

PASSPORTS FOR ALL

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INTRODUCTION: SECURE BORDERS, CHANGING DEFINITIONS

In North America since September 11, 2001 (9/11), a so-called secure border surrounding the United States has replaced the traditional border which had prevailed for more than a century and the open North American Free Trade Agreement (NAFTA) border that emerged in the late 20th century. The NAFTA border, although enhanced with more security procedures and infrastructure to monitor and manage the vastly increased flows, was a much more permeable boundary concerned with facilitating the flow of goods across the continent, within a burgeoning North American marketplace. The new secure border is concerned primarily with managing the flow of people and contraband which present security risks. Thus, "the longest undefended border in the world" is no longer undefended. Increased numbers of border guards and in-

creasingly stringent application of crossing rules and regulations are added to familiar technology and surveillance equipment. Drones, walls and other obstructions to flows are either evident or being discussed, while Canadian border guards, like their American counterparts, are now increasingly likely to be armed.

The costs associated with the securitization of the Canada-U.S. border are enormous, and they are growing. In the U.S., the Bush administration requested \$2.2 billion for its antiterrorism programs in 2007¹, while in Canada the initial \$280 million allocated for anti-terrorism capacities post 9/11 was to reach possibly \$7.7 billion over a five year period.² Douglas Ross and Anil Hira observe that between 2001 and 2006, Canada allocated \$10 billion in new spending for national security, while the 2008 budget stipulated an annual 2% increase in defense spending per year beginning in 2011-2012, providing an additional \$12 billion over 20 years. In addition, the 2008 budget allocated \$43 million towards Communications Security to assist with new advances in technology.³

Moreover, this does not include the time and money lost by business crossings at the border, or the massive inconvenience undergone by those who attempt to cross. Indeed, commercial containers still cross but trade traffic has slowed, and individual cross-

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ings have declined dramatically. The nature of these crossings has changed as confirmed by the findings of researchers at the Border Policy Research Institute.⁴ Recent assessments show that trade is affected by security regimes, and that cross-border trade slowed after 9/11, with the greatest impact evident upon U.S. imports from Canada. Automobile traffic is now even more heavily concentrated at a small number of the ports-of-entry (POEs). At the POEs where sophisticated security technology is concentrated, most travel has become discretionary rather than spontaneous. Most trips now occur either within a short distance of the border or extend deeply into the other country beyond the borderlands of interaction. At the POEs serving the I-5 corridor (Blaine, Lynden, Sumas), the historic relationship between the exchange rate and the volume of travel was disrupted in the aftermath of 9/11. Travel has levelled off at volumes one-half to one-third of what they were prior to 9/11. These massive downward shifts in cross-border traffic have been most dramatic at the four largest POEs of Detroit, Buffalo, Blaine and Port Huron, as opposed to other, mainly smaller POEs where cross-border travel has not declined as precipitously, and where cross-border interaction appears to have changed less than at the large POEs in major corridors. The crossing statistics currently collected and analyzed will refine and develop these preliminary assessments as well as the numerous observations, opinions, and estimations made by a variety of border crossers, crossing guards and other stakeholders.

We have then, in the early 21st century, and particularly in the years since 9/11, a series of profound changes in border use and to border management policies and practices. Securitization agendas have developed on both sides of the border, as attempts are made to have them mesh with existing trade liberalization objectives and practices. The result is a new border reality—a landscape of fences, signs and technological apparatuses, well marked and rigorously enforced. But what will these changes mean for Canadians and Americans? And are these changes simply performative, or will these new measures ultimately redefine the “capacities, authority, and imagination of both state and self” for Canadians and Americans at the border?⁵

While such questions are too ambitious to answer in the scope of one paper, we can focus on addressing one small component of the larger issue, namely: How have the passport requirements

which the new security regime demands affected the functioning of a transnational borderland space and a relatively integrated continental economy? What might be the future impact? Will Canada accept U.S.-style security measures and will the U.S. cooperate with Canadian partners?

In order to appreciate the impact of the new security regime and the resulting passport requirements, we must step backwards to review the events within the evolving security context which these developments represent. Thus, this paper first explores the development of new border security policies which have been implemented since 9/11, and situates the Western Hemisphere Travel Initiative (WHTI) within this framework. We suggest that the WHTI is the most significant of these, at least for Canadians and potentially for Canada-U.S. relations, and it represents the capstone on an evolving Canada-U.S. security relationship which began well before 9/11. Its importance is significant, and the passport issue cannot be understood without the WHTI in the spotlight.

