

Chapter Six

Thick Borders and the Challenge of North American Policy

Coordination Post-Bush: What's Next ?

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The End of the Undefended Border

From June 2009, every Canadian who enters the United States must have a passport or an equivalent document. This regulation will transform the once permeable, undefended, and easily traversed border for day trips into a high-security crossing point. The perception that the border has been thickened irreversibly post-9/11 has much truth to it. But, in fact, North America's borders have been thick regulatory gates since World War II. Borders are fixed by law and geography and changed by circumstances and need.² This combination of inflexibility and adaptation precisely describes the far-reaching transformation of the world's many borders since 9/11 including the great northern border between Canada and the United States.

Theoretically, borders have always been very complex places for security, citizenship, and the regulation of public health, the environment, and food safety—all at least partially exogenous forces.³ While countries prize these areas as spheres of sovereign competence, they will negotiate and share responsibility for health, the environment, immigration, and citizenship with other states when the need arises. Cross-border cooperation has grown immensely in the past 20–30 years almost everywhere except in high conflict zones of war and insurgency—with little or no NAFTA impulse.

It was a misconception that NAFTA would render the border an element of the past and dismantle its security and sovereignty-enhancing character. The Canada-U.S. border has always been a bureaucratic mixture of thick and thin, but what is dramatically new and highly visible today is that Canada and the United States developed parallel security policies following the passage into law of the omnibus U.S. Homeland Security legislation following the 9/11 terrorist attacks. Policing, intelligence gathering, and immigration have been subject to an unprecedented effort to secure North America's borders from real and imagined threats from terrorists.⁴

What needs to be looked at most carefully is this question: Why are North American governance prospects in retreat since that 9/11 hinge moment? A complex mix of new (and NAFTA exogenous) factors including new border regulations, deindustrialization, and the Canadian government's failure to protect innocent Canadians wrongly implicated in the U.S. war on terrorism has made the Canadian public skeptical of taking the North American idea/policy goal to the next level.

What Canadians correctly sense is that interstate relations, under the Bush presidency, have been subject to a large and visible shift from trilateralism to unilateralism, largely economic and security-driven in origin. The very idea of deep integration has run into troubled times as a security and economic priority. The free trade model of prosperity and development has been overtaken by an unparalleled global financial crisis.⁵ As a result, North American governance, either as public policy agenda setting or an exercise in consensus building and implementation, is in recoil mode. The intent is not to make the Canada-U.S. border into Checkpoint Charlie, the infamous crossing point between East and West Berlin during the Cold War made famous in John Le Carré novels. Rather the Canada-U.S. border will operate as an in-your-face border backed by the full authority of the twenty-first century equivalent of watchman state.

Theoretically, North American integration, epitomized by the North American Free Trade Agreement (NAFTA) since 1994, faces an unprecedented security challenge for Canada, Mexico, and the United States. This chapter explores nine dimensions of the thickening North American borders. These are: (1) Bush's unilateralism; (2) Canadian responses; (3) judicial incompatibilities based on a Commission of Inquiry report; (4) Canadian deindustrialization impacts; (5) U.S. economic swings; (6) structural adjustments; (7) the Mexican refugee twist; (8) macro uncoupling; and (9) emergence of thick North American borders.

Bush Unilateralism: No Compromises

In his 2008 book, *The Closing of the American Border: Terrorism, Immigration and Security since 9/11*, Edward Alden argues that the Smart Border Declaration, which was to be an exemplar of the new spirit of bilateral cooperation by attempting to fast track frequent visitors to the United States from Canada, largely failed. Stephen Harper's pro-Bush government entered into negotiations with Washington with the intent to establish preclearance facilities on Canadian

soil. The deal fell apart when the United States insisted that its agents have the full power of U.S. law to take fingerprints and make arrests inside Canada. The U.S. indifference to Canadian sovereignty concerns about U.S. law operating in Canada spiked the deal, writes Alden. “Nexus and fast lanes are a fine thing” to speed up border travel, but “what happened to the co-operative spirit between best neighbours?”⁶ It was not present and the bottom line is that no sovereign country could make the kinds of concessions the Bush regime was demanding of Canada—one of its closest and most loyal allies.

