denying him access to a lawyer. He was then sent to Syria, which has a poor human rights record and is known to employ torture in criminal investigations. The O'Connor Commission, a public report released in 2006, concluded that Arar's international human rights had been violated when he was denied access to a lawyer and tortured without viable proof that he was involved with the Al-Qaeda organization.⁵²⁴

The case created a major controversy in Canada regarding the Canadian government's role in providing intelligence on a Canadian citizen to the US, and allowing Arar to be sent to Syria. A subsequent investigation stated that there was a strong possibility that Canadian intelligence was being shared carelessly with foreign law enforcement agencies without first ensuring that the information was accurate. An internal RCMP report also concluded that the agency did not properly follow the regulations pertaining to information-sharing with US law enforcement agencies. The official report brought to light the fact that the Canadian government was intent on benefiting from the information gathered by Syrian intelligence services, and that the overriding concern of the Canadian government was to demonstrate to the US that it was committed to fighting terrorism.⁵²⁵ The case made clear that Canadian security agencies failed to establish precautionary measures to safeguard the rights of Canadian citizens in the midst of increased intelligence sharing with the United States. In many cases, it was left to the discretion of individual officers how and when they would share information

⁵²⁴ Canada, *Civilian Oversight of the RCMP's National Security Functions*, report prepared by the Parliamentary Information and Research Service, Library of Parliament, January 2006, <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/PRB-e/PRB0409-1e.pdf> (accessed May 21, 2009).

⁵²⁵ Jenny Hocking and Colleen Lewis, *Counter-Terrorism and the Post-Democratic State* (Cheltenham: Edward Elgar Publishing, 2007), 90.

with other Canadian and US agencies.⁵²⁶ The *Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar* outlines the importance of respecting domestic privacy laws amidst the increased sharing of information since 9/11:

*The RCMP should ensure that, whenever it provides information to other departments and agencies, whether foreign or domestic, it does so in accordance with clearly established policies respecting screening for relevance, reliability, and accurately and with relevant laws [for example, the Privacy Act] respecting personal information and human rights.*⁵²⁷

The Arar case severely damaged the reputation of Canadian national security agencies, whose actions undermined values that the Canadian public holds in high esteem. The incident demonstrated the potential consequences of openly sharing intelligence with the US government. As a result of the Arar case, the Canadian government will likely be wary of supporting future proposals to increase intelligence sharing between Canada and the US. Even before the expansion of IBETs, law enforcement authorities have struggled to balance the effective sharing of intelligence with privacy and sovereignty concerns. This struggle has continued to undermine joint Canada-US law enforcement operations.

7.6 Impending Threat of US Isolationism

A major threat to the long-term success of bilateral initiatives like Integrated Border Enforcement Teams is the impending threat of the United States reverting to isolationism and guarding its border unilaterally. In the eight-year period since 9/11, a consensus has emerged that bilateral cooperation is the most effective way to maintain a

⁵²⁶ Ibid.

⁵²⁷ *Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar (Arar Commission: A New Review Mechanism for the RCMP's National Security Activities*, Canadian Government Publishers, 2006.

border open to trade and closed to illicit activity. Eberhard Bort notes that “even after the terrorist attacks of 11 September 2001 reinforced borders in many regions, a fortress mentality is no longer really conceivable as a practical solution to internal security needs.”⁵²⁸ T.J. Bonner, president of the National Border Patrol Council, said in 2005 that militarizing the border at designated ports of entry is an ineffective way of policing cross-border crime: “You can’t just fortify one tiny part of the border and expect all the criminals and terrorists to cross through that small corridor.”⁵²⁹ The previous chapter discussed case-studies that demonstrate the success of the proactive, intelligence-led approach of Integrated Border Enforcement Teams. Terrorism analyst and former CIA agent Christopher Whitcomb says that bilateral initiatives like IBETs have been very successful in deterring cross-border crime, making it impractical for the US to pursue a border security strategy that will damage the positive economic relationship: “It’s an open and friendly border. We have great relations with the Canadians that we need to maintain. There is a time-proven reliance on the Canadians and I think there’s no reason whatsoever to jeopardize that.”⁵³⁰

Despite the positive outcomes of these bilateral initiatives, the Bush administration’s border policies throughout the first decade of the 21st century have alluded to a continued fear of the open border. The United States has taken measures to militarize parts of its northern border since the September 11th terrorist attacks. The Bush administration assigned five Blackhawk military helicopters to the Canadian border, funded over 350 video surveillance systems, and signed a \$2.5 billion contract with the

⁵²⁸ Eberhard Bort, “European Borders in Transition: The Internal and External Frontiers of the European Union,” in *Holding the Line: Borders in a Global World*, ed. Heather N. Nicol and Ian Townsend-Gault (Vancouver: UBC Press, 2005), 83.

⁵²⁹ “US Budget Cuts Leave Holes in Border Security,” A18.

⁵³⁰ “Border Security Heightened.”

Boeing Company to build upwards of 900 surveillance towers along the Canada-US border.⁵³¹ In November 2005 the United States launched the *Secure Border Initiative*, which provided the funding for boats, helicopters, and sophisticated technology like communications equipment, radiation detectors, and three kinds of camera-mounted sensors in remote forest areas of the border. The initiative also stipulated that there would be a 300% increase in the number of agents guarding Canada-US border.⁵³² Since the implementation of the *Secure Border Initiative*, the US has continued to deploy more agents to its northern border. By the end of 2009, the number of US agents guarding the Canadian border will have increased from 340 in 2001 to an expected 1,845.⁵³³ This trend indicates that the US is continuing to take concrete measures to guard its northern border unilaterally.

These unilateral security measures have arguably impeded the flow of trade across the Canada-US border. Writing in 2007, Michael Byers, the Canadian Research Chair in International Law and Politics, argued that foreign-owned companies located in Canada are just as concerned as domestic corporations that “the new American obsession with homeland security might impede the free flow of goods across the border.”⁵³⁴ Paul Frazer, a former Canadian diplomat, said in early 2008 that because Canada continues to see the border in terms of trade while the US sees it in terms of security, “we are constantly working at cross purposes.”⁵³⁵ In 2008, Perrin Beatty of the Canadian Chamber of Commerce voiced his concern about the multitude of US security procedures at the border. He said that more inspections on the American side and increased wait

⁵³¹ Byers, 212.

⁵³² “Homeland Security Divides Neighbours,” A3.

⁵³³ Ian Macleod, “US to Launch Review of Border With Canada,” *Ottawa Citizen*, January 30, 2009, A3.

⁵³⁴ Byers, 212.

⁵³⁵ “A Fence in the North, Too,” *The Economist Magazine*, January 3, 2008, 40.

times are making the border “thicker, stickier, and more costly.”⁵³⁶ According to Beatty, these increased costs are putting millions of Canadian and American jobs in jeopardy, which is threatening the economic security of the US⁵³⁷ and undermining the efficient cross-border flow of goods and people mandated under NAFTA.⁵³⁸ Even amidst the success of bilateral security agreements that aim to keep the border open to trade, the United States continues to revert to unilateral border security policies.

The Bush Administration has justified its isolationist border security measures by claiming that the open border is a risk to US homeland security. Canadian law enforcement officials like RCMP Staff Sergeant Glen Rockwell of the Pacific IBET admit that the US has ample reason to be concerned about the open border. He said that in 2003, there were 35,000 outstanding warrants for people who legally entered Canada and subsequently disappeared. Many of these people are listed by the US government as national security threats. When questioned about these statistics, Immigration Canada spokesperson Janet Fergusson said that “the reality is that it’s hard when you share such a large border.”⁵³⁹ US concerns about Canadian immigration policies and the porous border continued to resonate throughout the decade. In a 2006 report from the Nixon Centre in Washington D.C., a senior FBI official said that “Canada is the most worrisome terrorist point of entry...Al-Qaeda training manuals advise terrorists to enter the United States from Canada.”⁵⁴⁰ The report added that despite heavy US security on the Mexican border, there have been no reports of terrorist activity in Mexico that involve potential attacks on

⁵³⁶ Ibid.

⁵³⁷ Eric Beauschesne, “Prentice Urges US to Loosen Cross-Border Impediments,” *Ottawa Citizen*, August 19, 2008, D1.

⁵³⁸ “A Fence in the North, Too,” 40.

⁵³⁹ “Border Ruse Highlights Human Trafficking Problem,” C3.

⁵⁴⁰ Les Blumenthal, “Americans Look North and Worry; Porous Border With Canada Seen as Rising Security Threat,” *Calgary Herald*, November 9, 2007, A18.

the United States. In contrast, the United States reports that there have been several terrorists caught trying to enter the US from Canada.⁵⁴¹ Terrorists may be choosing to base their operations in Canada since it is less risky to sneak across the Canada-US border than the heavily guarded Mexico-US border. When the RCMP arrested 18 Canadian-born Muslim men in June 2006 for trying to plot a terrorist attack in Toronto, US fears of a terrorist presence in Canada seemed to be justified. Even though many of the charges on the accused were dropped, the confirmation of terrorist activity in Canada caused this sense of fear and distrust to become entrenched in the United States' perception of Canada.⁵⁴²

In 2007, an ambulance from Canada was transporting a patient across the border that needed emergency surgery in Detroit. The vehicle was detained by US Customs and Border Patrol, which sparked massive controversy about security along the Canada-US border. The Canadian public's concern about the issue forced Canada's Security Minister Stockwell Day to request that his US counterpart Michael Chertoff review the US CBP policies for the northern border. After conducting the review, Chertoff justified the actions of the US CBP officers, claiming that over a dozen terrorists had been caught by the US Border Patrol trying to cross into the US from Canada since 9/11.⁵⁴³ In his statement, Chertoff said that he considered Canada to be a greater security threat to the US than Mexico.⁵⁴⁴ This sour perception of Canada is reflected in media reports of US border security concerns. In September 2008, Diane Francis of the *Financial Post* said

⁵⁴¹ Ibid. No additional information was provided about the identities of the terrorists, or where and how they crossed the Canada-US border.

⁵⁴² James Bissett, "Does Canada Pose a Security Threat to the United States?" *The Fraser Forum Magazine*, May 2008, 12.

⁵⁴³ No additional information was provided about what terrorist organizations these people were affiliated with, or how and where they crossed the border.