Next we examine how securitization in the form of new passport requirements inherent in the WHTI and even enhanced driver's licenses changes the nature of the cross-border experience, and indeed, the overall cross-border relationship. We ask what will be the legacy of the new security regime. While there have been excellent studies of the post 9/11 security situation,⁶ this study looks most specifically at the most recent round of securitization inherent in the WHTI. This law is important for individual Canadians as well as Americans who live in the border regions, or who cross the border frequently. This paper examines why the WHTI is today the most significant agreement for U.S. security concerns with Canada. It asks whether the implementation of new security requirements inherent in the WHTI, which went into full force on all borders in June of 2009, has made the Canada-U.S. border "more secure." In what way will it become more secure? These questions are important. They lead us to the larger issue which will be explored in this paper: what is the effect of the passport requirement on borderlands and border regions, and where did the passport requirement come from? To understand this we begin with the concept of security post 9/11, both in terms of its implementation and institutional arrangements, and its implications for border management.

In the following section we trace the evolution of Canada-U.S. bilateral agreements and the multilateral agreements in the Ameri-

cas to forge a secure border, culminating in the development of the WHTI.

SECURITY AND SECURITIZATION POST 9/11: THE EVOLVING INSTITUTIONAL STRUCTURE

Security has become the consuming focus of border relations and structure in Canada since 9/11, including the relationship between security measures and the movement of goods and people across the U.S. land, sea and air borders. While prior to 9/11, the Canada-US border marked a line which joined rather than divided the two national economies, cultures and territories, since 9/11 the function of border has been redefined. Today there is a new and direct relationship between homeland security, emergency preparedness and the variety of new instruments and agreements between Canada and the U.S. which manage the border in the 21st century. And these have been introduced incrementally, beginning in the mid-to-late 1990s. Thus, even before 9/11, security concerns about terrorism, cross-border crime and drug and people trafficking were raised. Sands argues that, indeed, it was really the Customs Modernization Act of 1992 that created the field of cooperation upon which subsequent, and post 9/11 agreements could build.⁷ A case in point which highlights this pre 9/11 security relationship occurred on February 25, 1995, when Prime Minister Chrétien and President Clinton announced their support of the Shared Border Accord, which had four key points:

- The promotion of international trade
- The facilitation of people movement
- The provision of enhanced protection against drugs, smuggling and the illegal and irregular movement of people
- The reduction of costs for both governments and users⁸

The Canadian Immigration and Resource Centre observes that the Shared Border Agreement, in particular, was an important document in that:

To many it seems as if the declaration would involve a merging, to a certain extent, of Canada and America's border security policies...through steps as simple as insuring compatibility of immigration databases, to extensive integration through joint immigration processing facilities, where immigration processing of both countries are undertaken by a joint US and Canadian staff.⁹

And indeed this was the case. Following the Shared Border Accord, the Canada-U.S. Security Partnership Forum (CUSP) of 1999 inched along this emerging new security relationship. The latter set the terms of post 9/11 cooperation: streamlining, harmonizing and collaborating on border policies and management; expanding cooperation to increase efficiencies at and beyond the border in areas such as customs, immigration and law enforcement; and collaborating on common threats from outside Canada and the U.S.¹⁰

The next significant agreements are the Smart Border Accord, which followed in the wake of 9/11, and another series of agreements developed after that, such as the Smart Border Agreement. These agreements all still retained some of the key points of the CUSP agreement.¹¹ They were, however, more focused on terrorism and its potential consequences. The main pillars of the Smart Border Accord were designed again to secure flow of people and goods, but they also included investing in secure infrastructure and coordination and information sharing in the enforcement of these objectives.

Important to this accord was a commitment to implement common biometric standards and technology. The goal was to standardize identity documents to make scrutiny of Canadian identification by U.S. officials easier. At the same time, biometric technology was also applied to the NEXUS system and the issuance of NEXUS cards for pre-approved low risk travelers. The ability to machine-read such documents was expanded at border locations. But it was not just Canadians or Americans who were targeted. Also impacted by the Accord was the Safe Third Country agreement, to the extent that it no longer allowed immigrants to enter Canada through the U.S. (or vice-versa) and subsequently claim refugee status.¹² Refugee claims could now be made only in the country of initial entry. This left unresolved, however, the Visa Waiver issue, which was only partially resolved in 2009, with the issuance of a visa requirement for all Mexicans visiting Canada. It was also this agreement in which Canada and the U.S. have also established the Passenger Information Sharing System. This agreement allows the two nations to share information about airline travelers and to calculate a "risk score." Such a program was recently put into effect. The intent of the agreement was also to develop Joint Passenger Analysis Units to screen passengers in advance, using a standard Canadian/American framework.¹³

