

The North American Homeland Security Perimeter: A Threat to Canada's National Sovereignty

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After months of negotiations, the U.S. and Canada have unveiled new trade, regulatory and security initiatives to speed up the flow of goods and people across the border. The joint action plans provide a framework that goes beyond NAFTA and continues where the Security and Prosperity Partnership (SPP) left off. This will take U.S.-Canada integration to the next level and is the pretext for a North American Homeland Security perimeter.

On December 7, President Barack Obama and Prime Minister Stephen Harper announced the [Beyond the Border Perimeter Security and Economic Competitiveness Action Plan](#). The new deal focuses on addressing security threats early, facilitating trade, economic growth and jobs, integrating cross-border law enforcement, as well as improving infrastructure and cyber-security. It will act as a roadmap with different parts being phased in over the next several years. This includes the creation of various pilot projects. Many aspects of the agreement will also depend on the availability of funding from both governments. In addition, the two leaders issued a separate [Regulatory Cooperation Council Action Plan](#) that sets out initiatives whereby the U.S. and Canada will seek greater regulatory alignment in the areas of agriculture and food, transportation, environment, health, along with consumer products.

At a [Joint News Conference](#), President Obama declared that, "Canada is key to achieving my goal of doubling American exports and putting folks back to work. And the two important initiatives that we agreed to today will help us do just that." He went on to say, "we're agreeing to a series of concrete steps to bring our economies even closer and to improve the security of our citizens." Obama also added, "we're going to improve our infrastructure, we're going to introduce new technologies, we're going to improve cargo security and screening." Prime Minister Harper proclaimed that, "These agreements create a new, modern order for a new century. Together, they represent the most significant steps forward in Canada-U.S. cooperation since the North American Free Trade Agreement." He explained that, "The first agreement merges U.S. and Canadian security concerns with our mutual interest in keeping our border as open as possible to legitimate commerce and travel." Harper described how, "The second joint initiative will reduce regulatory barriers to trade by streamlining and aligning standards."

Some of the measures found in the Beyond the Border action plan include conducting joint, integrated threat assessments; improving cooperative law enforcement capacity and national intelligence- and information-sharing; cooperating on research and best practices to prevent and counter homegrown violent extremism; working to jointly prepare for and respond to binational disasters and enhancing cross-border critical infrastructure protection and resilience. Other facets of the deal will work towards adopting an integrated cargo

security strategy; implementing entry and exit verification; establishing and verifying the identity of foreign travellers to North America; better aligning Canadian and U.S. programs for low-risk travellers and installing radio frequency identification technology at key border crossings.

As part of the agreement, both countries will, “implement two Next-Generation pilot projects to create integrated teams in areas such as intelligence and criminal investigations, and an intelligence-led uniformed presence between ports of entry.” This will build on past joint law enforcement initiatives such as the [Shiprider program](#) and the [Integrated Border Enforcement Teams](#). The Next-Generation pilot projects are scheduled to be deployed by the summer of 2012. In September, [U.S. Attorney General Eric Holder](#) revealed plans that would allow law enforcement officers to operate on both sides of the border. He announced that, “the creation of ‘NextGen’ teams of cross-designated officers would allow us to more effectively identify, assess, and interdict persons and organizations involved in transnational crime.” Holder also commented that, “In conjunction with the other provisions included in the Beyond the Border Initiative, such a move would enhance our cross-border efforts and advance our information-sharing abilities.”

In his article, [How the U.S. blackmailed Canada](#), Gar Parfy stressed that as part of a North American security zone, “Canadian security institutions will be more closely integrated with those of the United States.” While addressing the Beyond the Border declaration and the subsequent action plan, he highlighted the fact that, “these are not formal treaties or even formal agreements, although there could be greater formality in the future.” Parfy also noted, “Nowhere in the documentation resulting from the two meetings are there suggestions the people of Canada will be provided with detailed information on which judgments can be made on the wisdom of this consensual agreement negotiated in the backrooms of both capitals.” Instead he cautioned that, “the troublesome details implicit in the agreement will be hidden behind the wall of national security.” Parfy argued that in the process, “Canada sold its national security independence in exchange for hoped-for minor changes to American border restrictions.” He concluded that, “It is not an overstatement to suggest the United States blackmailed the government of Canada into making this deal. It was the American way or no way.”

