

# CHANGING ATTITUDES AT THE BORDERS

## Or... DO WE NEED A BOAT?

By Scott Newark



### **CBSA Mandate:**

The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants that meet all requirements under the program legislation.

### **CBSA Mission:**

To ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada.

As someone who's been involved in changing laws for a decade or more, I can safely state from experience that changing attitudes is usually more difficult than changing laws. This less than profound thought occurred to me during a recent cross-country tour and security analysis of Canadian air, marine and land Points of Entry. I was in Halifax talking with an earnest young Border Services Officer (formerly called a "Customs Officer") about how, as a member of the Marine Enforcement Unit, they dealt with ships anchored off shore that had been targeted for investigation. "Wait till they dock or they send a ship to get us" he replied. He saw my puzzled look and explained, "we don't have a boat sir."

The Canadian Border Services Agency's (CBSA) Marine Enforcement Unit, responsible for all of Nova Scotia and our busiest Atlantic seaport, doesn't have a boat. It also has to get special permission to proceed to the port of Sydney to search a ship because getting a team out there takes extra time which costs money. Somehow, I get the feeling the bad guys have figured that out as well. I'm also going to guess that I'm not the first person to point out to the CBSA that the Halifax Marine Enforcement Unit should have uhhhh... you know... a boat.

The fact that they don't, that commercial truck inspection and clearance at the Windsor Port of Entry is run on an honour system, and that CBSA runs a Border Management Plan (BMP) which defines success by meeting quotas for searches and not interdictions (which aren't even recorded as part of the BMP), are serious signs that enforcement is not the attitudinal priority it should be at CBSA. Other examples of this include policies that order officers not to pursue persons deliberately running the port, and policies that permit threatening or armed and dangerous persons to enter Canada unobstructed (other than a phone call to a distant police service while they watch disappearing tail lights).

Given CBSA's historical Canada Customs background of tax collection and 'welcoming' visitors to Canada, the existence of such an attitude is not surprising. What is surprising, and frankly dangerous, is that it continues to linger despite a clear and compelling evolution of duties and focus at our borders and Ports of Entry. The very creation of the CBSA within a newly established Public Security Ministry signaled the change of focus to security and enforcement, but, strangely, that hasn't seemed to materialize completely in CBSA operations or, more accurately, those responsible for directing CBSA operations.

For nearly a decade, the Criminal Intelligence Services Canada (CISC) has been warning about the growth of organized criminal activity focused at Canada's Ports of Entry and border crossings. In fact, it is now recognized as being significant enough to merit a special category within CISC's Annual Report. The 9/11 attacks brought the importance of border security and perimeter security to previously unimagined levels. At the same time, industries and organizations involved in cross border and maritime cargo container trade made clear that economic prosperity was directly linked to the facilitation of the movement of goods. Security and trade, we were told, have to be complimentary not contradictory.

In large measure, the political component of the Canadian government responded. By December 2001, based on joint commitments to enhanced security that targeted high risk subjects while facilitating low risk movement, Canada had entered into a 30-Point Smart Border Accord with the United States. The accord clearly accepted the concept of perimeter security. In 2004, Canada released its first ever National Security Policy, followed by a Critical Infrastructure Protection Strategy, both of which acknowledge that what happens (and what doesn't) at Canada's Ports of Entry will have a profound impact on our public security and prosperity. In 2005, Canada, the United States, and later Mexico signed a Security Prosperity Partnership that embraces the importance of security and enforcement at Ports of Entry. CBSA's Mandate and Mission Statement reflect that, officially at least, the tax collection culture of Customs Canada was to be replaced by a culture of inspection, interdiction and enforcement. Achieving this change of attitude appears to be a mission not yet accomplished for those in charge of directing CBSA operations.

So what needs to be done? I'd suggest the following.

1. Complete the conversion of CBSA into a law enforcement agency by internal re-organization and remodeling. Law enforcement agencies don't have Presidents, companies do, and while the CBSA must be well run, it is simply no longer a business operation.
2. Provide front line personnel with appropriate law enforcement tools and resources to do what Canadians expect of them. This means side-arms; proper lookout systems using face recognition biometrics; radios that work; boats; facilities that hamper, not encourage, port running; and comprehensive and integrated data bases. It also means putting an end

to the dangerous absurdity of work alone sites or saving a few bucks by using inadequately trained students for critical operational tasks.

3. Establish an armed, mobile Border Patrol to cover the vast territory between Canada's Ports of Entry, integrating the Canadian Coast Guard and the CBSA for the same purpose. We don't need more stand alone entities. Maritime and land border patrols should be part of the enforcement agency.

4. Use these security enhancements to take the next steps in low risk trade facilitation by establishing pre-border reverse inspection sites, deploying the low risk, expedited clearance FAST and NEXUS systems instead of passports for Canadians and Americans, and converting security clearance at a maritime Port of Entry into expedited clearance at an inland Canada-US border crossing.

In this security-heightened world in which we live, "more" is not automatically "better" security. Intelligence-based security and enforcement can actually facilitate cross border and maritime cargo container trade but only if it is done with a clear acceptance that inspection, interdiction and enforcement are Job One at the border and Ports of Entry, and everything else is secondary. The place to start at CBSA is in changing attitudes.

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