Ross and Hira suggest that the Smart Border Accord was premised on the concept of a security perimeter developing for North America. They observe that:

The efforts at reassurance explain Canada's attempt to develop stricter border control measures to reassure the US. The Ridge-Manley accord of December 2001 called for a 'smart border,' meaning one in which stricter security would not prevent the convenient flow of goods, services, and people. The implication is that with some greater investment in technology and border infrastructure, there would not be such a tradeoff. The idea is to tighten inspection of goods and people before they arrive in North America ('the perimeter concept'), and to facilitate traffic of both within North America through pre-clearances.¹⁴

At the same time, Ross and Hira also note that there soon appeared a Joint Statement on Cooperation on Border Security and Regional Migration Issues, which placed Canadians on the U.S. Foreign Terrorist Tracking Task Force, and agreed to review visitor visas, develop common biometric identifiers for travel documents, increase immigration officers overseas, and enhance Integrated Border Enforcement Teams (IBETs).¹⁵

The Smart Border Accord and the changes it brought was not, however, the end of securitization efforts. The Smart Border agreement, a trilateral accord between Canada, Mexico and the United States, followed. The Security and Prosperity Partnership of North America (SPP), signed in 2005, was designed to bolster continental security without hindering the flow of people and goods. The agreement attempts to create harmonized security policies, including policies on immigration and refugees. Many researchers believe, however, that the impact of the SPP is much less dramatic than the earlier security accords. Indeed, the Canadian Citizenship and Immigration Resource Centre indicates, for example, that while it has been suggested that the SPP represents a first step towards a continental security perimeter under which Canada, Mexico and the United States would have harmonized security (including immigration and refugee) policies, there are several problems associated with this perimeter plan for Canadians:

Firstly, there is no guarantee that the United States would ease up border security even given such a perimeter.

America's 'layered' approach to security demands that strong border controls remain in place. This would mean that Canada would be losing sovereignty over its security and immigration policy with no guaranteed result.¹⁶

Thus, beginning with the CUSP, and culminating with the WHTI and the Smart Border Accord, a series of agreements were set in place which essentially redesigned the concept of "border" between Canada and the U.S. Central to this process of an evolving security framework were the agreements and accords between Canada and the U.S., beginning with the CUSP and Shared Border Agreements of the mid-1990s, and culminating in the WHTI. The latter, Abelson and Wood suggest is "about assisting customs and border officials at air, land, and sea crossings, to more efficiently target and intercept terrorists, smugglers and others engaged in illegal activities."¹⁷ Indeed, our understanding of how the passport requirement has evolved in connection within a new North American border security regime is the starting point in this paper.

More than a customs border, or a symbolic line of demarcation, the new border was to "do work." Its work would accommodate U.S. security concerns within a continental framework. This would change the working relationship between Canada and the U.S. along the border. As a result, Canada was to revise its own security initiatives and to develop a series of new programs, facilities and bureaucracies. Thus while the U.S. has often perceived Canada as less attentive to border security (Ross and Hira, 2006), the Canadian Government has nonetheless made dramatic concessions to U.S. initiated border security enhancement. Some of these concessions like the arming of border guards, and more recently the cancellation of student summer employment programs at the border, have been portrayed as Canadian initiatives ostensibly to balance and streamline cross-border security.

In 2005, however, a new initiative potentially the most disruptive to bilateral relations appeared. The WHTI emerged out of the Intelligence Reform and Terrorism Prevention Act which is now the law of the land in the United States. The WHTI has been touted as a solution to security problems, but the question remains whose problem and whose definition of security. United States Ambassador David Wilkins was not necessarily supportive of the passport initiative, based on his comments at his oath of office ceremony, but he later aligned with the Homeland Security initiative, advising

those who might experience difficulties crossing the border “with all due respect, get a passport, that’s the sure thing.”¹⁸

Wilkins’ comments would have little effect on Canadians because of their different perception about security. This distinction is important. There are definitions of national security held by many Canadians, and Americans too for that matter, which are not necessarily equated with “homeland security.” For example, as recently as the late 20th century, the idea of security was not conflated with the “war on terror”, unlike the situation today. Rather, it was associated with new paradigms about the desirability of sustainable development, food security, or the guarantees of freedoms and access to the basics of life. This was understood as a comprehensive type of human security associated with the satisfaction of basic needs.¹⁹ Thus, there has been a significant change in security definitions associated with the war on terror and the Canada-U.S. border in particular. This sea-change in security definition is a reflection of the degree to which U.S. security requirements in support of “the war on terror” have come to dominate North American foreign and even domestic policies. Today the anti-terrorism and security thrust to border management looms large over the NAFTA, rather than the previous policy frameworks where deregulation, harmonization and compliance prevailed. Associated with this is the need for personal accountability through national identity documentation, which has the potential to divide existing transnational spaces.