The Council of Canadians have also strongly [rejected](#) the new border deal. They have challenged the notion that, “proper privacy protections can be achieved between Canada and the U.S. without significantly diluting stronger Canadian laws and norms.” Citing privacy concerns associated with the U.S. Patriot Act, the organization emphasized that, “the proposed new entry-exit system for travellers needs the greatest scrutiny by Canadian parliamentarians, security and privacy experts.” The Council of Canadians also criticized, “the government for hiding behind a sham public consultation and implying that this should clear the way for implementation of the action plan.” In August, the Conservative government released two reports which summarized online public input received concerning [regulatory cooperation](#), as well as [perimeter security and economic competitiveness](#). While improving the movement of trade and travel was the priority for business groups, many individuals expressed concerns over the loss of sovereignty, along with the protection of personal information.



When it comes to regulatory convergence, Maude Barlow, national chairperson of the

Council of Canadians agreed that, “Standardization can be a good thing when standards are high,” She conceded, “The problem is standards aren’t higher in the U.S. in many cases.” Barlow also acknowledged that, “Already Health Canada and other agencies consider harmonization with U.S. standards to be a more important consideration than the real safety of our food. This perimeter deal cements that skewed priority list.” There are fears that it could erode any independent Canadian regulatory capacity and weaken existing regulations. Part of the [SPP agenda](#) called for improving regulatory cooperation which resulted in Canada [raising pesticide limits](#) on fruits and vegetables. Regulatory integration threatens Canadian sovereignty and democracy. Further harmonization with the U.S. could result in Canada losing control over its ability to regulate food safety. This could also lead to a race to the bottom with respect to other regulatory standards.

By all accounts, [big business is the winner](#) in the new trade and security perimeter deal. Maude Barlow explained that, “this process has been set up to accommodate one sector of our community and that is big business.” In advance of the action plans being unveiled to the public, business stakeholders were briefed on the specifics. The [Canadian Council of Chief Executives](#), an organization that lobbies the government on behalf of Canada’s largest corporations has given it their stamp of approval. The U.S. and Canadian Chambers of Commerce also [applauded](#) the new vision for border and regulatory cooperation. When it comes to negotiations on the border security agreement, Barlow confirmed that, “the big business community was the only sector at the table with government and guided the process from the beginning.” This was also the case with the now defunct SPP. Big business was a driving force behind the initiative which led to the creation of the [North American Competitiveness Council](#) to ensure that corporate interests were being addressed.

In her article, Maude Barlow also warned that when it comes to the perimeter deal, “Canada is essentially giving up policy control in the key areas of privacy, security, immigration and surveillance in order to entice the U.S. to loosen controls at the border.” She stated, “it is likely to lead to a wholesale replacement of Canadian privacy and security standards with American ones, set by Homeland Security.” When it comes to information being collected and stored, Barlow questioned whether it will be, “used as a form of social control, to identify not terrorists, but activists and dissenters of government policy.” She insisted that, “We must call on our government to create a full public and Parliamentary debate before this deal becomes operational.” From the beginning, the whole process has lacked transparency with no congressional or parliamentary oversight. This has drawn comparisons to the SPP which was shrouded in secrecy and fueled by fears over the loss of sovereignty that finally led to its downfall. We can only hope that this latest endeavour will meet the same fate. With the 2012 U.S. election cycle about to get into full swing, the new bilateral deal could get lost in the shuffle.

While the perimeter agreement is being sold as vital to the safety and prosperity of Canadians and Americans alike, there is little doubt that it will mean a tradeoff between sovereignty and security. Any deal which gives the Department of Homeland Security more personal information poses a serious risk to privacy rights. As both countries move forward, perimeter security will be further defined and dominated by American interests. This could force Canada to comply with any new U.S. security measures, regardless of the dangers they may pose to civil liberties. A North American Homeland Security perimeter goes well beyond keeping people safe from any perceived threats. It is a means to secure trade, resources, as well as corporate interests and is a pretext for control over the continent. Ultimately, the U.S. wants the final say on who is allowed to enter and who is allowed to

leave.

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