



THE CANADA-UNITED STATES OPEN BORDER PARADOX

Date: November 18, 2024

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KEY EVENTS

On November 18th, 2024, Dr. Christian Leuprecht presented *The Canada-United States Open Border Paradox* for this year's West Coast Security Conference. The presentation was followed by a question-and-answer period with questions from the audience and CASIS Vancouver executives. The key points discussed were cross-border cooperation, the importance of Canada playing a proactive role in its border security, and emerging challenges with the changing nature of borders.

NATURE OF DISCUSSION

Borders form a key aspect of how the relationship between two states is defined and they are constantly changing in today's world. Conventional ontology surrounding borders is no longer sufficient to account for the modern challenges around borders, primarily related to mobility. The Canada-US relationship and the institutions built in the last 30 years can serve as a model for the rest of the world, however there is a need for Canada to adopt a proactive approach in how it tackles the challenges with the incoming US Administration so that it can maintain its position as a middle power and somewhat control the border despite being the smaller power.

BACKGROUND

Presentation

The biggest challenge facing borders is the reconciliation of the traditional notion of territory with emerging challenges such as mobility. Conventional ontology regarding borders is dominated by states, the lines surrounding it and the states implementation of that law. Modern challenges surrounding borders tend to surround the issue of mobility. This can include people and goods moving across the border, as well as other less considered factors like water and data. Another

consideration is Indigenous populations and the disruption to their livelihoods by borders. As such, most security challenges on borders emanate from non-state actors, best exemplified by phenomena such as pollution and displacement resulting from cartel activity.

Canada is an important example of a country to be studied when it comes to borders; if a border like the Canada-United States cannot be made to work, hope for other borders in parts of the world with more complex challenges often rooted in historical and ethnic disputes is lost. Canada has an opportunity to lead by example in how it coordinates, cooperates, and collaborates. If Canada is able to demonstrate the ability to work with a partner with different values, it has the chance to present key takeaways for other borders of the world and emerge as a leader in the area. However, Canada needs to be better positioned if it is to preach to other parts of the world on how to make their countries safer, and leading by example is key.

The Canada-US border is unique as the two states have reconciled cross border issues using information and intelligence sharing, including between law enforcement agencies. The relationship is one fundamentally rooted in trust that took a long time to build but can be easily lost due to emerging concerns from the outgoing Biden Administration and incoming Trump Presidency. To maintain this relationship, Canada needs to look back to its approach in the aftermath of the September 11 attacks, where Prime minister Jean Chretien was proactive rather than reactive in reassuring President Bush and the United States that Canada is the one country they need not be worried about.

With Canada being the smaller state in terms of economic and military power, it needs to take a proactive approach, similar to what it did after 9/11. Broadly put, if the US comes to a decision, disagreement can be very expensive. This is demonstrated by the incoming US administration, which prefers to act unilaterally on its southern border. It has indicated a strong inclination to do the same with its northern border unless Canada is proactive in the way that relationship is shaped. The Canada-US border relationship has not always been stable and the constructive collaboration between this border is only 30-odd years old, with the modern border relationship emerging around the 1990s. The Canada-US border relationship indicates that it is possible to create a tight-knit strong border community in a short period of time if both sides have trust in one another and common goals within their own institutions and values. Karl Deutch posited a common culture as a determinant of a cross-border security community.

By contrast, the evidence suggests that cross-border countries need not share a

common language or culture across borders to build cross-border security communities. To this effect, the book *Security. Cooperation. Governance. The Canada-United States Open Border Paradox Security Cooperation and Governance* edited by Christian Leuprecht and Todd Hataley studies borders beyond a mere line with two countries on either side. Jurisdictions that span borders, when thought of as different regions, have their own unique histories, economies, values, relationships, people flows, and values that determine practices at the actual border. For instance, Ontario and Michigan have a vastly different relationship compared to British Columbia and Washington State. Rather an understanding Canada and the United States being separated by a single border, North America is better understood as connecting sixty substate jurisdictions. Post 9/11, this relationship changed with borders being centralized in Ottawa and Washington, taking control out of local communities. This led to the loss of local relationships and priorities.

