

2011

Scholars' Views on Improving Border Policy

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Recommended Citation

Alper, Donald K., "Scholars' Views on Improving Border Policy" (2011). *Border Policy Research Institute Publications*. 25.

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Scholars' Views on Improving Border Policy

Volume 6, No. 3 Summer 2011

by Donald Alper

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Conference Speakers:

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Western Washington University

Greg Anderson

University of Alberta

Ian Brodie

Inter-American Development Bank;
Former Chief of Staff to Prime
Minister Stephen Harper

Cecilia Danysk

Western Washington University

David Emerson

Energy Policy Institute of Canada;
Former Member of Parliament

Hon. Iris Evans

Government of Alberta

Frédéric Gagnon

Université du Québec à Montréal

Monica Gattinger

University of Ottawa

Steven Gliberman

Western Washington University

Elizabeth Jameson

University of Calgary

Hon. Anne McLellan

University of Alberta; former
Deputy Prime Minister of Canada

Deborah Meyers

Department of Homeland Security

Steve Reynolds

Preferwest LLC; former CEO Puget
Sound Energy

Colin Robertson

Carleton University

David Rossiter

Western Washington University

Christopher Sands

Hudson Institute

Denis Stevens

Consulate General of Canada,
Seattle

Paul Storer

Western Washington University

John Thompson

Duke University

Introduction.

On April 29, the Center for Canadian-American Studies at Western Washington University hosted a conference, *Bridging Distances: Past and Future Perspectives on Canada-US Relations*, to mark the program's 40th anniversary.* Participating scholars and practitioners were asked to comment on future trends, opportunities and challenges in the relationship. Plenary remarks were given by Ian Brodie, former chief of staff to Prime Minister Harper, and the luncheon address was delivered by David Emerson, chair of the Energy Policy Institute of Canada and former minister in two governments. Panelists were convened to discuss issues covering the following areas:

- Both Sides Now: Parallel Lines Across Binational Pasts
- Border Tensions-Trade Mobility and Security
- Contending Perspectives, Energy and the Environment
- The US in a Shifting World: How Canada Fits It.

This Brief discusses ideas about the border that surfaced in the conference presentations and discussions.

Moving Border Policy Forward.

Coincidence of timing placed the *Bridging Distances* conference less than three months after Prime Minister Harper and President Obama issued the February 4th Joint Declaration, "Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness" and announced the creation of the Regulatory Cooperation Council. This Declaration, motivated in part by the leaders' frustration that progress on the border was not proceeding quickly enough, set out a vision for streamlining the Canada-US border by moving border functions "beyond the border" and reducing cross-border regulatory barriers.

The Obama-Harper Declaration set out a series of principles and objectives, but the implementation process is vague and no time line was established. As of this writing, responsibility for the initiatives have been given to the Beyond the Border Working Groups made up of federal officials from both countries. Deborah Meyers pointed out that these initiatives represent "whole of government efforts," and draw upon agencies and partners from all levels of government and the private sector in both Canada and the US.



From left, Greg Anderson, Deborah Meyers, Paul Storer, Colin Robertson

“The latter trend, (increasing costs and fees at the border) will only accelerate given the American fiscal situation without overriding policy direction”

— Colin Robertson

Colin Robertson’s paper focused on the political challenges to getting a border deal done. In his view, success will require political will and leadership from the prime minister and president. Favorable political conditions mentioned by Robertson include polling data that shows Canadians are generally comfortable with the objectives of the initiative, Harper has given it a high priority and the premiers of all the provinces are on board. On the US side the political situation was seen as more problematic. Washington politicians and interest groups are distracted by budget issues and foreign crises in the Middle East and elsewhere. There is the problem of how to deal with Mexico, as the border initiative says nothing about the southwest border. There also is the matter of the 2012 elections which will refract virtually every issue through the lens of presidential politics. Robertson referred to a “window of opportunity” that will close by the end of the year with the onset of presidential caucuses and primaries.

Borders and Deeper Integration.

David Emerson warned that without an integrated North American approach to the “big imperatives of security, economic competitiveness and environmental sustainability,” we will fall short in dealing with continental and global challenges. He expressed concerns about the erosion of what he called the “North American Platform,” a foundation for achieving economic, security and environmental gains within North American space and advancing common continental interests globally. A key factor in the weakening of the platform is the thickening of the border since 2001, much of which Emerson believed to be disguised protectionism. Borders are central in scenarios for deepening continental integration because they connect the North American economies, as well as heartland North America with heartland Asia. In this view the borders are gateways which need to be functioning optimally. Emerson called for a common North American focus for aligning border infrastructure plans and transportation systems. He pointed with favor to the joint border infrastructure provision in the February 4th Declaration but also stressed the importance of going beyond bilateralism to include Mexico.

“Getting these processes right (Harper-Obama Declaration) will require the governments to push beyond the current limits on the integration of governance of the cross border flows upon which our economies depend”

— Chris Sands

A continental approach to infrastructure was also discussed by Monica Gattinger. Focusing on energy, she called for a shared Canada-US commitment to investment in infrastructure over the long term. She noted how infrastructure choices made now—either go-it-alone or working in common—will greatly affect how the two nations deal with critical energy security and climate change issues in the future. Although her paper did not

address border policy per se, a parallel argument could be made about the need for joint investment in border infrastructure to optimize cost efficiencies and cooperation in the future.