⁵⁴⁴ "A Fence in the North, Too," 40.

that “Americans are not convinced Canada is doing a good job patrolling its side of the border,”⁵⁴⁵ which forecasts a gloomy future for US support of bilateral border security initiatives with Canada. An editorial from the *Washington Post* on January 22, 2009 similarly noted that “it is a marvel-a sheer stroke of luck rather than design-that since 9/11, the northern border has not been the source of another calamity on American citizens.”⁵⁴⁶

Even though the perpetrators of the 9/11 terrorist attacks did not enter the US through Canada or Mexico, the United States took immediate action to secure its borders with the two countries. Colin Kenny, Canada’s Chair of the Senate Committee on National Security and Defence, is concerned that if there is another terrorist attack in the US and it is discovered that the terrorists entered the US through Canada, the US would likely shut down its northern border.⁵⁴⁷ Such an action would devastate the Canadian economy, which is completely dependent on the US export market and the open border. Peter Andreas of Brown University similarly predicts that US actions to secure its borders would be much more severe if the perpetrators used the open border to penetrate the United States. He predicts that such an event could completely halt economic exchanges between Canada and the United States.⁵⁴⁸ Despite the success of bilateral security initiatives like Integrated Border Enforcement Teams, experts predict that in the event of another terrorist attack, the US will likely revert to isolationism and build up its

⁵⁴⁵ Diane Francis, “Border Problems Hurt Trade,” *Financial Post*, September 13, 2008, B2.

⁵⁴⁶ “US to Launch Review of Border With Canada,” A3.

⁵⁴⁷ Colin Kenny, “Border is Vulnerable,” *Windsor Star*, March 26, 2005, A6.

⁵⁴⁸ Peter Andreas, “A Tale of Two Borders: The US-Canada and US-Mexico Lines After 9/11,” in *The Rebordering of North America: Integration and Exclusion in a New Security Context*, ed. Peter Andreas and Thomas J. Biersteker (New York: Routledge, 2003), 15.

borders with Canada and Mexico. Such action would undermine the efforts of the *Smart Border Declaration* to maintain a safe and open border.

7.7 The Power of Supply and Demand

The final limitation to the success Integrated Border Enforcement Teams is the power of supply and demand. Economic principles dictate that if there is a demand for a product, people and organizations will be motivated by financial gain to provide the supply to meet this demand. These laws have consistently undermined law enforcement efforts to curb global illicit industries. International and bilateral teams that work to police cross-border criminal activity have reported increases in seizure amounts and numbers throughout the 1990s and the first decade of the 21st century. However, these increases are not necessarily an indication that law enforcement efforts are becoming more effective. The *2005 White House Office of National Drug Policy Report* states that between 1992 and 2002, the number of drug users who sought treatment options tripled. According to the report, marijuana in the US has become more potent, and the number of users has actually increased.⁵⁴⁹ This trend indicates that marijuana is readily available in the United States, which calls into question the utility of border enforcement efforts to curb the flow of illicit drugs entering the US from Canada. Studies show that the number of illegal immigrants in the US is currently growing at the same rate as it was during the 1990s. The flow of illicit goods across borders in North America is also growing at the same rate. In some cases, the rates are even accelerating.⁵⁵⁰ This consistent increase in both the cross-border flow of illicit goods and seizure numbers suggests that the

⁵⁴⁹ Naim, 81.

⁵⁵⁰ Naim, 276.

percentage of illicit goods and people that are seized by border security officials has stayed the same. When asked whether the increase in seizures is an indication of better law enforcement or more cross-border smuggling, Joseph Giuliano of the US Border Patrol at Blaine said that “I tend to believe it’s a little of each.”⁵⁵¹

The main impediment to border enforcement efforts to curb illicit activity is that when officials crack down along one area of the border, suppliers simply divert their operations to more porous areas of the border. For example, IBET arrests made along the BC-Washington border have triggered investigations into criminal networks that are operating in the area. However, the laws of supply and demand dictate that if there is a demand for illicit drugs like BC Bud, these networks will use any means necessary to provide the supply. Soon after IBET authorities concentrated on curbing illicit drug smuggling along the BC-Washington border, IBET regions east of the area reported seeing suspicious-looking low-flying aircraft that were likely engaged in illicit activities.⁵⁵² These recent sightings suggest that criminal networks based in BC have diverted their operations further inland to evade law enforcement authorities.⁵⁵³ Increased border security along the BC-Washington border has similarly caused human smuggling activities to divert to harder-to-patrol, remote areas of the border between ports of entry.⁵⁵⁴

IBET efforts to curb smuggling along the border have also inspired criminal networks to use innovative methods to evade law enforcement officials. IBET investigations in the BC-Washington area have significantly reduced the amount of drug-

⁵⁵¹ “Cross-Border Smuggling on the Rise,” C3.

⁵⁵² “IBET Threat Assessment.”

⁵⁵³ Naim, 70.

⁵⁵⁴ “Human Smuggling Ring Smashed at US-Alberta Border,” A1.

smuggling activity in the region that involves helicopters. However, criminal organizations in the area have adapted to these new enforcement methods, and have started to use fixed-wing airplanes to transport BC Bud and ecstasy to the US and cocaine into Canada. Knowing that IBET agents are vigilantly monitoring the coastal areas, pilots are now landing these planes further inland to evade law enforcement authorities.⁵⁵⁵

Although improved law enforcement along the border deters cross-border criminal activity, this section has provided evidence that it can not eliminate it. Motivated by the financial rewards, smugglers are willing to risk being apprehended in order to satisfy the demand market. RCMP Sergeant Norman Houle of the Eastern IBET maintains that in the Quebec border region, US demand for the local high-grade hydroponic marijuana known as *Quebec Gold* is so great that smugglers are willing to risk the increased chance of being caught to sneak it across the border. Houle attests that “Quebec smugglers can’t get enough marijuana to fill the American demand.”⁵⁵⁶

This chapter has outlined the major limitations to efforts made by Integrated Border Enforcement Teams to effectively secure the Canada-US border between ports of entry. The following chapter will discuss the feasibility of overcoming these limitations.

Chapter 8: Conclusions/Recommendations

8.1 Overcoming Limitations

The long-term success of Integrated Border Enforcement Teams is dependent on their ability to overcome the aforementioned limitations. It is recommended that the

⁵⁵⁵ “IBET Threat Assessment.”

⁵⁵⁶ “Demand for Potent Pot Drives Smugglers,” A8.

following actions to be taken so that IBETs can more successfully meet their operational objectives:

- The Government of Canada must increase its payments to the International Boundary Commission, so that that the border can be more clearly defined and agents can more effectively carry out operations.
- The Governments of Canada and the United States must launch more pilot projects like the Shiprider, which work to overcome the limitations posed by territorial jurisdiction.
- Canada and the United States must continue to develop innovative ways to share intelligence and information that acknowledge the importance of sovereignty as well as the risks posed by a complete sharing of intelligence
- Canada and the United States must realize that since there are only a limited number of IBET agents that patrol the border, they must further invest in emerging technologies that will assist agents to police hard-to-patrol border regions.
- In order to maintain a positive economic relationship with the United States, the Canadian government must continue to demonstrate its commitment to securing the common border. Stephen Harper's Conservative government has recently announced plans to launch a pilot project that will increase security along unguarded border areas in Quebec. A special law enforcement unit comprised of

CBSA and RCMP agents will patrol the border between ports of entry to secure the many unguarded back roads that straddle the border.⁵⁵⁷

- The Governments of Canada and the United States must continue to recognize the benefits of Integrated Border Enforcement Teams, and provide adequate funding so that their operations can adapt to the ever-changing nature of cross-border criminal activity in North America. IBET Commander Bob Bergoine said in 2008 that funding for the IBET initiative has remained consistent since 9/11, which indicates that the Governments of Canada and the United States still consider it a priority to effectively police their common border between ports of entry.⁵⁵⁸ The Canadian government in particular will likely continue to prioritize these bilateral security initiatives, since its economic security is dependent upon the open Canada-US border.⁵⁵⁹

8.2 The Effectiveness of IBETs in Maintaining a Safe and Open Canada-US Border

Although there are several aspects of IBETs that must be improved, these teams have successfully met their operational objectives. These teams combat global crime with global crime control, and their prioritization of intelligence sharing has enabled them to monitor a sizeable percentage of the Canada-US border. The IBET initiative has also improved Canada-US relations since 9/11 by easing the US apprehension of the border as a security risk. In 2008, the *Calgary Herald* listed bilateral border security initiatives as one of the factors that have improved Canada-US relations since the 9/11

⁵⁵⁷ “Special Border Patrol Set for Que,” A1.

⁵⁵⁸ Bob Bergoine, RCMP, interview.

⁵⁵⁹ “NAFTA Members Must do More on Terrorism,” E2.

attacks.⁵⁶⁰ Dan Daglio of the US Naval Institute also listed Integrated Border Enforcement Teams as a recent example of cooperation between Canada and the US.⁵⁶¹ A 2009 article in the *National Post* stressed the need for Canada to propose additional bilateral agreements like IBETs that will strengthen Canada-US relations by keeping the border open to trade but closed to illicit activity: “Canada should prepare an ambitious proposal for an open and secure border that addresses legitimate US security concerns, but eliminates the unnecessary red-tape that has been bottlenecking the border.”⁵⁶²

Through this study of Integrated Border Enforcement Teams, it has become clear that these teams have fulfilled their operational objectives that were set out in the *Smart Border Declaration*. Their success in disbanding criminal networks and seizing illicit goods and people between ports of entry along the Canada-US border demonstrates their pivotal role in curbing the flow of illicit goods and people across the border. It is the political willingness to prioritize this initiative after 9/11 that has made Integrated Border Enforcement Teams successful in achieving their operational objectives.

8.3 Areas for Future Study

Regional and international policing initiatives like IBETs have been implemented around the world to effectively respond to the growth of global illicit industries. The study of IBETs could be expanded as a comparative study of regional policing initiatives in North America and Europe. There is a much greater level of integration amongst European countries than in North America. When the European Union was first created,

⁵⁶⁰ Geoffrey Scotton, “‘The Greatest Relationship’; Ambassador David Wilkins Believes Canada-US Ties on a Solid Footing,” *Calgary Herald*, April 13, 2008, D1.

⁵⁶¹ Dan Daglio, “The United States and Canada: Time to Defrost,” *United States Naval Institute: Proceedings* 113, no. 4 (April 2008), 35.