Another key challenge faced by Canada is the process by which it can partner with its Indigenous communities to share water and natural resources. Borders are often seen as a line, however, over the last 50 years or so they have been shifting inwards and outward. An inward-shifting border is demonstrated by increased deportations exemplified by the Canada Border Service Agencies (CBSA) working with its sister agencies to deport individuals who have overstayed their visa. Another example is the information that individuals intending to visit Canada have to share with the government under the Enhanced Travel Authorization (ETA) before even entering the country.

Heterogeneity is another key take away at the border with the distinction between high and low policing playing a key role, wherein high policing serves the interests of the elites and low policing serves the interests of locals. Border security in the aftermath of 9/11 resulted in high policing. However, for borders to serve local communities, they need to be informed by low policing. Effective borders in today's democracies are open borders that are well-managed where a common regime has been built with institutions and norms to manage that border. The extent of a cross-border relationship is informed by coordination (the sharing of information for common goals), cooperation and collaboration.

The global community must prepare for migratory flows and more importantly, sharing water, as we have heard from the Trump administration. Borders have also experienced significant diversification by various processes such as trade migration and security over the last 25 years, and this change is still ongoing. As the world's population continues to grow, about 3% will end up outside their country of birth and only a small portion will move beyond that. Nonetheless,

this still means a lot of people moving across borders in the coming decades. The impact of such movement was seen in 2015 with just one million people on the move in Europe and the resulting consequences for populism and political shifts.

In NORAD, Canada and the US have built a common regime to defend the North American continent. Similarly, Canada should utilize the institutions built over the past 30 years to work with its partners toward an analogous cross-border regime. That promise to work together to shape the global terrain, environment, and defence — continental and international — is a key determinant in the prosperous and secure continent North Americans enjoy today. However, a goal and strategy are needed to preserve this. Canada needs to adopt a proactive approach to shape the border with the United States to remain relevant as we have achieved our best successes when we are proactive.

Question and Answer

What are the limits concerning the digital aspect of borders?

Jurisdictions and states have realized that certain information cannot leave their borders, best exemplified by a higher standard expected of governments in how they store and manage citizens' data. As cloud servers can be physically located anywhere in the world, it will be a matter of regulation with certain information simply being too risky to be handled outside a state's borders. Canada has not been a key player in this area with an interest in the internet but not in protecting cross-border data flows.

How will the Canada-US border be coordinated to impact national interests?

Canada will always be a smaller player, it's rather about whether it will have a voice. Canadians may be on the losing end already. This can be seen in policies surrounding Ukraine, the European Union becoming more autonomous as a security actor, and the US acting unilaterally. As the EU becomes more cohesive an actor in defence and security, Canada will become more dependent on the US and its interests. Canada needs to be aggressive to assert its interests, especially as a middle power. One area where Canada is lacking is how it can work with the US in terms of regulating trade and travel.

KEY POINTS OF DISCUSSION

- Three key components are needed to make borders more secure:

coordination, cooperation and collaboration.

- A key takeaway from the Canada-US border is the security community the two countries have built and how it can serve as a model for the rest of the world.
- Canada as a middle power, and the smaller partner in its border with the United States needs to take a proactive approach to shape its relationship with its neighbour to the south
- A low-policing returns greater control over borders to local communities and partners with indigenous groups in sharing resources to ensure they are equal partners in the cross-border relationship

FURTHER READING

Leuprecht, C., Hataley, T., Sundberg, K., Cozine, K., & Brunet-Jailly, E. (2021). The United States–Canada security community: a case study in mature border management. *Commonwealth & Comparative Politics*, 59(4), 376–398. <https://doi.org/10.1080/14662043.2021.1994724>

Leuprecht, C., Hataley, T., & Brunet-Jailly, E. (2022). *Patterns in Border Security*. Taylor & Francis.



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