The failure to work cooperatively reveals much about the security mentality gap that now separates the two countries. The United States is within its rights to demand new identification procedures under the Western Hemisphere Travel Initiative (WHTI), the law that requires all travelers including U.S. and Canadian citizens to present valid documentation when entering the United States; but Canada’s concerns over privacy issues, which violate the Canadian Constitution, have been largely ignored. In May 2008, Canada’s 10 Provincial Privacy Commissioners spoke publicly against the U.S. requirement to have fingerprints and other personal data taken from readable travel documents. Significantly the United States has not been prepared to compromise with its new regulations in order to meet Canada’s worries even half-way.

The hope that wait-lines will be reduced by embedded fingerprints and other readable data seriously underestimates the technological complexities of these new techniques. So far the experience with new high-tech border technology to reduce waiting times dramatically has failed to deliver real time efficiency on the ground, and much more time is required to get these systems up and running. Alden’s eye-opening account should serve as a cautionary tale for those scholars who dream of a world in which sovereignty for the U.S. Congress is a thing of the past and high-tech scanners will make the border disappear for millions of day visitors.

Canadian Citizens and the U.S. War on Terror: A Tragic Narrative

A second reason for the nosedive of the North American ideal is that since 9/11 Canadians have become increasingly skeptical of Bush’s war on terrorism and the extraordinary powers that the security state has given itself. In January 2008, a *Globe and Mail* Strategic Council poll asked Canadians to rank their top 10 issues of importance. Unlike American responses to a similar

question in a 2008 *Wall Street Journal* poll, Canadians ranked security and the war on terrorism as the eighth most important issue out of the 10. In the months after 9/11, security ranked number one among Canadians. The dramatic change in popular support for a unitary or bilateral North American security perimeter is the result of the Canadian public's fierce opposition to the Bush-Cheney presidency. A 2006 Pew survey on foreign policy attitudes found that more than 60 percent of Canadians were critical of the Bush regime and believed that the U.S. policies in Iraq were wrong. The depth of the backlash against Bush is indeed astonishing because, historically, Canadians have shown strong, often bipartisan support for U.S. presidents including Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Jimmy Carter, and, surprisingly, even Ronald Reagan with his strong views on less state less tax policies.

The dramatic shift in Canadian public opinion on security is due without question to the fallout around Maher Arar's illegal rendition by U.S. authorities in 2002. Many Canadians believe that the U.S. Homeland Security doctrine has compromised the civil rights of Canadians. Arar is a Syrian-born Canadian citizen who was kidnapped by U.S. authorities at the John F. Kennedy Airport in New York City while returning home to Canada, Arar was returned to Syria with the compliance of the RCMP where he was tortured and kept in a cell the size of a coffin. These facts would not have been known without the 2004 public inquiry headed by Associate Chief Justice of Ontario, Dennis O'Connor. The Arar Report found Maher Arar to be innocent on all charges that he was security risk and that the government of Canada and the RCMP's role in furnishing information to the CIA and FBI had violated his rights.⁷ The Harper government has apologized to Arar and his family, and Arar has become the first person in Canada ever to be compensated with a US\$10 million payment. The Bush administration has refused to apologize to Arar for its wrong doing. In the eyes of Canadians, it is incomprehensible that the U.S. secretary of state has refused to apologize and remove Arar's name from the U.S. list of suspected terrorists!

Security experts seriously underestimated the Arar effect on Canadians' perception of U.S. security policy. It perplexes and disturbs Canadians to see that their own government, which has been so clearly onside with the Bush government's war on terrorism, has no visible effect on U.S. policy—either on the comanagement of the border or with respect to Arar. Canadians are angered by this treatment from the Bush administration and are dismayed that their once vaunted relationship of cooperation is at a historic low point.

Many Canadians have come to believe that U.S. homeland border security demands have gone too far and have had too great a role in shaping Canada's security laws. From a legal perspective, a second public inquiry headed by former Supreme Court justice Frank Iacobucci examined Canadian security practices and extraordinary executive powers with respect to three other Syrian Canadians. Ahmad Abou El Maati, Abdullah Almalki, Muayyed Nureddin were rendered to Syria and tortured for over a year before being released and returned to Canada.⁸