Chris Sands pointed out that the continental, not the global, is the scale at which many parts of the economy attract investment and spur innovation. Noting that technological and other forces are tending toward greater globalization, he made the point that a more integrated continental economy “provides the best route to participation and positioning.” To get the continental economy right, Sands called for reducing differences and redundancies in regulation and inspections at the Canada-US border. To improve border processes, governments need to overcome the constraints of current integrative governance and create more effective mechanisms to govern cross border flows. This will require political give and take and a willingness to be sensitive to the other sides’ concerns about closer cooperation.

Much the same message was given by Anne McLellan. She advocated a continental energy policy that would include Mexico, based on the US need for energy security. McLellan favored moving more aggressively on perimeter security but worried that the February 4th Declaration may not have sufficient political will behind it in either country.

Greg Anderson had a slightly different take on North American integration and how it relates to the border. In his view, the stark asymmetries in North America coupled with unique American global responsibilities have made US national security interests predominant on the continent. Border policy has been shaped in this context and Cana-



From left, Steven Globerman, Christopher Sands, Frédéric Gagnon, Hon. Anne McLellan

dians and Mexicans generally have had to respond to US-driven policies such as the Western Hemisphere Travel Initiative (WHTI) and the US VISIT entry/exit tracking system. This asymmetry has made the US the “price setter” and Canada and Mexico the “price takers” in North America.

Anderson argued that NAFTA-like big integration projects are the exception in the evolution of tri-lateral relations, and that since 1994 North America has returned to a more traditional pattern of integration which he characterized as “pragmatic incrementalism.” Despite NAFTA, Anderson thinks large integration projects are doomed to fail because of North America’s unique political and economic development and each nation’s political sensitivities to continentalism. Anderson noted how the pattern of pragmatic incrementalism is important for border policy in three respects. First, success in expanding perimeter security will come from building on existing cooperative ventures the US is comfortable with such as the IBETS, Container Security Initiative, Shiprider and the shared border crossing facilities at small ports of entry. Second, incrementalism in North America has opened avenues for subfederal governments which have proven to be “incubators of innovation” for policy solutions such as the enhanced drivers license. Finally, pragmatic incremental approaches to border policy may actually provide more leverage for Canadians (and Mexicans) than approaches tied to supranational standards and institutions.

Border Policy Needs to Respond to Facilitation of Science as Well as Goods and Travelers.

Concern that Canada and the US were falling behind emerging knowledge-based economies was expressed by several speakers. Both Monica Gattinger and Steve Reynolds pointed to the advantages of greater cross border collaboration at the level of scientists as well as policy makers for ensuring long-term energy solutions. Reynolds stated that the race for leadership in alternative energy systems is on, and North America is losing out in the clean energy technology area.

Achieving closer bilateral integration in the movement of science and technology (S&T) to strengthen the North American innovation system was the focus of Steven Globerman's paper. While noting that a variety of policy instruments are available for promoting closer bilateral integration of S&T activities, Globerman said that most are aimed at making the border "thinner" with respect to the movement of goods and services, direct investment and highly educated scientists, engineers and managers. Beyond this, Globerman proposed a number of specific border-related policy changes that would spur migration of S&T human capital—reduce direct/indirect costs of visas (especially NAFTA visas); ease work requirements for spouses and certain occupational categories; simplify access to visas for temporary relocation of academics and students; increase funding for joint university appointments; develop joint Canada-US university degree programs.

“It is worth noting that this pattern of incrementalism in North American integration is in keeping with the longer term evolution of federalism in all three countries wherein the states and provinces represent incubators of innovation.” — Greg Anderson

The Role of States and Provinces

However Canada-US border policy evolves, states and provinces will be key players. Several speakers pointed to the active role taken by governors and premiers in various bilateral forums and processes across the continent. Colin Robertson pointed out that the subnational arena has been strengthened by virtue of the fact that Canadian premiers, regardless of partisan affiliation, have positioned themselves “to take integration to the next level.”

The unique federal system in the US coupled with a fragmented federal budget process also provides leverage for state and regional interests. As Ian Brodie noted, spending decisions are made in a highly decentralized way which gives senators and representatives power to obtain earmarks in key areas such as transportation infrastructure, which has an important border component.

All this points to what might be expected from the dynamic interaction of federal and subfederal actors in a new border policy environment. The February 4 Declaration calls for port-specific binational forums to advise on border initiatives, but there is no indication of how such entities would be constituted or what their charge would be. Pilot programs offer opportunities. The FAST reconfiguration pilot project undertaken in Spring 2011 at the main BC-Washington truck crossing (Pacific Highway) was a collaboration of CBP, CBSA, the respective provincial and state transportation departments, the Whatcom Council of Governments and the BPRI at Western Washington University. This mix of federal and state/provincial agencies with a regional council and university based research institute could be a model for future pilots in transportation and other areas. Given the importance of cross-border tourism and two-way trade to state and provincial economies, it is likely that improvements to road and rail services approaching the border will be a catalyst for state-provincial collaboration. Formalized cross-border regional collaboration to respond to public health, critical infrastructure emergencies and criminal/terrorist activity could increase input from premiers and governors in security protocols and bring more attention to the interests and concerns of local borderland communities.

* The conference program and papers can be retrieved at: <http://www.wvu.edu/canam/40thConference.shtml>