⁵⁶² Patrick Grady, “Mr. Obama, Tear Down That Border,” *National Post*, January 20, 2009, A13.

there was a mandate for the “free movement of persons.”⁵⁶³ However, member-states could not agree on the meaning of this mandate. Some thought the free movement should just apply to EU citizens, while others believed that it should apply to anyone who entered an EU member-state. By 1985 a consensus still had not been reached.⁵⁶⁴ As a result, France, Belgium, Germany, Luxembourg, and the Netherlands agreed to dissolve their internal borders and harmonize their visa policies to create a common perimeter known as the Schengen Area.⁵⁶⁵ By 1997, 13 additional EU member-states had entered into this perimeter⁵⁶⁶ and in December 2008 there were 25 members of the Schengen Area.⁵⁶⁷ The formation of the EU had created a Single European Market, which lowered barriers to trade in the region. Economic integration was complemented by the porous borders within the Schengen Area.⁵⁶⁸ These institutions triggered a growth in both legitimate and illegitimate cross-border trade in the EU.⁵⁶⁹ As was the case in North America, leaders of European countries acknowledged that traditional methods of policing were unsuited to a type of crime that knows no political boundaries.⁵⁷⁰

Political leaders in Europe quickly recognized the benefits of international and regional police collaboration. The high level of integration that was needed for joint policing efforts had already been formalized by the Maastricht Treaty.⁵⁷¹ Collaborative

⁵⁶³ Ian Davis, Chrissie Hirst, and Bernardo Mariani, *Organized Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU: Challenges and Perspectives*, Saferworld Arms & Security Programme, December 2001, 4.

⁵⁶⁴ *Ibid.*

⁵⁶⁵ Andreas, “A Tale of Two Borders,” 15.

⁵⁶⁶ “The Schengen Area and Cooperation,” Activities of the European Union: Summaries of Legislation, last updated April 4, 2008, <http://europea.eu/scadplus/leg/en/vb/133020.htm> (accessed March 19, 2009).

⁵⁶⁷ “Q & A: Schengen Agreement,” *BBC News*, December 15, 2008, <http://news.bbc.co.uk/2/hi/europe/4738063.stm> (accessed April 7, 2009).

⁵⁶⁸ *Organized Crime, Corruption and Illicit Arms Trafficking*, 4.

⁵⁶⁹ *Ibid.*

⁵⁷⁰ *Organized Crime, Corruption and Illicit Arms Trafficking*, 5.

⁵⁷¹ The Maastricht Treaty is the founding treaty of the European Union

policing efforts improved coordination between police forces and judicial members in the European Union, which enabled law enforcement authorities to more effectively curb organized crime and the smuggling of illicit drugs, small arms, and humans within the perimeter. Certain sections of the Schengen Agreement also improved coordination between law enforcement officials in Europe, enabling them to more effectively curb cross-border criminal activity in the perimeter. Member-states agreed to a common list of countries whose nationals must obtain visas to enter the perimeter. They also collaborated to form the Schengen Information System, which gives consulate employees and law enforcement authorities access to a common database which lists dangerous individuals and stolen property. Within the common perimeter, police have the right to chase and apprehend suspected criminals across political borders, which has made efforts to reduce cross-border criminal flows in the area more pragmatic in nature.⁵⁷² Bilateral initiatives like the United Kingdom-Italian cooperative agreement,⁵⁷³ as well as regional and sub-regional institution like Europol and the Stability Pact Initiative Against Organised Crime in South-Eastern Europe (SPOC), have also aided in curbing the flow of illicit goods and people within the Schengen Area.⁵⁷⁴

After studying the limitations of Integrated Border Enforcement Teams, it could be assumed that since there is a greater level of political and law enforcement cooperation in Europe than in North America, border enforcement efforts would be far more successful at curbing cross-border smuggling. However, a report published by the Saferworld Arms and Security Programme states that “the EU is believed by many to be

⁵⁷² “Q & A: Schengen Agreement.”

⁵⁷³ Even though the UK is not a full member of the Schengen Area, it still participates in cooperative policing initiatives that are made possible by European integration.

⁵⁷⁴ “The Schengen Area and Cooperation.”

failing in areas key to the fight against organized crime.”⁵⁷⁵ Even in an integrated environment, experts claim that sophisticated global criminal networks can only be disbanded through the continued harmonization of international and national databanks. They argue that there is a lack of political willingness to develop more effective methods of information sharing between national and international agencies and databases, which is also one of the greatest drawbacks to integrated policing efforts in North America.⁵⁷⁶ Davis, Hirst, and Mariani note that because there are proven links between various organized criminal industries, it is imperative that the law enforcement agencies responsible for each industry more effectively share intelligence in order to target the source of global criminal networks.⁵⁷⁷

The level of political commitment to European integration is unprecedented to the extent that integration is no longer a domestic political issue for most member-states. Processes of European integration are founded upon a strong institutional framework, which greatly contrasts with the ad-hoc integration that has resulted from free trade agreements in North America.⁵⁷⁸ Just before 9/11, experts predicted that because countries in North America are “more market-driven, more resistant to bureaucracy, more pragmatic and more respectful of national autonomy” than those in Europe,⁵⁷⁹ it was unlikely that North American integration would follow in the same path as the EU.⁵⁸⁰

⁵⁷⁵ *Organized Crime, Corruption and Illicit Arms Trafficking*, 7.

⁵⁷⁶ *Organized Crime, Corruption and Illicit Arms Trafficking*, 6.

⁵⁷⁷ *Organized Crime, Corruption and Illicit Arms Trafficking*, 54.

⁵⁷⁸ Jeffrey A. Frankel, *The Regionalization of the World Economy* (Chicago: University of Chicago Press, 1998), 73.

⁵⁷⁹ Pastor, 96.

⁵⁸⁰ Gallya Lahaw and Virginie Guiraudon, “Comparative Perspectives on Border Control: Away From the Border and Outside the State,” in *The Wall Around the West: State Borders & Immigration Controls in North America and Europe*, ed. Peter Andreas and Timothy Snyder (New York: Rowman and Littlefield, 2000), 61.

However, the 9/11 attacks created the political willingness to explore innovative methods of securing political borders amidst economic globalization.

Although there are several notable differences between political integration in Europe and North America, policymakers in North America can develop innovative methods of border policing by examining bilateral and regional initiatives in the European Union. In particular, the countries of North America should strive to establish effective institutions that will help translate common goals into effective cooperative policies.⁵⁸¹ A comparison of these initiatives warrants further study in order to determine whether the Canada-US border should remain in place and cross-border crime policed through bilateral initiatives, or whether cross-border criminal activity could be more effectively combated through a “Schengenization” of North America.

If Canada and the US agreed to dissolve their common border and create a security perimeter around the two countries based on the EU model, they would have to fulfill specific prerequisites. Developing a single external boundary would require the two governments to create a shared customs union, and develop a visa that would be required to enter into the perimeter or travel within it. Airports in the Schengen Area require that people travelling within the perimeter remain separated from other passengers. A similar system would have to be developed in Canada and the United States.⁵⁸²

Developing a security perimeter similar to the EU model would initially be costly and time-consuming, as it would require a massive upheaval of policies and legislation in

⁵⁸¹ Pastor, 96.

⁵⁸² “Q & A: Schengen Agreement.”

Canada and the US. However, such an effort would likely make law enforcement agencies more effective at policing cross-border criminal activity. In the Schengen Area, police have the right to chase and apprehend suspected criminals across political borders, whereas Canadian and US law enforcement are not permitted to make arrests in each other's territory. The creation of a common security perimeter has also inspired the creation of the Schengen Information System, a common database of suspected criminals to which all police forces in the area are granted access. Such effective communication is lacking between IBET partners, and would greatly improve coordination amongst law enforcement agencies in Canada and the US.⁵⁸³

The government of Mexico has been more vocal of its support of the EU model than its US and Canadian counterparts. Of the three NAFTA signatories, Canada has shown the most resistance to dissolving North American borders.⁵⁸⁴ Historically, Canadians have always been wary of developing a cozy relationship with their southern neighbour, as evidenced by the low levels of public support for Canada-US free trade agreements during the 20th century.⁵⁸⁵ Policymakers will likely use elements of the European Union model to propose future cooperative initiatives, while taking into account the continued public resistance to extreme economic and political integration seen in the European Union. The Canada-US border will likely remain in place, although efforts will continue to create a smart border open to trade but closed to crime through bilateral initiatives like Integrated Border Enforcement Teams. This thesis has

⁵⁸³ Ibid.

⁵⁸⁴ Andreas, "A Tale of Two Borders," 15.

⁵⁸⁵ Pastor, 64.

demonstrated that the post-9/11 willingness to prioritize Integrated Border Enforcement Teams has enabled these teams to successfully achieve their operational objectives.

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TABLE 1**CANADA-UNITED STATES TWO-WAY TRADE, 1985-2000**

Note: All figures are in US billions of dollars.

Year	Canadian Exports to US	Canadian Imports from US
1985	69,006.4	47,251.0
1986	68,252.7	45,332.5
1987	71,084.9	59,814.3
1988 (implementation of CUFTA)	81,398.0	71,622.0
1989	87,953.0	78,808.9
1990	91,380.1	83,673.8
1991	91,063.9	85,149.8
1992	98,629.8	90,594.3
1993	111,216.4	100,444.2
1994 (implementation of NAFTA)	128,405.9	114,438.6
1995	144,369.9	127,226.0
1996	155,892.6	134,210.2
1997	167,234.1	151,766.7
1998	173,256.0	156,603.5
1999	198,711.1	166,600.0
2000	230,838.3	178,940.9
2001 (9/11 attacks)	216,267.9	163,424.1
2002	209,087.7	160,922.7

Source: US Census Bureau, Foreign Trade Division, Data Dissemination Branch, Washington D.C.

<http://www.census.gov/foreign-trade/balance/c1220.html#1986>

TABLE 2

**US IMPORTS FISCAL YEAR 2004, TOP FIVE COUNTRIES OF IMPORT
ORIGIN**

Note: In FY 2004, 52% of US imports came from the top 5 countries of import origin. All figures are in US billions of dollars.

COUNTRY	TOTAL VALUE OF US IMPORTS
Canada	\$215
China	\$182
Mexico	\$146
Japan	\$125
Germany	\$72

Source: US Government, *Securing America's Borders at Points of Entry: Strategic Plan FY 2007-2011*, report prepared by US Customs and Border Protection, 18.