Justice Iacobucci's Findings from the Commission of Inquiry

Significantly, in his October 2008 report, retired Justice Iacobucci once again held Canadian officials responsible for releasing information to U.S. and Syrian authorities that led to the rendition and detention of three Canadian citizens in Syria.⁹ No Canadian official was charged however. Iacobucci held no official blameworthy for their torture, but he faulted the Mounties for sharing Canadian intelligence, which had labeled the men "an immanent threat," with the FBI and CIA as this led to their wrongful imprisonment and torture. Justice Iacobucci vindicated the three men stating that none of them was guilty of any crime or security breach. He wrote: "The words 'immanent threat' in particular were inflammatory, inaccurate and lacking investigative foundation . . . I can say that even if all of the official's suspicions about Mr. Almalki were correct, the label 'immanent threat' would not have been correct."¹⁰

Canadians are troubled by evidence of the active collusion of Canadian Security and Intelligence Service (CSIS) with U.S. authorities, and not surprisingly, are angry at this miscarriage of justice. The troubling issue for Canadians that underlines both the O'Conner and Iacobucci inquiries, writes Wesley Wark, is this: "whether Canadian intelligence, security and Foreign Affairs officials have so 'lost' their way in the 'war on terror' that they have systematically and deliberately engaged in practices that are repugnant to democracy."¹¹

The point of reviewing the record to date is to underline the fact that, in terms of North American agenda setting, Canadians have deep misgivings about the Bush-Cheney security doctrine. According to recent public opinion polls, they are not supportive of the idea that the Canadian government should acquiesce to U.S. border security demands. It is significant that both at the micro level of border cooperation as well as at the big picture level, Canada and the United States do not share a meeting of the minds. One might have expected that the Bush and

Harper administrations would have found it easy to conclude an agreement on these large but practical concerns—they haven't. In terms of the U.S. Homeland Security doctrine, Congress is crystal clear that there are no special deals for Canada, any more than there are for Europe.¹² The cynic might argue that India has done much better in acquiring U.S. nuclear technology than Canada has in easing wait-times at the Ambassador Bridge and other crossing points. Increasingly, in terms of wait-times and other bureaucratic security arbitrariness, the northern border resembles a major United States-Mexico crossing point such as Nogales, Arizona. Wait-times regularly exceed an hour and can at peak periods be more than two–three hours; searches are frequent, and because of the frequency of hard questioning by U.S. border guards, many Canadians feel ill-treated and angered by the arbitrariness of the procedures.

The Current Cycle of Deindustrialization, Job Loss, and Free Trade

The hollowing out of the North American ideal is also traceable to what some would call “NAFTA effects and globalization.” For trade agnostics, NAFTA is often considered to have been a modest success in the 1990s with respect to job creation, which was one of its major selling points to skeptical U.S. and Canadian publics. The expectation was that job losses in labor intensive industries would be offset by gains in the high performance sectors. At least it could be credibly argued that more competitive industries would actually lead to higher wages in the export sector.¹³ The record reveals a more complex picture. In the United States, where the costs of adjustment were higher than anticipated, there were many more regional losers at the state level. Trade fairness was not part of the deal.

Decline in U.S. Manufacturing Employment but Exports Soar

For US workers the adjustment process has been painful. For instance, in textiles, auto parts, and other labor intensive industries, a record number of U.S. firms moved to Mexico to take advantage of the super cheap assembly operations in the *maquiladoras*. Many major manufacturers of mass produced goods like General Electric, Maytag, Zenith, RCA, and electronic goods assemblers set up shop in Mexico, just a border hop away. It is estimated that more than 100,000 jobs were created in the *maquiladoras*, a net gain for Mexico. The work drain

to Mexico undermined many U.S. communities, and a large number of U.S. workers felt cheated and betrayed by Clinton's promise that NAFTA was a win-win deal. However, this was also the period of Chairman of the U.S. Federal Reserve Alan Greenspan and his low interest rates. So while NAFTA initially cost the U.S. economy 25,000 jobs per month as textile and other vulnerable industries shut down, the U.S. job machine created in excess of 100,000 other jobs monthly. For those who lost their jobs, NAFTA was the culprit to blame; but overall NAFTA could be seen as marginally positive.¹⁴

Since the new millennium, China has emerged as a new factor in the global equation and this has further diminished the idea of joint North American decision making. First, it became highly evident that U.S. jobs were no longer moving to Mexico but to South Korea, Columbia, and, particularly, to China. U.S. jobs were being fast-tracked to low-wage operations in the global south. Since Bush came to office in 2001, U.S. manufacturing has lost one-quarter million jobs; but overall job growth has increased by 220,000 largely in financial services, education, and health care. These numbers are no consolation to the thousands of families that have lost employment in North Carolina, Michigan, Ohio, and Illinois. With 50,000 manufacturing jobs lost monthly, U.S. industries are being battered by the global slowdown and the mass exodus of U.S. manufacturing to Asia. It is evident that job creation in other sectors in the industrial northwest has failed to stem the demise of local manufacturing. The picture is bad and getting worse by the financial quarter.