That these transnational spaces do exist has been well documented, for example, in a series of studies by the Policy Research Institute of the Canadian Government. These studies explore the nature of existing cross-border regions, and their role in trade, political awareness and bordering effects. The detailed studies differ in their approaches and concerns for analysis, but all recognize a cross-border regionalism. While Boucher suggests that economic integration has not produced socio-cultural integration in the borderlands,²⁰ Brunet-Jailly et al. identify extensive networking and regional linkages between regional political leaders.²¹ Abgrall suggests that economic relations promote strong cross-border regional ties, despite Boucher’s claim to a lack of convergence in values and national identity.²²

These studies maintain that the nature of cross-border interaction is complex and deep-rooted on both sides of the border. Indeed, such linkages reinforce and encourage cross-border flows. So

it is not just the goods and the people, but also ideas which cross the Canada-U.S. border, through physical and communications infrastructures, through institutional affiliations and through participation in common programs. Since 2001, these interactions have been increasing rather than decreasing.²³

This should give us pause when we consider current models of security that cross-cut what appears to be renewed cross-border interaction in the post 9/11 era. Cross-border regions cut through clearly differentiated security regimes and nationally divided political cultures in border areas which experience increasingly stronger economic ties, if not political linkages to facilitate economic interests. This is revealing evidence which suggests that cross-border regions can develop regional linkages which may even ameliorate the impacts of tightening security. Recent research in the cross-border region of the Pacific Northwest illustrates how local stakeholders are cooperating to govern water across the boundary, and how stakeholder forums, like the International Mobility and Trade Corridor Project (IMTC), are mediating enhanced security measures and their impacts on the border.²⁴

This is an important point which needs to be considered in the context of studies which find a corresponding thickening of borders after 9/11. Ackleson suggests that "the much heralded Security and Prosperity Partnership (SPP) designed to facilitate both trade and security between the two countries has lost its momentum", for four basic reasons: poor border infrastructure and other structural reasons; new linkages between criminality and terror which detract from border expediency; the loss of momentum and break-down of bi-and tri-national border initiatives; and the introduction of unilateral U.S. border regulation policies under the rubric of "homeland security."²⁵

Yet, to suggest only thickening of the border is to embrace the single-minded perspective of policy-makers concerned with securitization. To take this perspective is also to be oblivious to the many ways in which thickening of the border, reduced to a trade/security dialectic, is being offset by organizational, institutional and political countermeasures. In other words there is a corresponding increase in cross-border cooperation as the security regime tightens and cooperative agreements fall by the wayside. This cooperation in cross border communities with strong economic ties is commensurate with "thickening" measures. Indeed, in 2005, some four years af-

ter 9/11, Abgrall observed that “border states and provinces tend to establish tight relations where commercial relations are most intense, implying that cross-border organizations are the reflection of a combination of factors. It confirms at the same time that along the length of the border the organizations and economic relations lay out a patchwork of relatively homogenous sub-units that one may class as cross-border regions.”²⁶ And, as we have suggested and supported in our research, these cross-border regions work in both conditions of integration and of border thickening due to enhanced security.

The problem for the borderlands, however, is that although the cross-border regions bridge economically, they are also the focus sites for division on the basis of security imperatives. This is true in part because despite the obvious linkages which are regionally initiated, and these are considerable,²⁷ there is substantial difference in what constitutes “security” from Canadian and American perspectives. In the post 9/11 world, security tends to be defined at higher levels of state, and transferred onto the borderlands. This means that while the U.S. focuses on terrorism, to the detriment of natural disasters (as the federal response to Hurricane Katrina indicated only too well), Canadians tend to be somewhat more comprehensive in their thinking of what constitutes a security threat—an “all hazards” approach as Wesley Wark has dubbed it.²⁸ Yet even as, in the immediate period after 9/11, Bill C-36 (the Anti-Terrorism Act) was passed, most Canadians were unfamiliar with the contents of the Act and its human rights implications. Nonetheless, Canada remains more focused on a comprehensive definition of security known as “emergency preparedness”, even as it has placed the nation increasingly on the frontline of security for the United States, rather than reflecting the Canadian border as a security system designed to mediate a relatively benign relationship. Indeed, the border has changed from a combined identity line, regulatory veil, commercial gate and security moat to a singular security moat.²⁹ While previously identity, regulation and trade were expedited, in the new border relationship the security moat is placed at the border, requiring everyone and everything to stop unless pre-authorized. The fact of scrutiny of goods and people is important—for under NAFTA the border was designed to manage goods not people. Since 9/11 it is people rather than goods that have become the obsession of homeland security.