FIGURE 1

CANADA-UNITED STATES BORDERS

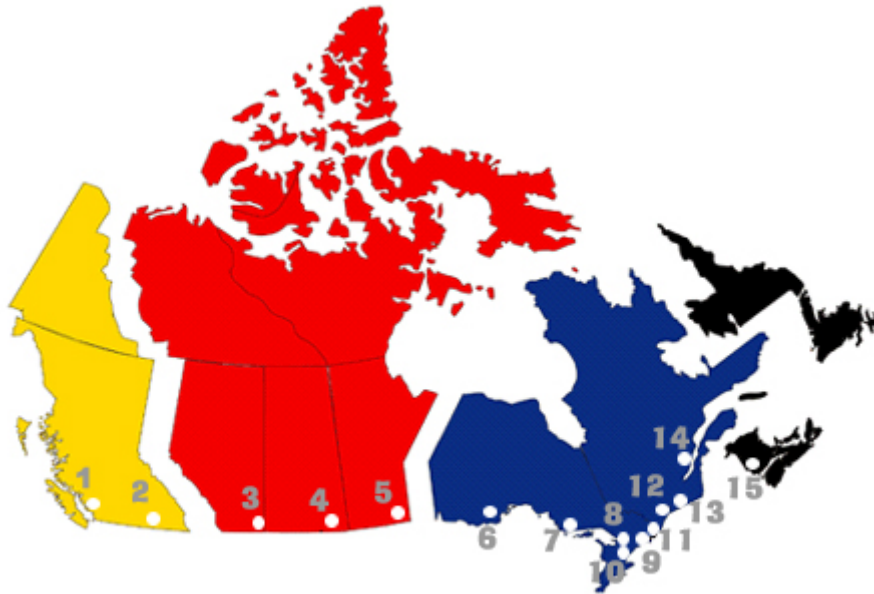
Note: The Canada-US border stretches 6,416 kilometers from the Pacific Ocean to the Atlantic Ocean and 2,475 kilometers along the Pacific and Arctic oceans.



Source: International Boundary Commission

FIGURE 2

INTEGRATED BORDER ENFORCEMENT TEAMS ACROSS CANADA



1. Pacific (British Columbia and Washington)
2. Okanagan (British Columbia, Idaho and Washington)
3. Rocky Mountain (Alberta and Montana)
4. Prairie (Saskatchewan, Montana and North Dakota)
5. Red River (Manitoba, North Dakota and Minnesota)
6. Superior (Ontario, Michigan and Minnesota)
7. Sault St. Marie (Ontario and Michigan)
8. Detroit/Windsor (Ontario and Michigan)
9. Thousand Islands (Ontario and New York)
10. Niagara Frontier (covers Ontario and New York)
11. St. Lawrence Valley Central Region (covers Ontario and New York)
12. Valleyfield (Quebec and New York)
13. Champlain (Quebec, New York and Vermont)
14. Eastern (Quebec, Vermont and Maine)
15. Atlantic (New Brunswick, Nova Scotia, and Maine)

Source: Royal Canadian Mounted Police, Integrated Border Enforcement Teams

www.rcmp-grc.gc.ca/ibet-eipf/map-carte-eng.htm

FIGURE 3

THE OLYMPIC PENINSULA



Source: http://www.ptguide.com/maps/img_maps/op_distance.jpg

FIGURE 4

ANGLE INLET, MINNESOTA



Source: CBS News

http://www.cbc.ca/gfx/Winnipeg/photos/map_angleinlet.gif

FIGURE 5

THE GREAT LAKES ST. LAWRENCE SEAWAY SYSTEM



Source: Encyclopaedia Britannica

**UNIVERSITY OF WINDSOR
APPLICATION TO INVOLVE HUMAN SUBJECTS IN RESEARCH
FOR STUDENT RESEARCHERS**

Please complete, print, and submit **five (5) copies (original plus four (4) copies)** of this form to
the **Research Ethics Coordinator, Assumption, Room 303**

CHECKLIST

Title of Project: **The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border**

Student Investigator: **Jessica Shultz**

Faculty Supervisor: **Dr. Bill Anderson**

Please attach the following items, if applicable, in the following order at the back of the Application.

- Decisions Needed From Other REB Boards
- X B.3.c.i. Questionnaires and Test Instruments
- B.3.d. Deception (If deception is going to be used, your application will go to Full Review)
- B.3.e. Debriefing Letter - Needed only if deception is used in the study. If submitted, application will go the Full Review.
- B.6.b. Letters of Permission Allowing Research to Take Place on Site
- X B.6.d. Recruitment Materials: Advertisements, Posters, Letters, etc.
- X E.1. Consent Form
- X E.2. Letter of Information
- E.4. Parental/Guardian Information and Consent Form
- E.5. Assent Form
- X F.2. Consent for Audio/Visual Taping Form
- X Certificate of completion of on-line ethics tutorial (MUST BE COMPLETED BY ALL STUDENTS)

**UNIVERSITY OF WINDSOR
APPLICATION TO INVOLVE HUMAN SUBJECTS IN RESEARCH
FOR STUDENT RESEARCHERS**

Please complete, print, and submit the **original plus four (4) copies** of this form to the
Ethics and Grants Coordinator, Assumption, Room 303

Date: November 13, 2008

Title of Research Project: The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

Projected start date of project: November 1, 2008 **Projected completion date:** April 1, 2009

	Name	Dept./Address	Phone/Ext.	E-mail
Student Investigator¹	Jessica Shultz	Political Science 1149 CHN	519-259- 8921	shultz@uwindsor.ca
Co-Investigator(s)	N/A	N/A	N/A	N/A
Faculty Supervisor²	Dr. Bill Anderson	Political Science G118 CHN	519-253- 3000 Ext. 2366	bander@uwindsor.ca

Researchers from another institution who are a part of a research team, irrespective of their role, must seek clarification from their institutional REB as to the requirement for review and clearance. For each researcher, please indicate if REB clearance is required or briefly provide the rationale for why it is not required:

Since the student investigator is a student at the University of Windsor, REB clearance is not required.

REVIEW FROM ANOTHER INSTITUTION

1. Has this application been submitted to another university REB or a hospital REB
 Yes No
2. Has this application been reviewed, or will this application be reviewed, by another person or a committee for human research ethics in another organization, such as a school board? Yes No

If **YES** to either 1 or 2 above,

- a. provide the name of the board:
- b. provide the date of submission:
- c. provide the decision and attach a copy of the approval document: Approved

STUDENT INVESTIGATOR ASSURANCE

I certify that the information provided in this application is complete and correct.

I understand that as Student Investigator, I have responsibility for the conduct of the study, the ethics performance of the project and the protection of the rights and welfare of human participants.

I agree to comply with the Tri-Council Policy Statement and all University of Windsor policies and procedures, governing the protection of human subjects in research.

Signature of Student Investigator: _____

Date: _____

FACULTY SUPERVISOR ASSURANCE

Title of Research Project: The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

Student Investigator: Jessica Shultz

I certify that the information provided in this application is complete and correct.

I understand that as principal Faculty Supervisor, I have ultimate responsibility for the conduct of the study, the ethical performance of the project and the protection of the rights and welfare of human participants.

I agree to comply with the Tri-Council Policy Statement and all University of Windsor policies and procedures, governing the protection of human subjects in research, including, but not limited to, the following:

- performing the project by qualified and appropriately trained personnel in accordance with REB protocol;
- implementing no changes to the REB approved protocol or consent form/statement without notification to the REB of the proposed changes and their subsequent approval of the REB;
- reporting promptly significant adverse effects to the REB within five (5) working days of occurrence

Signature of Faculty Supervisor: _____ Date: _____

A. PROJECT DETAILS

A.1. Level of Project

Ph.D. Masters Undergraduate Post Doctoral

Other (specify):

Is this research project related to a graduate course? Yes No
or to your thesis/dissertation? Yes No

If yes, please indicate the course number: N/A

Please explain how this research project is related to your graduate course. N/A

A.2. Funding Status

Is this project currently funded? Yes No

If NO, is funding to be sought? Yes No

A.3. Details of Funding (Funded or Applied for)

Agency:

NSERC ORS Application Number:

SSHRC ORS Application Number:

Other (specify):

ORS Application Number:

Period of funding: From: To:

Type of funding:

Grant Contract Research Agreement

B. SUMMARY OF PROPOSED RESEARCH

B.1. Describe the purpose and background rationale for the proposed project.

Since the attacks of September 11,2001, the governments of Canada and the United States have been trying to increase border security while simultaneously maintaining a border open to trade. Relying solely on border security to stop the flow of illegitimate drugs, guns, people and potential terrorists is reactive in nature and does not address the source of these illicit flows. In order to ensure that the Canada-US border can realistically be open to trade but closed to illegitimate goods and peoples, proactive initiatives like Integrated Border Enforcement Teams, which target the source of cross-border criminal organizations, must be further examined. The purpose of this project is to assess the extent to which Integrated Border Enforcement Teams have aided in keeping the border open while reducing the flow of illicit goods and people across the Canada-United States border.

B.2. Describe the hypothesis(es)/research questions to be examined.

Research Question: In what ways have Integrated Border Enforcement Teams assisted the Canada Border Services Agency in maintaining a safe and open Canada-United States border?

B.3. Methodology/Procedures

B.3.a. Do any of the procedures involve invasion of the body (e.g. touching, contact, attachment to instruments, withdrawal of specimens)? Yes No

B.3.b. Does the study involve the administration of prescribed or proscribed drugs? Yes No

B.3.c.i. Specify in a step-by-step outline exactly what the subject(s) will be asked to do. Attach a copy of any questionnaires or test instruments.

1. A representative of the Royal Canadian Mounted Police in Windsor will be asked to answer fourteen questions (see attached). Note: The RCMP Windsor Detachment has permanent staff members that operate as part of the Windsor-Detroit Integrated Border Enforcement Team. When the representative agrees to participate in a study, s/he will be asked to fill out a consent form to participate in the study.
2. A representative of the Canada Border Services Agency will be asked to answer seven questions (see attached). When the representative agrees to participate in a study, s/he will be asked to fill out a consent form to participate in the study.
3. Participants will engage in face-to-face interviews with the researcher.

B.3.c.ii. What is the rationale for the use of this methodology? Please discuss briefly.

Although the concept of Integrated Border Enforcement Teams (IBETs) was introduced almost 10 years ago, there has been very little academic study of their role in reducing illicit cross-border trade and maintaining a secure Canada-United States border. Government websites provide very little information on IBETs beyond their basic functions. Various media sources have reported on how the concept of IBETs originated and their function in creating a safer border. I will also be investigating media reports of successful IBET missions and potential shortcomings of these Teams. However, it would be of great benefit to my study if I could speak to high-ranked official from RCMP and CBSA and contrast the view of these insiders with media reports and government documents/reports. These representatives are likely much more familiar than the media with the specific functioning of IBETs, and can provide more of an intimate viewpoint on IBETs. Questions that will be asked to these representatives will relate to specific functions of IBETs-particularly regarding the local Windsor-Detroit IBET. There is currently no specific information as to how the Canadian Border Services Agency in Windsor goes about sharing intelligence and operating with the Windsor-Detroit IBET.

