

US-Canada Negotiations: US Customs Inspectors denied right to operate on Canadian Side of the Border

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U.S. pulls plug on Peace Bridge talks

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After more than two years of negotiations, a plan that would have allowed U.S. Customs inspectors relocate operations to the Canadian end of the Peace Bridge is now indefinitely on hold and may be completely off the table.

The U.S. Department of Homeland Security (DHS) ended the talks on Wednesday, because the Americans would have had to give up crucial inspection tools to comply with Canada's Charter of Rights and Freedoms. One such tool would be the ability of U.S. Customs officers to take fingerprints of travellers who approach the Peace Bridge, but then decide not cross. Canadian law prohibits taking a person's fingerprints unless they have been charged with a criminal offence.

Shared border management was agreed to in principle by Canada and the U.S. in 2004. The plan would have also seen Canadian Customs inspectors at the Gananoque-Watertown, New York border crossing move their operations to the American side of the St. Lawrence River.

For the Peace Bridge it would have helped to ease traffic flow at the third busiest land border crossing between Canada and the U.S. Each year, US\$20 billion worth of trade between the two countries crosses the Peace Bridge.

Also, the U.S. Customs plaza in Buffalo is on the edge of a residential neighbourhood and border traffic often backs up into that area.

During the negotiations the two federal governments were able to come to terms on several issues, including the ability of U.S. Customs officers to carry firearms and exercise their arrest authorities, DHS spokesperson Russ Knocke said in a telephone interview with The Times.

Knocke said collecting fingerprints from individuals who attempt to enter the United States, but then change their minds is something the DHS would not give up.

“It’s important because we have a responsibility to ensure that we know who wants to come into our house and what the nature of their intentions are,” he said. “We capture fingerprints on first-time entrance of foreign nationals coming into our country, so that we can check those fingerprints against our data bases that are populated with prints of bad guys from battlefields and training camps overseas.”

Niagara Falls MP Rob Nicholson calls it regrettable that the U.S. has walked away from the negotiations, because of the hard work that has been done to move the plan forward.

“At the beginning, both parties agreed we would respect the laws of the country hosting the pre-clearance area, and in our case, of course, that would be Canada,” Nicholson said in a phone interview from Ottawa.

“Our laws differ on the conditions under which fingerprints can be collected and we are not in a position to consider any proposal that would diminish basic individual rights of Canadians.”

Nicholson hopes the Americans reconsider their position, but that doesn’t seem likely from Knocke’s point of view.

He was asked several times if there was any chance of negotiations resuming, and his repeated answer was simply: “The negotiations have ended.”

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