The result has been a North American policy direction driven by the U.S. As Abelson and Wood argue:

All of this has become both more complicated and more sensitive since September 11, 2001. Borders, broadly defined, have taken on increasing salience in the post 9/11 world. Moreover, given these new realities, governments have come under considerable pressure to secure their borders against terrorism, smuggling, drug trafficking, and other illegal acts, while, at the same time, ensuring the highest level of efficiency and openness to trade and tourism. This pressure has been significant in North America, given that the terrorist attack was visited on U.S. soil, and especially so in Washington, DC. Indeed, as the United States began to consider more effective strategies to 'secure the homeland' in the weeks and months following the terrorist attacks, legislators on Capitol Hill, policy makers in the bureaucracy, and members of the Administration all engaged in an exercise aimed at examining new ways to ensure the safety, security and integrity of borders. This examination precipitated a far-reaching debate on border security, on the economic impact of any new measures aimed at securing the border, on the use of new technologies, on the notion of smart borders, and eventually led to the Intelligence Reform and Terrorism Prevention Act and to the Western Hemisphere Travel Initiative (WHTI).³⁰

It is important to note, however, that North America is not unique in this respect. Recently the realignment of the concept of security as a more narrowly conceived military security definition has occurred in Western Europe as well as the United States. Didier Bigo suggests that there is a broader globalization of security, which has allowed the U.S. and like-minded countries and allies to transform the intensity of security measures. At the same time that we see borders in North America firming up, often under pressure from U.S. security imperatives or responding to bolster such initiatives, we see European borders making similar transformations. While Bigo does not claim that there is a single Empire-like component to global security, he does make the point that there is a new element to the definition and implementation of security policies

and transformations of the geographical spaces supporting the institutional organization of security interests.³¹

But while European nations undergo their own distinct forms of security transformations, in many cases while loosening requirements for national passport identification, North America is proceeding in an opposite direction. In January 2007, all Canadians entering the U.S. via air were required to present valid passports. A deadline of January 2008 was set for all Canadians entering the U.S. via land and sea crossings, although the deadline was subsequently set back to June 2008, and then to June 2009. The passport requirement was virtually unprecedented in the Canada-U.S. relationship, and like most boundary issues, it is loaded with profound implications for the future of the Canada-U.S. relationship—specifically, how we interact at the border. Indeed, Abelson and Wood describe the recent WHTI initiative as having a profound relationship to the demand and accessibility of passports in the near future. Their data suggests that in 2008 the number of U.S. passports demanded by American citizens would increase almost 62% over those issued two years earlier, and more than double the number issued in 2004.³²

But there may be less consensus on the homeland security definition and the WHTI in the U.S. than we often recognize. Much of the resistance comes from regions which are impacted by the changing borderland regimes. For example, the Eastern Regional Conference of the Council of State Government (ERCCSG), which is a multi-branch organization of states and Canadian provinces, noted in June 2007 that it was soliciting political support for an enhanced driver's license alternative to passport compliance.³³ While the Department of Homeland Security has expressed reluctance to use an enhanced driver's license, because it would offset standardization (each license being issued by a separate province or state), Michael Chertoff agreed to a pilot program involving Washington State and British Columbia. Washington residents will be able to use their enhanced drivers' licenses for crossing into Canada in lieu of a passport, and still be able to cross back into the U.S. By 2009, enhanced driver's licenses were available in a number of provinces in Canada, and a number of states in the United States. But indeed, not all Canadians have rallied behind the enhanced driver's license initiative—even in British Columbia. In an article in *The Province*, in February of 2008, the enhanced driver's license was criticized for potentially promoting a North American identity mandate:

Enhanced driver's licenses such as those to be issued in B.C. will lay the groundwork for a national identity card, federal privacy commissioner Jennifer Stoddart said yesterday.