B.3.d. Will deception be used in this study? Yes No

If YES, please describe and justify the need for deception.

B.3.e. Explain the debriefing procedures to be used and attach a copy of the written debriefing

N/A

B.4. Cite your experience with this kind of research. Use no more than 300 words for each research.

Although I have no previous experience in this type of research, my supervisor has conducted interviews with representatives of government agencies for research purposes. He will be training me in conducting this type of interview.

B.5. Subjects Involved in the Study

Describe in detail the sample to be recruited including:

B.5.a. the number of subjects

2

B.5.b. age range

N/A

B.5.c. any special characteristics

N/A

B.5.d. institutional affiliation or where located

Canada Border Services Agency-Windsor/Royal Canadian Mounted Police Windsor Detachment

B.6. Recruitment Process

B.6.a. Describe how and from what sources the subjects will be recruited.

- Since the RCMP and CBSA websites do not provide a list of high-ranked officials and their job titles, I will be sending a general fax to the RCMP (see attached) requesting an interview with a high-ranked official of the Windsor-Detroit IBET. This will be followed up with a phone call.
- A colleague who works for the CBSA will be providing me with the contact of a high-ranked official of the CBSA.
I will be sending him the interview questions, and he will then forward the questions to the official that is most familiar with the subjects of the interview.
- This process is preferable to a general recruitment since the person who will be interviewed must be of high authority and have solid background knowledge on the subjects of the interview.

B.6.b. Indicate where the study will take place. If applicable, attach letter(s) of permission from organizations where research is to take place.

The interviews will take place either at the Royal Canadian Mounted Police and Canada Border Services Agency offices in Windsor or at the University of Windsor-depending on the schedule and possible time limitations of those being interviewed.

B.6.c. Describe any possible relationship between investigator(s) and subjects(s) (e.g. instructor - student; manager - employee).

There are no possible relationships between the investigator and subjects.

B.6.d. Copies of any poster(s), advertisement(s) or letter(s) to be used for recruitment are attached. Yes (fax to RCMP)

B.7. Compensation of Subjects

B.7.a. Will subjects receive compensation for participation? Yes No

If **YES**, please provide details.

N/A

B.7.b. If subjects (s) choose to withdraw, how will you deal with compensation?

N/A

B.8. Feedback to Subjects

Whenever possible, upon completion of the study, subjects should be informed of the results. Describe below the arrangements for provision of this feedback. (Please note that the REB has web space available for publishing the results at www.uwindsor.ca/reb. You can enter your study results under Study Results on the website. Please provide the date when your results will be available)

Following the completion of the thesis paper, I will be providing the participants with a brief summary of my results.

C. POTENTIAL BENEFITS FROM THE STUDY

C.1. Discuss any potential direct benefits to subjects from their involvement in the project.

I do not anticipate direct benefits to subjects from their involvement in the project; however, they may benefit by knowing they have assisted in constructing academic research in the area of Integrated Border Enforcement Teams.

C.2. Comment on the (potential) benefits to (the scientific community)/society that would justify involvement of subjects in this study.

The academic field of border studies would benefit from gaining insight about post-9/11 initiatives to keep borders safe through collaborative rather than unilateral efforts.

D. POTENTIAL RISKS OF THE STUDY

D.1. Are there any psychological risks/harm?
(Might a subject feel demeaned, embarrassed, worried or upset?) Yes No

D.2. Are there any physical risks/harm? Yes No

D.3. Are there any social risks/harm? (Possible loss of status, privacy, and/or reputation?)
 Yes No

D.4. Describe the known and anticipated risks of the proposed research, specifying the particular risk(s)/harm associated with each procedure or task. Consider physical, psychological, emotional, and social risks/harm.

There is a possible loss of privacy associated with the proposed research since the name of the representatives from the Royal Canadian Mounted Police and Canada Border Services Agency will be provided in the results and thesis paper.

D.5. Describe how the potential risks to the subjects will be minimized.

I will not be offering confidentiality to the participants since they will be permitted to review the transcripts of the interview.

E. INFORMATION AND CONSENT PROCESS

If different groups of subjects are going to be asked to do different things during the course of the research, more than one consent may be necessary (i.e. if the research can be seen as having Phase I and Phase II).

E.1. Is a copy of a **separate Consent Form** attached to this application? Yes No

E.2. Is a copy of a **separate Letter of Information** attached to this application? Yes No

If written consent WILL NOT/CANNOT be obtained or is considered inadvisable, justify this and outline the process to be used to otherwise fully inform participants.

E.3. Are subjects competent to consent? Yes No

If not, describe the process to be used to obtain permission of parent or guardian.

E.4. Is a **Parental/Guardian Information and Consent Form** attached? Yes No

E.5. Is an **Assent Form** attached? Yes No

E.6. **Withdrawal from Study**

- E.6.a.** Do subjects have the right to withdraw at any time during and after the research project? Yes No
- E.6.b.** Are subjects to be informed of this right? Yes No
- E.6.c.** Describe the process to be used to inform subjects of their withdrawal right.

At the stage when representatives from the Royal Canadian Mounted Police and Canada Border Services Agency have agreed to conduct a face-to-face interview, I will inform them verbally of their right to withdraw at any time during and after the interview. I will also be providing the two representatives with a Consent Form (see attached), which offers written affirmation of their withdrawal right.

F. CONFIDENTIALITY

Definitions: **Anonymity** - when the subject cannot be identified, even by the researcher.
Confidentiality - must be provided when the subject can be identified, even if only by the researcher.

- F.1.** Describe the procedures to be used to ensure anonymity of subjects and confidentiality of data. Explain how written records, video/audio tapes and questionnaires will be secured, and provide details of their final disposal.

I will not be offering confidentiality to the participants since they will be permitted to review the transcripts of the interview. Audio tapes will be kept in a locked cupboard and will not be shared with anyone. They will be kept for 24 hours and erased immediately after the relevant interview responses have been transcribed and verified by the participants. Participants will have the choice of reviewing the transcripts through their choice of email (encrypted) or hard copy. The transcripts will be kept for 48 hours after they are reviewed by the participants, to allow sufficient time for me to review them and make use of the relevant responses.

- F.2.** Is a **Consent for Audio/Video Taping Form** attached? Yes No
- F.3.** Specify if an assurance of anonymity or confidentiality is being given during:
- F.3.a.** Conduct of research Yes No
- F.3.b.** Release of findings Yes No
 *if the subjects request it
- F.3.c.** Details of final disposal Yes No
 *if the subjects request it

G. REB REVIEW OF ONGOING RESEARCH

- G.1.** Are there any specific characteristics of this research which requires additional review by the REB when the research is ongoing? Yes No

If **YES**, please explain.

- G.2.** Will the results of this research be used in a way to create financial gain for the researcher? Yes No

If **YES**, please explain.

- G.3.** Is there an actual or potential conflict of interest? Yes No

If **YES**, please explain for researchers who are involved.

- G.4.** Please propose a continuing review process (beyond the annual **Progress Report**) you deem to be appropriate for this research project/program.

This is not applicable, since the proposed project will last for less than one year.

Please note that a **Progress Report** must be submitted to the Research Ethics Coordinator if your research extends beyond one year from the clearance date. A **Final Report** must be submitted when the project is completed. Forms are available at www.uwindsor.ca/reb.

H. SUBSEQUENT USE OF DATA

Generally, but not always, the possibility should be kept open for re-using the data obtained from research subjects.

Will, or might, the data obtained from the subjects of this research project be used in subsequent research studies? Yes No

If **YES**, please indicate on the Consent Form that the data may be used in other research studies.

I. CONSENT FORM

If a Consent Form is required for your research, please use the following sample **Consent Form** template. If you wish to deviate from this format, please provide the rationale. Print out the **Consent Form** with the University of Windsor logo. The information in the Consent Form **must** be written/presented in language that is clear and understandable for the intended target audience.

J. LETTER OF INFORMATION

If a Letter of Information is required for your research, please use the following sample **Letter of Information** template. If you wish to deviate from this format, please provide the rationale. Print out the **Letter of Information** with the University of Windsor logo. The Letter of Information **must** be written/presented in language that is clear and understandable for the intended target audience.



Consent Form for Canada Border Services Agency Representative

Title of Study: The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

You are asked to participate in a research study conducted by Masters Candidate Jessica Shultz from the Department of Political Science at the University of Windsor. The results of the study will contribute to her thesis.

If you have any questions or concerns about the research, please feel to contact her Supervisor, Dr. Bill Anderson. He can be reached at 519-253-3000 ext. 2366.

PURPOSE OF THE STUDY

This study is designed to assess the ways which Integrated Border Enforcement Teams have aided the Canada Border Services Agency in keeping the border open while reducing the flow of illicit goods and people across the Canada-United States border.

PROCEDURES

If you volunteer to participate in this study, you will be asked to participate in an interview that will last approximately one hour. This interview would be a one-time procedure and would be conducted at your choice of the University of Windsor or the Windsor office of the Canada Border Services Agency.

POTENTIAL RISKS AND DISCOMFORTS

There are no foreseeable risks, discomforts or inconveniences involved in this study.

POTENTIAL BENEFITS TO SUBJECTS AND/OR TO SOCIETY

The academic field of border studies would benefit from gaining insight about post-9/11 initiatives to keep borders safe through collaborative rather than unilateral efforts.

PAYMENT FOR PARTICIPATION

Participants will not receive payment for participating in this study.

CONFIDENTIALITY

Prior to the interview, participants will have the choice of being identified based on official title only or being identified by name and official title. Should you wish that your name remain confidential, any contact information will be shredded immediately after the completion of the study. Interviews will be audio-taped, and participants will have the opportunity to verify the transcriptions of the interview through e-mail. No one besides the researcher will have access to the audio tapes. These audio tapes will be used for educational purposes only and will be erased immediately after the relevant responses are transcribed and verified.

PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study. The investigator may withdraw you from this research if circumstances arise which warrant doing so.

FEEDBACK OF THE RESULTS OF THIS STUDY TO THE SUBJECTS

The predicted date of completion is April 1, 2009. Following the completion of the study, you will be provided with a copy of the research report.

SUBSEQUENT USE OF DATA

The data obtained from the subjects of this research may be used in subsequent research studies.

RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. If you have questions regarding your rights as a research subject, contact: Research Ethics Coordinator, University of Windsor, Windsor, Ontario, N9B 3P4; Telephone: 519-253-3000, ext. 3948; e-mail: ethics@uwindsor.ca

SIGNATURE OF RESEARCH SUBJECT/LEGAL REPRESENTATIVE

I understand the information provided for the study *The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border* as described herein. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Name of Subject

Signature of Subject

Date

SIGNATURE OF INVESTIGATOR

These are the terms under which I will conduct research.

Signature of Investigator

Date



Consent Form for Royal Canadian Mounted Police Representative

Title of Study: The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

You are asked to participate in a research study conducted by Masters Candidate Jessica Shultz from the Department of Political Science at the University of Windsor. The results of the study will contribute to her thesis.

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CONSENT FOR AUDIO TAPING

Research Participant: Representative from the Royal Canadian Mounted Police Windsor Detachment

Title of the Project: The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada-United States Border

I consent to the audio-taping of one interview with student researcher Jessica Shultz.

I understand that this is a voluntary procedure and that I am free to withdraw at any time by requesting that the taping be stopped. I also understand that taping will be kept confidential. Tapes will be stored in a locked cabinet and destroyed once the transcriptions have made and verified.

I understand that the audio tapes will be for professional use only.

(Research Subject)

(Date)



CONSENT FOR AUDIO TAPING

Research Participant: Representative from the Canada Border Services Agency (Windsor)

Title of the Project: The Role of Integrated Border Enforcement Teams in Maintaining a Safe and Open Canada- United States Border

I consent to the audio-taping of one interview with student researcher Jessica Shultz.

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(Research Subject)

(Date)

APPENDIX 2

TRANSCRIPTS FROM INTERVIEW WITH RCMP SERGEANT BOB BERGOINE

Interview conducted January 26, 2009

CBSA Headquarters in Windsor, Ontario

Q1: What types of situations would have to occur that would necessitate the use of an Integrated Border Enforcement Team (IBET)?

A1: it's anytime there's a breach of a border between the ports of entry. CBSA is responsible for the ports of entry at our border with the United States. For years, the area between the ports of entry, were, I'm not going to say neglected, but as much attention was not paid to it as were the ports. After 9/11, the IBETs were brought into force to pay the attention of the areas between the ports of area. So any criminal activity that has taken place at the port of entry, CBSA is responsible for managing all the enforcement at the ports of entry, and between the ports of entry, that's where IBET comes into play. In the province of Ontario, we are surrounded by water, so smuggling would almost always be by boat crossing the Detroit River, the St Clair River, one of the lakes. If somebody was smuggling into the United States people or commodities or vice versa, into Canada, people or commodities, that's where the IBET would come into play. Out on the prairie provinces, they're not surrounded by water, it's all done by land. So any criminal activity between the points of entry is what we're focusing our efforts on.

Q2: What types of criminal activity do IBETs focus on?

A2: the initial offence is initially an immigration offence. It's basically an immigration offence to come into Canada without going through a port of entry and reporting and getting permission to come into Canada. So that's the primary offence being investigated. But the reason they're doing it, why aren't they coming through the port of entry, is usually because they're either smuggling people, guns, drugs, whatever other criminal reason they have or they just don't want anyone to know that they're entering Canada or entering the United States, and they know that if they go through a port of entry, somebody could record their name, check them out before they go through the port. So they get on a boat, and cross the river and they enter Canada or the United States to avoid that detection.

Q3: Why are IBETs so important?

A3: IBET came to be after 9/11 with the fear of our borders being porous between the ports of entry. The United States and Canada have always had good enforcement at the ports of entry. They've always had strong efforts to secure the border at the ports of entry, but we're such a large country that it left these huge gaps across Canada and the United States, and it was just between the ports of entry. So initially, the national security aspect was to secure the border because if somebody wants to enter Canada or to enter the United States to cause terrorist acts, to cause harm that way, they'll probably avoid the points of entry to do so. They'll either cross by boat in Ontario or they'll cross by horseback or by foot in Saskatchewan or Alberta or BC to avoid going through the ports. So our number one priority with the IBETS is and always has been national security. That's our first reason for existence.

Q4: What is the departmental composition of IBETs? Does it change depending on what type of investigation takes place?

A4: When it first came into effect, the IBETs started with partners, there was six of them actually. There was Canada Immigration before they joined forces with Canada Customs to form CBSA. Canada Immigration was part of IBET when it first started after 9/11. There was Canada Customs, there was the RCMP. Those were the three in Canada. On the American side it was US Border Patrol, US Coast Guard and US ICE (Immigration and Customs Enforcement). Now it's the same five without Canada Immigration, because Canada Immigration was absorbed by the CBSA. So that's the five partners that we have: three in the States and two in Canada. The US has permanent staff responsible for the IBETs. Their people on the ground, so to speak, change from day to day. But we have, for example, in Windsor/ Detroit, to function here as an IBET, we have what we call a Joint Management Team, and it's made up of representatives from those five agencies, and we meet on a regular basis, and it's the same people over and over again that meet, regardless of what department they're from to manage the program of the IBET here in Windsor/Detroit. But the actual people on the road in the United States change from day to day. They're always border patrol people, they're always ICE, Coast Guard, but they might not always be the same enforcement people on the road. The people attending the IBET JMTs are pretty much the same people all the time; the managers from all those five departments.

Q5: Explain the command structure of the IBET (primary decision-makers, head offices, ratio of Canadians to Americans in the decision-making process, who decides what agencies will participate in the operations).

A5: The Joint Management Teams are located in all 15 IBET regions have a local joint management team; whether it's one the size of Windsor/Detroit or a smaller one in like Thunder Bay. They meet in Fort Francis. They are a smaller group of people but they do the same thing. They sit down, they look at the issues, they decide what enforcement action they should take as a group, they talk about the enforcement action that they're taking as individual agencies, because everybody has their own mandate and mission to fulfill, and then they bring it all to one table and they discuss that openly and they discuss what they want to do together as a group. So they do that at all the Joint Management Team meetings. And then there's a National Coordination Team. In other words, if the local JMT has any issues they want to bring forward to the International JMT, they wouldn't actually pick up the phone and call the representative from the IJMT, but they'll call somebody from the National Coordination Team. And in Ottawa, there are members physically there from the US Coast Guard, Border Patrol and ICE. They are actually stationed in our headquarters building in Ottawa, so it's like a one-stop shopping set-up, so if anybody who's working the IBET program can't get an answer locally to a question or concern they may have, they can pick up the phone and call their representative in Ottawa to get an answer on how to proceed on something. There's an international Joint Management Team that is made up senior members from all these agencies. They meet two or three times a year. They don't meet as often. They meet sometimes in Washington; sometimes they'll meet in Vancouver. They change the meeting location to suit the partners. They appoint local joint management representatives. I represent the RCMP on the Windsor Joint Management Team. We meet here monthly, the Joint Management Team, and any kind of decisions with regard to what operations we're going

to jointly take part in the summer or next week or next month are made at that table with those representatives from the Joint Management Team. But in addition to those kinds of decisions, each agency has their own responsibility to enforce criminal activity at the border. Border Patrol is always on the border, enforcing and protecting the border on their side, whether it's an IBET-related project they're working on or not, they're always on the border doing that work and so are we. But if we come together to work on a project, the decision is usually made at the Joint Management Team. And the RCMP that is sitting at that Joint Management Team will dedicate so many bodies to that project, so many resources, ICE will do the same, Border Patrol will do the same, and Coast Guard will do the same.

Q6: Proportionally, how much of the IBET activities take place away from borders and how much is focused directly on border crossings?

A6: The IBET activity does not take place at border crossings. CBSA is responsible for border crossings at the Ambassador Bridge or the tunnel or up in Sarnia. We don't go there. Most of our work is in close proximity of the actual border. If it's an inland investigation then it has to be followed up, the seizure, at the point of entry. It wouldn't be the IBET that would go in and do the investigation. We have substantive units in the RCMP. That would be the IMP and Immigration and Passport section or the Customs and Excise Section or the Drug sections, for example. If there is an arrest at the port of entry, a large of cocaine comes in through the Ambassador Bridge for example, we have a drug section here. It's not part of IBET. It's a substantive unit in the RCMP that investigates all types of drug investigations. They'd be called in to do the investigation to try to determine the sources of the drugs and laid charges for that. If an IBET investigation

required inland investigations for long periods of time, we don't want to be away from the border for too long. We don't want to avoid the activity at the border; that's our main focus. So we would turn it over to the substantive unit of the RCMP. Money, for example, we've seized money on the border coming across by boat. Most of it is proceeds of crime; it's drug money. We made the seizure and made the arrest of the people bringing the money across, but we wouldn't continue with the investigation after that. We would turn over the money and the people over to the substantive unit and they would continue the investigation. Because chances are that investigation, the tentacles of that investigation would lead inland quite a bit; maybe to Toronto, maybe to one of the bigger communities, and we don't want to be away from the border, so our substantive units would look after that.

Q7: How do IBET's go about making their forces and teams interoperable?

A7: We've got CBSA working here with us. Two representatives from CBSA are here full-time, so we're interoperable in that regard. With the Americans it's a bit more difficult; especially here, because we are surrounded by water. So what we do normally is we work together but we don't cross over that imaginary line out in the lake, but our partners from Border Patrol will be working on the same case; the same people will be working on a joint project. They'll be on duty on the American side doing the work and we'll be on this side doing the work and we'll be communicating back and forth on a regular basis. There have been projects, have you heard of Shiprider? That was a case where there was joint projects and they actually got permission for each of us to work in each other's jurisdiction. It was a pilot project, so it was a specific period of time and a specific location. It was a pilot project to see how it worked. Across jurisdiction, where

you'd have RCMP members in the States armed and carrying out the enforcement actions. In the United States and vice versa, the Americans were out in Canadian waters; it was a marine project.

Q8: Explain how the different agencies that participate in IBETs communicate with one another, given the constraints of disclosing confidential information.

A8: The IBET here, for example, has a JIG (Joint Intelligence Group). It is a group of intelligence agents from all these five agencies and from some other local agencies participate too, because intelligence is one of those things where the sharing of information is that important that whether you're a member of those five core or not, intelligence agents from other departments have joined up to share information to keep that flow going. The Windsor Police, for example, the O.P.P. are here, even though they're not one of these core five, they're here on a full-time basis, the intelligence agents, to share the information they're talking about. So it's much-improved since 9/11. There are still some restrictions that have to be followed through; legal restrictions and policy restrictions, but they get through them, they deal with them, and they share the information. There's a group here, in this office, these five people all have a desk here; the intelligence representatives from most five agencies, and they come here on a regular basis and share intelligence and share information.

