

Towards a North American Police State and Security Perimeter: US-Canada “Beyond the Border Agreement”

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Global Research, May 14, 2012

beyourownleader.blogspot.ca 14 May 2012

Region: [Canada, USA](#)

Theme: [Police State & Civil Rights](#)

Through the Beyond the Border agreement released in December 2011, the U.S. and Canada are quietly implementing initiatives that are working towards establishing a North American security perimeter. This includes expanding trusted traveler programs, as well as enhancing integrated law enforcement and information sharing cooperation which has raised many privacy concerns that have yet to be properly addressed.

There are questions surrounding the Conservative government's [Bill C-38, the Budget Implementation Act](#) that also contains changes related to the U.S.-Canada [Beyond the Border](#) action plan. This includes ratifying and making the [Shiprider](#) a legal and permanent program which will require amending the Criminal Code, along with the RCMP and Customs Act. The joint initiative officially known as the Integrated Cross-Border Maritime Law Enforcement Operations first began as a pilot project. It allows RCMP and U.S. Coast Guard officers to operate vessels together and pursue criminals in the waters of both countries. The Council of Canadians [reported](#) that the NDP is demanding that the Shiprider policing program be taken out of budget implementation bill. Brian Masse, the NDP border critic is pushing for separate legislation and pointed out that, “it’s totally irresponsible to have it as part of the Budget Implementation Act.” He added, “There’s significant policing issues that really warrant a standalone bill. If it was so important that they did all the fanfare for it, why doesn’t it warrant its own process?” The proposed changes could have serious sovereignty implications with regards to accountability, due process and civil rights and therefore, need to be fully scrutinized.

The U.S. and Canada are also scheduled to deploy a land-based version of the Shiprider program at some point this summer. As part of the security perimeter deal, 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.” In September 2011, [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 went on to say, “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.” Both countries continue to expand the nature and scope of joint law enforcement operations, along with intelligence collection and sharing.

On April 20 of this year, the Red River Integrated Border Enforcement Team's (IBET) [joint intelligence office](#) was opened in Altona, Manitoba. The facility will house representatives from the RCMP, U.S. Border Patrol, Homeland Security, Canada Border Services Agency (CBSA), as well as U.S. Customs and Border Protection (CBP). The [IBET](#) is a binational partnership designed to, "enhance border integrity and security along the shared Canada/U.S. border through identification, investigation and interdiction of persons, organizations and goods that threaten the national security of both countries or that are involved in organized criminal activity." The specialized teams have been, "established in strategic regions to ensure more effective border enforcement capability between ports of entry, based on intelligence-led policing." The new joint headquarters could serve as a model for other IBETs along the northern border.

On May 8, the CBP and the CBSA [announced](#) that, "they are delivering on key commitments under the U.S.-Canada Beyond the Border Action Plan for Perimeter Security and Economic Competitiveness—increasing benefits to NEXUS members, streamlining the NEXUS membership renewal process and launching a plan to increase NEXUS membership." Under the [NEXUS program](#), pre-screened travelers are granted expedited access across the border, by air, land or sea. Canadian Public Safety Minister Vic Toews explained that, "The Border Action Plan is designed to speed up legitimate trade and travel, and improve security in North America by aligning the entry of people and goods at the perimeter while streamlining processes at the Canada-U.S. border. With these commitments to retain and increase NEXUS membership, Canada and the United States will increase efficiency to better focus their resources and examination efforts on travellers of high or unknown risk." NEXUS is part of the process of implementing equivalent biometric standards across North America which could be used to restrict, track and trace our movements.

Last month, Canada's federal privacy commissioner Jennifer Stoddart, along with her provincial and territorial colleagues urged transparency and respect of Canadian privacy standards with regards to the perimeter security agreement. A [joint resolution](#) recommended that, "Any initiatives under the plan that collect personal information should also include appropriate redress and remedy mechanisms to review files for accuracy, correct inaccuracies and restrict disclosures to other countries; Parliament, provincial Privacy Commissioners and civil society should be engaged as initiatives under the plan take shape; Information about Canadians should be stored on Canadian soil whenever feasible or at least be subject to Canadian protection; and Any use of new surveillance technologies within Canada such as unmanned aerial vehicles must be subject to appropriate controls set out in a proper regulatory framework." According to a self-imposed deadline, the U.S. and Canada are supposed to release privacy provisions associated with the perimeter security deal by May 30.

The perimeter agreement is also getting the attention of provincial and state leaders. B.C. Premier Christy Clark and Washington Governor Chris Gregoire have [signed](#), "a joint letter to President Barack Obama and Prime Minister Stephen Harper commending the U.S.-Canada Beyond the Border Action Plan and committing British Columbia and Washington to support and expedite federal commitments to improve the flow of people, goods and services across the border." When the perimeter security deal was first released last year, Premier Clark issued a [statement](#) which welcomed the announcement. In addition, Washington's state Legislature [passed](#) a joint memorial which also acknowledged its support. The backing of governments at all levels will further assist in implementing some of the Beyond the Border initiatives. Not to mention the fact that state and provincial regional integration is already

being achieved in areas of trade, the environment and energy.

As the U.S.-Canada action plan implementation process continues, there still remains many concerns with the further integration and militarization of the northern border. This includes the loss of sovereignty and risks to privacy rights related to more cross-border sharing of personal information. While there have been online consultations surrounding the perimeter security agreement, there has yet to be any open public hearings or congressional and parliamentary debates.

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