Significantly, over the past three years Canadian industry has been also gripped by the toxic effects of deindustrialization, plant closures, and job loss. With respect to job loss all three NAFTA partners share an equally bleak future. The Toronto Dominion Bank estimates that Ontario has lost over 300,000 manufacturing jobs in auto production, auto parts, light manufacturing, and electronics.¹⁵ A significant proportion of the job losses are from U.S.-subsidiary plant operations, which have closed down their Canadian branches in order to ship production work back to head office operations in the United States. As yet, there is no detailed, comprehensive study of tracking factory closures in Ontario, but Chrysler, Ford, Volvo, and John Deere are among those shipping Canadian production to the U.S. heartland. The U.S. press does not report on the fact that U.S. factories are the winners in this zero-sum game of reorganizing North America's industry. Despite the stable workforce and universal health care in Ontario, it is

unlikely that the majority of these jobs will return to the province once the economy recovers from the current recession.

Structural Adjustment: A North American Priority

Experts such as Victor Lopez Villefañe estimate that over 400,000 Mexican jobs have disappeared from the *maquiladoras* since 2000.¹⁶ The extent of the job loss would have been inconceivable to someone predicting the future in the late 1990s. NAFTA was supposed to be an iron-clad guarantee for Mexican development and a virtual job machine. But none of the predictions has turned out to be true. Many American economists point out that Mexico has greater access to the U.S. market than any other country in the world except Canada; but it also has one of the lowest growth rates in the hemisphere. Currently the Mexican economy is growing at about 2 percent per year—a performance level lower than in the pre-NAFTA years. As a developmental strategy, NAFTA has failed to provide Mexico with the economic dynamism needed to be a positive, transformative force.

Julio Boltvinik, one of Mexico's top poverty researchers, has extensively documented Mexico's poverty trap.¹⁷ His work makes for sober reading because, while a Mexican middle class has emerged in the service, financial, and professional sectors of the economy, NAFTA has been a devastating failure for agriculture. Each year over 500,000 Mexicans are forced to leave their small marginal farms and a large number migrate to the United States in search of employment. Most of these are illegal immigrants, and in the never-ending war against the undocumented, the U.S. Border Services carries out close to one million removals per year. Many are removed only to reenter illegally and be removed again. The only good to come out of this tragic story is that Mexicans working in the United States remit approximately \$25 billion in repatriated earnings to their families in Mexico, the largest welfare transfer in Mexico's patchwork programs of social assistance. However, with the U.S. economy in recession, remittances are also down to around \$22 billion or less in 2009 from their previous high of over \$25 billion.

Mexican Refugee Claimants and Canada's Refugee Board

The destabilization of Mexico's society had been intensified by the current wave of narco-terrorism. The pandemic in drug related killings and kidnappings reached a frenzy in 2007 with over 3,000 gang related murders and multiple slayings, a figure up from 1,080 in 2001.

Kidnappings and other violent crimes have reached new levels. A record number of Mexicans are fleeing the drug wars to escape to Canada. Since 2004 Mexicans can make claims at the Canada-U.S. border because they are exempt from the Canada-United States Third Country Agreement. Under this agreement all refugees are required to seek asylum in the first country they reach. As a result of this exemption Mexico has become a major source of Canadian refugee claimants; Mexicans now represent one-third of all claimants awaiting decisions.

In 2001, Canada broadened the definition of refugee claimant beyond political, gender, and religious persecution adding an important new category for claimants seeking protection from "death, or cruel or unusual punishment." The new definition significantly included the phrase, "not protected by their own country." Prior to this, Mexican claimants were returned to Mexico with few questions asked. Recently the Federal Court of Canada overturned a number of decisions that had handed claimants back to the Mexican police on the grounds that the police themselves may be corrupt or under investigation for human rights offenses. Since the changes were made to Canada's refugee law, the legal community has spread the word through different networks that Canada is open to refugees from Mexico.