Q9: What are some of the challenges faced by IBETs, both in an urban area like the Windsor/Detroit crossing and a more remote area like the rural Alberta-Montana border?

A9: The geography of it all is a challenge. I know members out in Alberta and BC. The geography there is as big of a challenge as the marine aspect is for us here. It's a big

needle in a haystack that you're looking for. For example, in Windsor, if you take a look at Lake St. Clair in the summertime, you might see 10-15,000 boats out there. The challenge is: which one of them or two of them are bad guys? You know that the rest of them are just people out fishing or boating, out with their families or having nice days and just enjoying the weather but the challenge is finding out which is which. That's the biggest challenge from an operational perspective. And then the sheer geography of it all; if you look at the mountains out west; the terrain that the members have to work through out there. The bad guys will go to those very isolated spots to cross because they know that these are challenges for us; to get people located in these isolated areas. People in those townships and towns in Quebec have been living together, and Americans and Canadians have been sharing the same main streets for years and people in the past would walk back and forth and they still do, but if somebody wants to cross into another country, what better place to do it? Just blend into the crowd. Resources are another challenge. Having the resources to cover those types of challenges.

Q10. How do IBETs go about cooperating with U.S. Customs and Border Protection and the Canada Border Services Agency? How effective is this cooperation?

A10: As I said, they're part of the team so that makes cooperation that much easier, because they actually come here every day. We see them every day. Our border patrol partners, for example, we don't see them every day. We may talk to them on the phone, communicate with them every day; we do that everyday with Coast Guard and Border Patrol and ICE. But our CBSA partners, we see them everyday. We meet with them every day. Within the IBET, CBSA's role is intelligence. The enforcement side belongs to the RCMP. But we see them every day for the purpose of gathering intelligence.

Q 11: Has the Canadian government's pledge to financially sustain IBETs been matched by adequate staffing and funding? If not, what is still needed?

A11: Immediately after 9/11, any of the funding issues you are probably talking about are the start-up costs. With any new initiative, there is always initially a large amount of funding required to get them started. Then there's a certain amount of funding required to maintain the program. And we have enough funding right now to maintain our program. Nobody's cut us back yet.

APPENDIX 5

TRANSCRIPTS FROM INTERVIEW WITH CBSA CHIEF GERRY DUNDAS

Interview conducted February 5, 2009

CBSA headquarters at the Windsor-Detroit Tunnel

Q1: How to Border Services Officers contribute to the efficient flow of border traffic while ensuring that illegitimate goods and people do not cross the Canada-United States border?

A1: Well, it is a paradox, and it is for any agency-more so for ours than a lot of others. We're part of the public service so we have a service to provide. If you're a legitimate traveler and you travel here on a daily basis, we are just in your way. If you never smuggle, you never have any contraband or any problems-you don't even buy goods in the States, we're just an impediment. So our job is to find a way to identify you quickly, clear you quickly, and get out of your way. And the fine line between facilitation and border enforcement is a matter of proper employee selection-you have to have the right people for the job, proper training, proper training, proper mindset, proper updates, and proper tools to do the job. I'm sure you're aware of our NEXUS program? We've tried to find innovative ways to facilitate the legitimate traveler, and there are all kinds of estimates out there. It usually runs around 97% of people who cross the border are just legitimate international travelers who need to be cleared. Particularly at a border crossing such as this one at the tunnel; We do thousands of commuters each day. I'll give you an example: there are over 5,000 Registered Nurses who work in Detroit. They live in Canada, but they work in Detroit. They come as far as Chatham, Ontario to work in the

States. So if you were a nurse and you crossed at this border 5 days a week, and after a 12 hour shift you had to pull up every single day and answer a whole host of questions, it would start to be a pretty redundant, ridiculous kind of process. We don't want that. We're trying to be innovative and find ways to not have you mad at us or bored with us or to be in your way all the time. And particularly here-unlike North Portal, Saskatchewan, where people are traveling from great distances to go across the border to someplace else, here you have people who only cross to commute to their jobs and home. And because it's a commuter environment-more so than any other place in the country, these trusted programs such as NEXUS are an innovative way to say: "Jennifer has provided all her data, we've done a background check, we've done all the pertinent checks... We've identified for all intents and purposes that Jennifer is not a risk... we don't like to use the term "not a risk." Everyone is a risk. Again, that is part of what we do. Everybody needs to be a risk. But you are a very low risk. So we let you use this program, where you have a card, the proximity reader reads it. And by the time you pull up to the person at the booth, your picture is already on the screen, there is a line that says whatever it says...there is nothing that we want...and away it goes. So that part of it is to ensure that legitimate goods come in unimpeded or quickly and with as little fanfare as possible is the facilitation side. And again, not very easy to do without damaging your other components of "how do you catch the bad guys." So you have to filter in some way, shape or form. The filtering of trusted program environments like NEXUS are done prescreen. We've run your name already. Why would we have to run it every time you come through because the card now, it automatically goes through the machine. So that's trusted programs. The second half of the question, where how you identify the

illegitimate goods. And that's where you get into more training and, there are some systems things that we use...obviously you know that the license plates are read automatically, and we have some data base queries that go on, but over the years, and I'll just speak from experience, the vast majority of large organizations we get involved with contraband. Let's just call them "bad guys." They are usually caught by someone who makes really good eye contact, watches to see what your pulse is doing, your face flush, asks you questions that are pertinent to soliciting answers that will lead us to a conclusion of...you answer all the questions right, you can go. Or, I don't like the way she answered that question, so I'm going to ask another question...I don't like the way she answered that question, so I'm going to ask her kind of a tricky question. So there are a lot of techniques for that, but it requires a certain personality, it requires a certain amount of training. Not everyone is as good at it as some people are...some people are just...if you're lying to them they can tell you're lying in two seconds. Other people are much more trusting. We try to provide that type of training, so to catch the illicit goods it's a combination of technology, and we're relying on it quite a bit these days, only because the human element is a lot more difficult to train, and some people will just never really be good enforcement people because they are just too trusting. They've never had that ability. So I guess that's a two part question, right. We want to get out of your way if you're legitimate, but we can't totally get out of your way. We can't say "go, just go." We have to find some filters, so the filter is, either we do it ahead of time in a trusted traveler program or we do it really quickly with license plate read, there's no warrants on it, and then we ask a couple of questions and make a determination. It's finding the right balance, and the balance is very important. As I said earlier, we are

public servants. We don't want to be overly officious. We don't want to be impeding the natural flow of goods and commerce, in essence. We don't want to have a negative impact on the business, be it tourism or be it the auto industry. Our job is not to be a negative impact. Technically, our job is to protect those enterprises. So you have to find that balance. Even though you're talking 97% and 3%, it's still a balance. And for the most part, we do a pretty good job. It's hard to quantify at times; statistically, it's hard to have those concrete numbers.

Q2: What is CBSA's official policy/goal with respect to the interception of illicit goods and persons?

A2: our mission statement is "a smart border with smart systems and smart people" so that we can provide that balance. If you're not on that level, you lose that ability to have the respect of people. If we didn't have that NEXUS lane, and you were a nurse who crossed 5 days a week after working 12 hours each day and we asked you the same questions over and over again, it becomes so ridiculous that we lose your respect. We want you to say "you know what, this is a vital program." We're not just here because we're a bunch of buffoons trying to make your day long. We're here to protect the economy, the security, and a lot of other industry issues and what have you. Some people, if they don't understand that and don't respect us, it becomes a really adversarial sort of relationship and we don't want that. We want people to understand what we're here to do.

Q3: What types of training are Border Services Officers given to be able to successfully discern between licit and illicit goods and people that cross the border?

A3: our training is much more in-depth than it ever has been; partially because we have such a broad scope of legislation to enforce. Depending on who you talk to, it's upwards of 90 pieces of federal legislation, so 90 Acts of Parliament we enforce here. And we also have the burdens of Services Canada issues and providing VIN RIV's for people importing vehicles so they can go get license plates, and we collect provincial taxes for some things, so from a knowledge-based perspective, when you become a Canada Border Services Officer, you're almost required to know too much. We can't teach you everything, but we can teach you the basics of each thing and then provide cheat sheets and abilities to get onto websites where it walks you through how to fill out the form properly, because, you know, we have hundreds of forms. Right? And you need to be reminded once in a while. So we can teach you, but you might not see that form again for two years. You need to be able to have a sample copy of a form that, technically you should know, but I could never expect all of my officers to know all of the forms. Now there are some who do know that, but they are really high performers. So you go to the Customs College for twelve weeks to Rigaud. And it's very pass-fail. We have a higher failure rate than any police force in the country, which is problematic because we do a lot of work to get you to a certain point and you just can't get over it. Sorry, you can't be a Border Services Officer. I say problematic, but you get a higher-quality BSO when they graduate. Most of the people that come back, they are University-educated and good performers. But that's the foundational kind of training. From the time you leave the Customs college in Quebec, you will constantly be trained. You will have in-service training, we have bulletins every day for our briefings downstairs where "Jessica just

drove through in a Honda Accord with a hidden compartment with a hydrolics switch, and I want everyone to take a look at this so you understand how to turn it on and get the hatch to open, right...hidden compartments..” so that training is constant. And that’s just the nature of the beast. Every time we find out some cool smuggling method, they change it to something else. So you’re constantly learning. CBSA has been a constant learning environment for the last 15 years. We do a yearly performance assessment of every employee. You’re given goals and objectives at the beginning of the year, and at the end of the year, everything’s documented, we can electronically pull statistics down for how well you did in enforcement, how well you did in documentation, and what have you. So pretty high standards. So we have a pretty good learning curve. We have constant learning. And on those yearly forms, there’s a section for your learning plan. Not only does management say “I want you to learn this; by next year I want you to take this course, this course and this course, and I’ll pay for it and schedule it for you.” On top of that, you can do your own learning plan to say “you know what? While I like to be a Border Services Officer, I’d like to become a manager; I’d like to go to the Intelligence division; I’d like to take this intelligence course. You put it on there and we’ll try and get it for you. From the public service perspective, we are a huge learning organization. At the end of the year, when our human resources people review the learning plans, they want it to be around 100%. We are a continual learning environment. And it is stressed from senior management right on down to the supervisor levels that the people who report to you need to have a learning plan. To discern between illicit and licit goods, we don’t care whether it’s licit or illicit. We just want to find out whether it’s contraband, which is illicit, or even if it’s licit goods, there may be import permits that you’re

violating, you may be trying to smuggle because the duty rate is very high on them, or you don't even want to pay the sales tax on them. There are some commodities that are so expensive...a bag of diamonds, for instance. It's not illicit...it's not illegal to have a diamond. It's illegal to not pay the excise tax on diamonds, which is a high percentage rate. This is a big game of hide and seek. You hide it; it's our job to try to find it. That goes from people to commodities to contraband. And for us from a security perspective, obviously contraband is more important, but a bag of blood diamonds that are being used to fund terrorism is just as important.