Stoddart said the licenses, touted as an alternative to a passport for the purpose of crossing the U.S. border, closely resemble the Read ID program in the United States. She characterized that program as a way of introducing a 'type of national identity card' for Americans.

'This may be an attempt to encourage us to harmonize with them,' she said.

Privacy commissioners across the country oppose a national identity card.

'We think it's unnecessary,' she said. 'We think it's intrusive, and we think it's a route that Canadians don't need to follow...So this is very worrisome to us as a possible model.'

Stoddart made the comments as B.C. privacy commissioner David Loukidelis welcomed fellow commissioners from across the country to Victoria to raise concerns about the privacy and security of enhanced drivers' licenses.

B.C. began offering the licenses to a select group of 500 residents last month to ease border crossings into the U.S. by land or sea. A passport is required for air travel.

The enhanced licenses contain a radio frequency identification chip with a 'unique identifier' that can be read from 10 metres away. It's that identifier that worries commissioners, since it could form the basis for a national identity card and allow governments to track people's movements.³⁴

There is little doubt that with its mandate for passports at land-border crossings, the WHTI will change forever the free passage of people that characterized the pre-9/11 borders. The WHTI represents the increasing pressure for all North American countries to move in compliance with U.S. security visions and management measures. The contradiction, however, is that despite this clearly defined borderline for the purpose of monitoring cross-border travel and shipping, both Canada and the U.S. are mutually involved in each other's defense, and both are bound by treaties and agree-

ments which heighten the degree of cross-border mobility. NAFTA is perhaps the most obvious agreement which facilitates increased levels of flows of both goods and people.

Indeed, at the heart of the unease with which Canadians greet the new border security regime and the WHTI is the aforementioned difference in security definition by which they assess threats to national well-being. For Canadians emergency preparedness is a mindset and differs from the Homeland Security mentality. We must understand U.S.-Canada cultural differences. For American officials, if not Americans themselves, political authority is vested in the federal government, in all dealings with foreign powers. Minority interests are just that. Regionalized border interests are of little concern to a nation assailed with visions of terrorism and unimpeded immigration. The Department of Homeland Security, for example, has nearly complete jurisdiction over security initiatives, and as such is concerned with little but securitization. The borderlanders are not seen as a group whose interests are to be protected at the expense of any relaxation of security measures. In Canada, highly regionalized in economy, culture, and language, these interests are important. The federal government is responsible for foreign relations, but the accommodation of regional interests is not accepted as politically compatible. This has meant that while the U.S. sees the implementation of the Smart Border, the SPP and the WHTI, as well as other more specific initiatives like aerial surveillance, enhanced border guard presence or air passenger lists, as testing sovereignty and the measure of a strong federal government presence, Canada sees it as an exercise in "dumb security"—in the sense of "once size fits all." While the U.S. sees justification in the possibility of nuclear terrorism (of the type predicted by Graham Allison)³⁵ and as such this type of agenda drives the security initiative, the Canadian government prefers a more flexible and facilitative approach, which recognizes the special relationship and the nature of the borderlands themselves. Such approaches are quite simply incompatible, the Canadian position being perceived as an anathema to U.S.-style total security walls.

This means that people are caught in the middle. Americans and Canadians alike are experiencing difficulties. While the U.S. has the right to demand passports, it has exercised this right at the expense of some of the less tangible benefits of the old regime: friendly excursions into each other's country, sharing of hospitality

and culture, landing facilities for American aircraft in the wake of 9/11. Indeed, Ackleson suggests that some of the most recent initiatives for cooperation in border management have failed because of differing visions of border security and management, particularly the 2007 plan for Shared Border Management at the Peace Bridge between Fort Erie, Ontario and Buffalo, New York.³⁶

Each of these visions and political cultures have different impacts on the receptiveness of Canadians and Americans to passport and personal identity policies. As such, they are important pieces of the puzzle in understanding the Canada-U.S. border relationship under the new post 9/11 security regime.