Still, obtaining refugee status is a very demanding administrative process requiring complex documentation and verification of the claim. The success rate is less than one in three; although for some refugees fleeing Iraq it is higher. Of significance is the fact that the acceptance rate for Mexican refugee claimants is just 11 percent compared to the overall acceptance rate of 34 percent.¹⁸ Canada's Refugee Board has been timid in recognizing the claims of Mexican refugees.

Over 15,000 Mexicans have resettled in Canada, mainly in Toronto in the past several years. The fact that Mexicans did not require a visa to enter Canada until July 2009 made it relatively easy to apply from within Canada for permanent residency. The Canadian government has been encouraging employers to hire Mexicans as temporary workers and close to 85,000 Mexicans have been admitted temporary work visas. Canada has also become a destination for an increasing number of middle-class Mexican youth seeking a university education and the opportunity to learn English. It is too soon to tell whether these trends are temporary or

permanent, but the arrival of Mexican claimants fleeing criminal gangs and urban violence reinforces the belief in Canadian sovereignty and the importance for Canada of keeping its borders open to people seeking a new home and a better life.

Macro Uncoupling and the Growth of Fundamental Differences

Are thick borders functional? Thick borders are very functional, not only with respect to citizenship but also in the service of Canada's national interest. A thick border does not prevent communication or interdependence with other countries; rather it stresses the importance of having a distinctive system of checks and balances responsible for public oversight. Even wait-times at the border are manageable but could be improved. Managing structural change is one of the most important areas where border effects are highly visible. The reorganization of the North American auto industry will be a case in point. With GM, Chrysler, and Ford about to receive billions of dollars to protect U.S. jobs, it remains to be seen how they will affect the subsidiary operations in Canada and Mexico where over 200,000 people work in this continental industry or reliant on it. Free markets push countries toward convergence; institutions and economic culture promote divergence in the way markets and other institutions perform. If Canada were simply a smaller, more benign version of the United States, the ideal of deep integration would face few obstacles. However, growing divergence between the two countries provides evidence that in some critical policy domains, such as social policy and national values, Canada and the United States are more unlike than similar.¹⁹

Some of Canada's leading economists believe that there has been an uncoupling of the American and Canadian economies, particularly since 2004. Indicators conspicuously show this: 25 percent of the Canadian workforce is employed in manufacturing compared to 16 percent in the United States; energy and resources comprise an amazing 4 percent of Canada's GDP but only 0.2 percent of the United States'. One of the marked divisions between Canada and the United States is the health care system. Canada's health insurance covers everyone at a cost of 9.9 percent of the GDP. American health care is partial and private and costs the United States 16 percent of the GDP. There is also growing divergence in the workplace: 38 percent Canadians are covered by collective agreements, but only 16 percent in the United States.²⁰

Divergence is a powerful predictor of the values and attitudes that shape modern public policy. Stephen White and Neil Nevitte found that between 1990 and 2005 more Canadians identified with Canada than had previously. According to a World Value Survey, NAFTA has not resulted in a movement toward more neoliberal values. “What is impressive,” White and Nevitte argue, “is that Canadians remain attached to their domestic economic structures.”²¹

At the time of financial crisis, the idea of a North American community seems much reduced with less luminosity as a strategy for action and a broad vision idea.²² Mexicans, Canadians, and Americans are drawn instinctively to the ideal of good neighbors, but the evidence that they belong to an imagined community knit together by some deep horizontal ties that bind is weak. State capacities in North America remain organized around territorial lines and function optimally on local, regional, and national scales. Too many North Americans believe they are outsiders in their own communities, not to speak of their relation to a trilateral, supranational entity.

Thick Borders & the Challenge of North American Policy Coordination

So what then is the future of North America as an agenda setting public policy idea?

Under current circumstances, the new dangers in North America from massive economic instability seem to outnumber the prospects for new opportunities to strengthen the North American community and trilateralism.

First, North American integration was based on a negative model that said, in effect, what Canada and Mexico could not do with respect to foreign investment rights—Chapter 11 and industrial policy. In the area of energy Canada gave up its rights to a made-in-Canada national energy strategy.²³ Under the negative model, signatories were not required to pool sovereignty for common ends. So in effect, NAFTA created a large legal asymmetry. For the United States, in the event of a conflict between U.S. law and NAFTA law, American law is to prevail. Negative integration does not provide a model of integration in which consensus building advances the public policy agenda.