Q4: How does the CBSA contribute to Integrated Border Enforcement Teams? For example, if a large quantity of illicit drugs is found in a vehicle and Border Services Officers suspect that this seizure is part of a larger operation, what is the process of sharing this type of intelligence with the local Border Enforcement Team?

A4: we have an intelligence division. In the late 1980s, we had the contraband detection initiative where the government sunk millions of dollars into mostly contraband...drug interdiction...then in the 1990s we had the big push on guns and tobacco. Cigarettes were being smuggled to the tune of hundreds of millions of dollars...guns were being smuggled and so the government sunk a lot of money into it. Then of course you had 9/11, where security becomes the high pitch so they sunk much more money into both the enforcement side, which is the uniform side, and the intell side. When I first started in intelligence, there was only 9 intelligence officers. (early 80s). Now there's 780----60 in this region. And it's not just our agency-all agencies after 9/11 beefed up their intell side. So let's take a seizure of guns, for instance. We get a group of people smuggling guns and we arrest them, and then for us, a lot of people think: you got them, you just arrest

them, and they go to jail. Well, not even close, because this is where the intell starts. If a carload with twenty guns in it, which is not unusual for us-we've had higher seizures than that-were to get stopped here, we would call various agencies immediately. We'd call our own intell people immediately. Our own intell people are in joint forces with a lot of the agencies here. IBET, for instance-CBSA has people who work with the IBET people-joint forces environments, where IBET is perhaps run by the RCMP right now, but they have members of Windsor PD, OPP and CBSA. And once that contact is made, they just fan out and try to find who else is involved, what's the scope of it (is it just a small-time or is it organized crime? Is it related to terrorism? It just takes time to unravel that sweater. And some of these cases go on for months and years sometimes as a result of a seizure here. Post 9/11 we had some interesting people who...no contraband..just couldn't stop lying to us, so you know there's something more to it. Just in the good investigative techniques of address books and phone numbers and who knew who, it went from Jessica stopped at the border with these three phone numbers that came back to these three people that came back to these people who were tied into terrorism. If you ever got to see one of our intelligence link charts, it starts with a little car and one body at the border, and sometimes some of our link charts for organized crime are huge because they just keep fanning out. And it's interesting, because we end up knowing about people who don't even know that they're part of the whole organization. They just do a function, but really they're doing a function for something they probably wouldn't agree to if they understood. And sometimes the middle people kind of get away because you just really want to get the top people. But I guess if I had to sum up how we contribute, we contribute in information, in resources..for us, we're the front line. So to flip it

over...CSIS knows about Jessica, but they can't catch her. They don't have a reason to get a warrant for her residence or her business, but they know she's going to be crossing from Detroit to Windsor on February the 5th. CBSA has the ability to do warrantless searches. They know she's up to something but they don't know what. Jessica comes over, we examine Jessica and find whatever. But then we confirm or negate their suspicion based on providing intell-as long as we do it within the confines of legal authorization. There's only so much we can do before we start to break our own legislation...for example, disclosure of information...we have very strict rules on what we can and cannot disclose. We have very strict rules on what we can and can't even photocopy out of someone's car. For instance, if Jessica came across the border and she had dope in her car, well the gloves are off. You're the bad guy; we've caught you, and we have the ability to do so much. But if you came across and we didn't really find anything but we're suspicious, we're restricted. This is a society where we follow the rules, and even though we're suspicious there is only so much we can do. We can't overstep our bounds. It's always referred in jurisprudence as "fishing expeditions." You can't say "I just want to find out about her. I don't really know if she's up to anything, I don't have any hunches, nobody's told me anything, but I just feel like checking her out." We can't do that. No police agency in Canada can do that. Everything is done with reasonable and probable grounds. Even though we contribute from an intell basis, we're restricted by what we can and can't do. Even under some instances where you have been arrested, there are certain rules and restrictions that we must follow to make it legitimate and make it hold up in court and make it not a violation of your Charter of Rights and Freedoms and not a violation of various other personal laws that we must abide by. Some

people think we have all this authority; we do have a lot of authority but the Charter of Rights and Freedoms can't be violated just because we're allowed to do this. We have to play by all of those rules; we can lose that case in court, we can embarrass the department which is something no one ever wants to do; we can set bad jurisprudence and lose some of the power if we don't abide by the rules. Anything; particularly covert style of operations like the IBET, make a difference. And the reason they call them Integrated Border Enforcement teams...if you and I are from two different agencies but we're working the same thing at the same time, I don't have to worry about telling you something because you found out about it the same time I did, kind of mentality. So when you have any type of agency or organization or group that's made up of the ...the sum of the organization is greater than the whole, it is so much more beneficial to have all these other agencies. And I'll give you a good "for instance." I guarantee you that two CBSA guys and two RCMP guys working together is better than 4 RCMP guys working together. To be honest, 2 RCMP guys and 2 CBSA guys is better than 4 CBSA guys working together. It's just a matter of wider ranging authorities, because you got the benefits of the RCMP authorities and the CBSA authorities, which are sometimes similar but ours are much more wide-ranging from a search perspective. Pre-9/11 when we didn't do a bunch of this stuff, we did have joint forces operations, and the IBETs were based on this concept. Even before 9/11, everybody knew Joint Forces were the way to go to attack any given problem. Outlaw Motorcycle Gangs, for instance. What is CBSA's role in Outlaw Motorcycle Gangs? Well there isn't any. We don't have a mandate or any legislation, but we can sure stop them and identify them and monitor them as they cross the border so that's a big help to whoever is following bikers' international travel. So

even some of these smaller kinds of organizations like biker gangs, CBSA has a contribution to make there. To close on that one, pre-9/11 and post-9/11, there really isn't a whole lot of difference. It's just more formalized. We worked with the RCMP quite closely on border infrastructure issues long before, just because it was the right thing to do. They only had so many limited resources, we had limited resources, so we communicated and tried to find the best way to do that. The other thing is, without IBETs...some people say, "well forget about the intell and all these secret squirrel guys...you should have uniformed officers out there with guns standing along the border." Well, the border I'm in charge of, just for my marine division, is 780 kilometers long. How many BSOs do I need with guns to line up? And even if I had them all, if you gave me 1000 extra people, at a huge cost to the taxpayer, I still wouldn't be any more comfortable than I am with 5 IBET guys, because you don't know where they're ever going to be. If you're a bad guy, you've got to be careful. Because if we were lined up along the border, they would know where we weren't. They'd know where we were and they'd know where we weren't. Whereas with IBET,...are they across there waiting for me? Do they have intell on me to chase me? Intell is the way to go to use your resources to the nth degree. It's just too vast an area to say that a non-intelligence, non-covert type of enforcement is applicable, because it's not. You can give me as many uniformed officers as you want, but I will not guarantee you that something is totally secure. IBETs will always be around somewhere; you just don't know where. And sometimes not knowing where is a big deterrent to bad guys. IBET team members are usually in plain clothes, out skulking around. You're not going to see one of my guys in uniform on one of these. It's always going to be someone from our plain clothes intell or investigations

division, by the nature of their work. And some of the stuff that they do is cultivated from sources and informants along the way. So Jessica's the IBET rep from Lasalle to Amherstburg. That's your territory. How often are you out there? Maybe 8 hours a day, maybe 5 days a week. But if you cultivate Joe Blow at this marina and Frank Blow at that one and Sally Sue here and some old lady who lives in a high rise who can see for 10 miles in all directions, give them your business card with your pager number or cell phone number and say "if you see anything strange, give me a call," what a great use of resources. One girl is covering 40 kilometers of intricate waterways, but she's cultivated sources in the public to help us out. And that's what the IBETs do. They get out there and weave a web of contacts, informants and sources that, yeah, you know I'm not there 24 hours a day, but the people who I know that don't want bad guys in their neighbourhood know that they can call me and I'll be there quickly. So that's the covert side of things, right. Getting people in place; that kind of dragnet kind of mentality. Right after 9/11, we scrambled, and some of us, you know, we don't need more money; we don't need more resources. We just need more authorization and time to get out there and do those sort of things. And IBETs are kind of the result of that. Their job is to be between those points of entry and to be in those covert areas and to cultivate and to be those eyes and ears out there.

Q5: The Canadian and US governments stated after 9/11 that increasing the level of co-operation between Canadian and American border agencies would become a priority. Have the two agencies become more integrated since 9/11? If so, in what ways? If not, what are some of the limitations to integrating the US Customs and Border Protection and the Canada Border Services Agency?

A5: we've always had a good rapport with CBP. Unfortunately, I guess the short answer is, we've got great rapport since 9/11. It's better than it ever was, but we're still somewhat hampered by our own legal and statutory limitations whereby we can't interface computers. They've got their tech system right on the Detroit side of the tunnel, but our systems aren't allowed to talk...legislatively, two sovereign nations are not allowed to exchange that information at that level. So while the communication's great, it could always be better. It could always be better. But the working relationship is great. From a headquarters perspective, Washington to Ottawa, again, those same bureaucratic kind of responsibilities that you have to play by. It would be nice, to catch bad guys, to just say "the gloves are off." It's terrorism; we're going to do everything we want. But the Declaration of Independence and our Charter of Rights and Freedoms say this is the rules of engagement, and those are great guiding principles for both countries, and we're not about to give them up. It's important, because I have the authority to tell people what to do here, that I understand those and don't ever breach them. I mean, there are some bad guys out there that by hook or by crook I would like to catch. But at what cost? At what personal cost to the integrity of law enforcement, and at what cost when it goes to court, which is the check and balance feature. "Did you violate his Charter of Rights when you arrested him? Yes? Case dismissed." So both societies are based on... "make sure you do it, you do it right, and you do it with the right goals, objectives and authorities and legislation to back you up."

VITA AUCTORIS

Jessica Shultz was born in 1985 in Windsor, Ontario. She graduated from Leamington District Secondary School in 2003. From there she went to the University of Windsor where she obtained a B.A. (Honours) in English Literature and Political Science. She is currently a candidate for the Master of Arts degree in Political Science at the University of Windsor and will be graduating in spring 2009.