PASSPORT COMPLIANCE: THE QUESTIONS POSED

With the exception of the year 1939, when attempts were made to require Canadians entering the United States to present their passports upon entry, passport requirements have been virtually non-existent between the two countries. Since January of 2007, however, American and Canadian air travelers have been required to present a passport in order to enter Canada and the United States. Since June of 2009, the policy of passport requirements for land and sea crossings has been implemented. Given the considerable concern about this requirement in the borderlands, the media attention to the requirement, and the legacy of loose requirements in the past, the implementation has been "soft." Border officials in the United States confirm that people who are not in compliance with the new requirements are warned to obtain a passport or alternative identity document such as an enhanced driver's license. If they are stopped several times subsequently without the proper documentation they may not be allowed entry into the U.S. Canadian officials are applying a similar approach to harmonize identity verification procedures, but not because Canadian identity regulations are now more stringent for Canadians. Rather, regulations need to be aligned to ensure that Americans hold sufficient documentation for re-entry to the U.S., and that Canadians are compliant to travel in both directions.³⁷

While obtaining a passport for crossing the Canada-U.S. border might not seem difficult in principle, the fact that so many must obtain passports in such a short time frame is a substantial undertaking. Furthermore, the prospect of obtaining a passport, or several passports for all family members, has convinced some Americans

and Canadians to stop crossing the border or not bother starting to do so. Passport compliance stands at about 50 percent of Canada's population, and about 30 percent of Americans. Putting passports in the hands of Canadians and Americans in such a short period of time has proven somewhat problematic. Most Americans and a substantial proportion of Canadians were simply not compliant prior to the 2009 deadline, although those Canadians and Americans who did cross the border after the deadline were overwhelmingly compliant. Many Canadians, and particularly Americans, who used to cross the border have simply stopped crossing. Interviews of almost 100 border stakeholders, carried out in 2009, confirm that many travellers who previously crossed the border regularly to shop, visit friends and family, attend events, and engage in other forms of discretionary cross-border activity, simply do not do so any longer. These interviews, conducted among almost equal numbers of American and Canadian border stakeholders in the State of Washington and the Province of British Columbia, indicate that travellers who must cross the border for business, family, and other compelling reasons are passport compliant or hold an acceptable NEXUS card, Enhanced Driver's License or Passport Card. If travel across the border is deemed unnecessary or merely discretionary, the former border crossers such as retirees, recent immigrants, and people without strong links across the border do not bother to obtain the necessary documentation and no longer consider cross-border travel as part of their activity patterns.³⁸

This downturn is recorded in the number of passports issued in the United States as WHTI deadlines for compliance approached. In 2007, the U.S. Department of State issued 18,000,000 passports, but in 2008 the number issued decreased to 16,000,000, and in 2009 it is projected at 13,000,000. According to officials, the downturn is attributable to a combination of factors including the economic recession, demand for passports approaching the compliance level for those who needed or wished to acquire passports, and the introduction of alternative, acceptable identity documents.³⁹

Yet the projected, and initially the real demand for passports in anticipation of WHTI deadlines led U.S. officials in particular to estimate that demand would exceed the capacity of the government to issue passports. In the summer of 2008, the U.S. State Department announced that it would begin the production of passport cards, as an alternative to regular passports:

Passport card applications are currently being accepted in anticipation of land border travel document requirements. Based on current projections, we expect the passport card to be in full production beginning in July 2008. We will provide additional updates as available. Once in production, the passport card will only be valid for land and sea travel between the U.S. and Canada, Mexico, the Caribbean region, and Bermuda.⁴⁰

In February 2009, passport card issues in California led the nation with 173,000. The other leading states were Texas with 140,000, Florida with 45,000, New York with 42,000, and Arizona and Michigan with 24,000 each. Other populous states followed. The lower population states along the borders with Mexico and Canada recorded higher levels of passport card issues than lower population states away from the borders. These figures are not surprising, but it is revealing that Americans living in rural areas along the border with Canada have opted to a greater degree than those Americans living elsewhere to choose the passport card as their only national identity verification document. Many Americans throughout the country have otherwise elected to hold passports only, or to hold both the passport and the passport card due to the marginal additional expense of securing both documents.⁴¹ Clearly, the passport card does fill a need, but it reintroduces as well a complication in the identity verification available to Americans. After an initial insistence on the U.S. passport as the only compliant document, a range of identity verification options has returned for Americans. These options are not simply and clearly articulated.

Moreover, there is another and more disturbing complication, and it is as much real as perceptual. Having acquired a passport and having made compliance a priority, cross-border travelers are not necessarily assured that they will pass easily to the other side. Under the new security regime it is equally likely that travelers will experience difficulties on not one, but both sides of the crossing. This includes delays and searches for little or no apparent reason. For frequent crossers, it makes the experience unpleasant and potentially to be avoided whenever possible. Under the old regime, it was generally understood that such treatment was the result of illegal activity, and more usually the failure to declare goods. Under the new more aggressive border regimes, it is not always clear why individuals are profiled. Moreover, once tagged for security, there is

mandatory reporting and an obligatory search, often because new border officials are not familiar with the regulations. In fact, these officials now carry out primary and secondary examinations "by the book", even as the book is still being written.