Positive integration, by contrast, commits all partners, regardless of power asymmetries, to limit their sovereignty for a common end—be it competitiveness, social equity, protecting the social market, or developing new initiatives in science and technology. In the European Union

(EU), the European Court of Justice is the highest court, and its rulings regularly overturn the constitutional courts of all its members. The high wage, high tax model of Germany and the Scandinavian countries is the operative standard that creates an upward pressure on wages, regulatory practice, and the social market. Consensus building in the EU's many institutions, including the parliament and Brussels, supports a complex process of negotiation, consensus, renegotiation, and special status that has enabled the EU to accommodate countries at different stages of development with diverse populations and size. Even the much vaunted deficit rule to keep national deficits below 3 percent of GDP has been sidelined since 2004 as Germany, France, Spain, Italy, and Greece have all run deficits well over 3 percent of GDP. By contrast, it is striking to reflect on the fact that in difficult economic times, NAFTA is of no assistance whatsoever in restoring economic confidence in the three signatory countries. NAFTA has no proactive macroeconomic role in managing North America's economy or neutralizing U.S. protectionist measures.

Second, the premise of deep integration was to spread prosperity throughout North America and narrow the income divide. According to the Organization for Economic Cooperation and Development (OECD), the gap between the rich and the poor has widened over the past 20 years. Experts use the GINI coefficient to measure income inequality.²⁴ In the OECD's latest report published in October 2008, Mexico and Turkey were found to have the highest inequality in incomes followed by Portugal and the United States. Denmark and Sweden were the most equal societies in terms of disposal income. What is significant is that countries, such as France, Greece, and Spain, which bucked the trend and narrowed the gap, did so because of rapid growth in employment and real incomes.

Growing North American inequality polarizes and divides, and nowhere is this starker than in the United States. "Rich households in America have been leaving both middle and poorer income groups behind. This has been happening in many countries but nowhere has this trend been so stark as in the US," reported the OECD.²⁵ Governments of this continent need to invest more in health and education in order to address the social costs of so many poorly educated people who do not have access to the full education they need to acquire the skills necessary to obtain better paid employment. Canada and the United States are wealthy societies, but they have created a reserve army of 18–30-year old, undereducated male youths who have dropped out of high school and have no skills to speak of.²⁶

The singular focus on global competitiveness has made public authorities dangerously complacent and indifferent to the real life obstacles that stand in the way of social mobility for millions of North Americans. In the post-Bush era, the challenge will be to identify the best practices to enhance income distribution and address the spiral of inequality. Radical action is needed “not only to ensure the survival of the core banking system”; the reality is that governments have to be ready to pump new money and other kinds of resources into narrowing the inequality gap. It should be remembered that families at the bottom of the financial food chain are as much in crisis as the financial system.

The current economic slowdown and financial distress have also effectively imposed a limit on what market solutions can reasonably “solve.” The statements from North America’s power elites about the need for collaborative binational strategies no longer match their actions. National policymaking is the option of choice and the default mode. There is no public appetite for a comprehensive agreement that would eliminate the barriers to the free flow of commerce, goods, and citizens between Canada and the United States. The U.S. model of less state and lower taxes is not the high standard any longer, and Canadians and Americans both understand that protecting the continent’s environmental and economic safety has to be the responsibility of national governments. Canadians have become suspicious of integration based on a laissez-faire model of public policy regulation practice. With an unprecedented banking crisis, there will be other incentives to revive the Canada-U.S. dialogue.

Prologue to the Future: Next Steps

In an Obama presidency, public policy agenda setting, consensus building, and implementation will be increasingly nation-centered. At this juncture, it is hard to see how there will be much movement with respect to the North American model of negative integration of three countries with such vastly different geopolitical spaces, histories, and configurations of political and economic power. In 2001–02, the Canadian House of Commons Standing Committee on foreign affairs and international trade undertook an extensive cross-country consultation and came to the conclusion that “the project of North America, whatever it turns out to be, is yet to be defined”; a conclusion that has not lost its relevance in the succeeding years. As the prospects for agenda setting for a North America community grows dimmer, academic interest has reached new

heights of conjecture. The inverse ratio of expert speculation to reality should set alarm bells ringing. The absence of any practical notion of trade fairness and the fortification of the border are reason enough to worry profoundly about the perilous, unsettled times ahead.

Theoretical Reprise

The chapter makes the case how the border complexities involve both “spheres of sovereign competence” and interstate negotiations. Daniel Drache’s 2004 model of border governance underlying the multidimensional nature of the Canada-US border has a more general application also to the Mexico-US border. Crime, immigration, citizenship and regulatory standards in the area of health and the environment require complex intergovernmental strategies that are difficult to co-ordinate and effect policy coherence. The critical issue seems to be the decline of governance prospects since 9/11 and the reordering of US priorities and needs. Explaining that necessitates developing more adequate ~~beyond~~ models and theories that address the issue of complex transborder policy unilateralism and interdependency.

Notes

1. drache@yorku.ca
2. Drache 2004.
3. Ibid.
4. Wark 2008.
5. Stiglitz 2008.
6. Ibid.
7. Arar Report 2006.
8. In 2006 in a prior development Federal Court of Canada forced the Harper government to release four out of six individuals who were being held on security certificates and to change the legislation to conform to human rights concerns. These certificates allow Canada to detain and deport foreign-born terrorist suspects who are deemed a threat to national security. See 2006 FC 1230 Justice McKay and 2006 FC 1530 Justice Tremblay-Lamer. The Court found that the individuals concerned would face serious risk of torture if deported. See <http://www.homesnotbombs.ca/Reality%20Check.pdf>
9. Copeland 2008.
10. *Globe and Mail* October 21, 2008.
11. Wark, *Globe and Mail* October 22, 2008.
12. Ibbitson, *Globe and Mail* March 26, 2009.
13. Hart 2002.
14. Clarkson 2005.
15. *TD Report* June 2008.
16. Villefañe 2008.

17. *Canada Watch*, 2008.
18. *Globe and Mail* October 2008 DD Find.
19. Adams 2006.
20. Drache 2008.
21. White and Nevitte 2008.
22. Pastor 2008.
23. NAFTA guarantees the United States secure oil and gas imports from Canada under the proportionality clause. In the event of a crisis, Canada is obligated to continue to supply American homes with energy under the stringent terms and conditions of the agreement. Canada was forced to make a major concession with respect to energy pricing. Under NAFTA it no longer has the option of implementing a two-tier pricing policy that would guarantee Canadians a lower price for oil and gas than Americans. Significantly Mexico did not accept these conditions, and its state-owned energy company PEMEX remains outside the scope and ambit of NAFTA (Morales 2008).
24. OECD 2008.
25. Ibid.
26. Corak 2008.

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2Drache, 2004.

3Ibid.

4Wark, 2008.

5Stiglitz, 2008.

6Ibid.

7Arar Report, 2006.

8In 2006 in a prior development Federal Court of Canada forced the Harper government to release four out of six individuals who were being held on security certificates and to change the legislation to conform to human rights concerns. These certificates allow Canada to detain and deport foreign-born terrorist suspects who are deemed a threat to national security. See 2006 FC 1230 Justice McKay and 2006 FC 1530 Justice Tremblay-Lamer. The Court found that the individuals concerned would face serious risk of torture if deported. See <http://www.homesnotbombs.ca/Reality%20Check.pdf>

9Paul Copeland, Canada Watch 2008.

10*Globe and Mail* October 21, 2008.

11Wark, *Globe and Mail*, October 22, 2008.

12John Ibbitson, *Globe and Mail* March 26, 2009.

13Michael Hart, 2002.

14Clarkson, 2005.

15*TD Report*, June 2008.

16Victor Lopez Villefañe, 2008.

17Canada Watch, 2008.

18*Globe and Mail*, October 2008 DD Find.

19Adams, 2006.

20Drache, 2008.

21White and Nevitte, 2008.

22Pastor, 2008.

23NAFTA guarantees the United States secure oil and gas imports from Canada under the proportionality clause. In the event of a crisis, Canada is obligated to continue to supply

American homes with energy under the stringent terms and conditions of the agreement. Canada was forced to make a major concession with respect to energy pricing. Under NAFTA it no longer has the option of implementing a two-tier pricing policy that would guarantee Canadians a lower price for oil and gas than Americans. Significantly Mexico did not accept these conditions, and its state-owned energy company PEMEX remains outside the scope and ambit of NAFTA (Morales, 2008).

24Find Reference OECD.

25OECD, 2008.

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