The implications of this new regime in terms of individuals and border-crossings are potentially threatening to the Canadian and American economies, because it has profound effects on cross-border trade and spontaneous tourism. These impacts have indeed been recorded in the border region between British Columbia and Washington, and particularly in the Interstate 5 corridor at the Cascade Gateway. Border Policy Research Institute (BPRI) assessments of southbound traffic load at the Blaine, Lynden and Sumas crossings confirm the substantial decrease in cars between 1997 and 2007. The decrease is greater than 30 percent, with more than 6 million cars recorded in 1997 and just under 4 million cars recorded in 2007. The decrease is apparent at all of the Cascade Gateway crossings, but it is most evident at the two major crossings at Blaine.⁴² BPRI interviews of 15,000 travelers using the Cascade Gateway in 2007 confirm that 91 percent of their travel is discretionary, with shopping, vacation, recreation and friend/family visits the dominant trip purposes. About two thirds of the trips begin and end within 30 miles of the border, and despite the long queues most travelers do not hold NEXUS cards. Yet, these travelers account for a substantially smaller volume of cross-border traffic. This pattern prevailed in 2008 and 2009. "People's discomfort with the new inspection processes at the border is the likely cause of low travel volumes." Policy implications are that "border processes established in the aftermath of 9/11 have disrupted the social/economic fabric of the borderlands", and that the "borderlands have borne the brunt of the impact of heightened border security. Impacts include a persistent reduction of economic activity, and undue budgetary burdens as local jurisdictions handle the increased number of criminals arrested at the border."⁴³

Passport compliance could also, in slowing or halting spontaneous cross-border travel, signal an end to a way of life in the Canada-U.S. borderlands. Insistence on identity verification, although a perfectly acceptable requirement at most international borders, appears intrusive and excessive between the U.S. and Canada, mainly because it is a new and sudden requirement that is being enforced in an aggressive and uncompromising manner at a border that had

been characterized by its transnational and relaxed manner. The chilling effect is already apparent.

In the Pacific Northwest, border stakeholders were surveyed in 2009 about their attitudes and dispositions towards the new regime of border security and the identity verification documentation now required by those who cross the border between the United States and Canada. The stakeholders included almost equal numbers of Americans and Canadians in government at all levels, in business, in tourism, in transportation, in non-governmental agencies, in education and in the enforcement agencies. The responses to several statements are relevant to the discussion in this paper. First, there is a wide range of response to the statement "A border is there first and foremost to assure our national security." Although a majority of respondents either agreed or strongly agreed with this statement, almost as many were neutral, disagreed or strongly disagreed (Figure 1a). American respondents tended toward greater agreement and particularly strong agreement, whereas more Canadians tended to disagree and particularly strongly disagree. Yet, Americans and Canadians loaded on all response categories, and were almost equally represented on the neutral category. Border stakeholders, people who live near and with the border, remain to be convinced of the primary importance of the new security regime. When offered the statement "The border between the United States and Canada needs to balance sustained mobility with enhanced security", almost all of the respondents agreed or strongly agreed (Figure 1b). Agreement is not as consistent, however, on approaches to achieve this balance, and particularly on how to establish more effective identity verification. Although relatively strong agreement is evident that enhanced technology will help us to build a better border between Canada and the U.S., there is some reluctance and disagreement among both Americans and Canadians that "comparable, consistent and electronic identity verification is necessary for our borders to work effectively" (Figure 2a). Similar response patterns are evident to the statements "I believe that all Canadians and Americans should carry identity cards when crossing the border" (Figure 2b) and "The Enhanced Driver's License (EDL) program for BC and WA is a good program to achieve identity verification at the border" (Figure 2c). Agreement and strong agreement are less evident. Neutral responses and disagreement rise when respondents are offered the statement "The Western Hemisphere Travel Initia-

tive has enhanced identity verification at land and sea crossings between the U.S. and Canada" (Figure 2d). In essence, the number of stakeholders who agree that the WHTI works is almost equalled by those who disagree or remain uncertain, ambivalent and skeptical. It is not surprising that Americans are more supportive and Canadians are more opposed or skeptical.

**Figure 1a:
Border Stakeholder Responses to Security Enhancement**

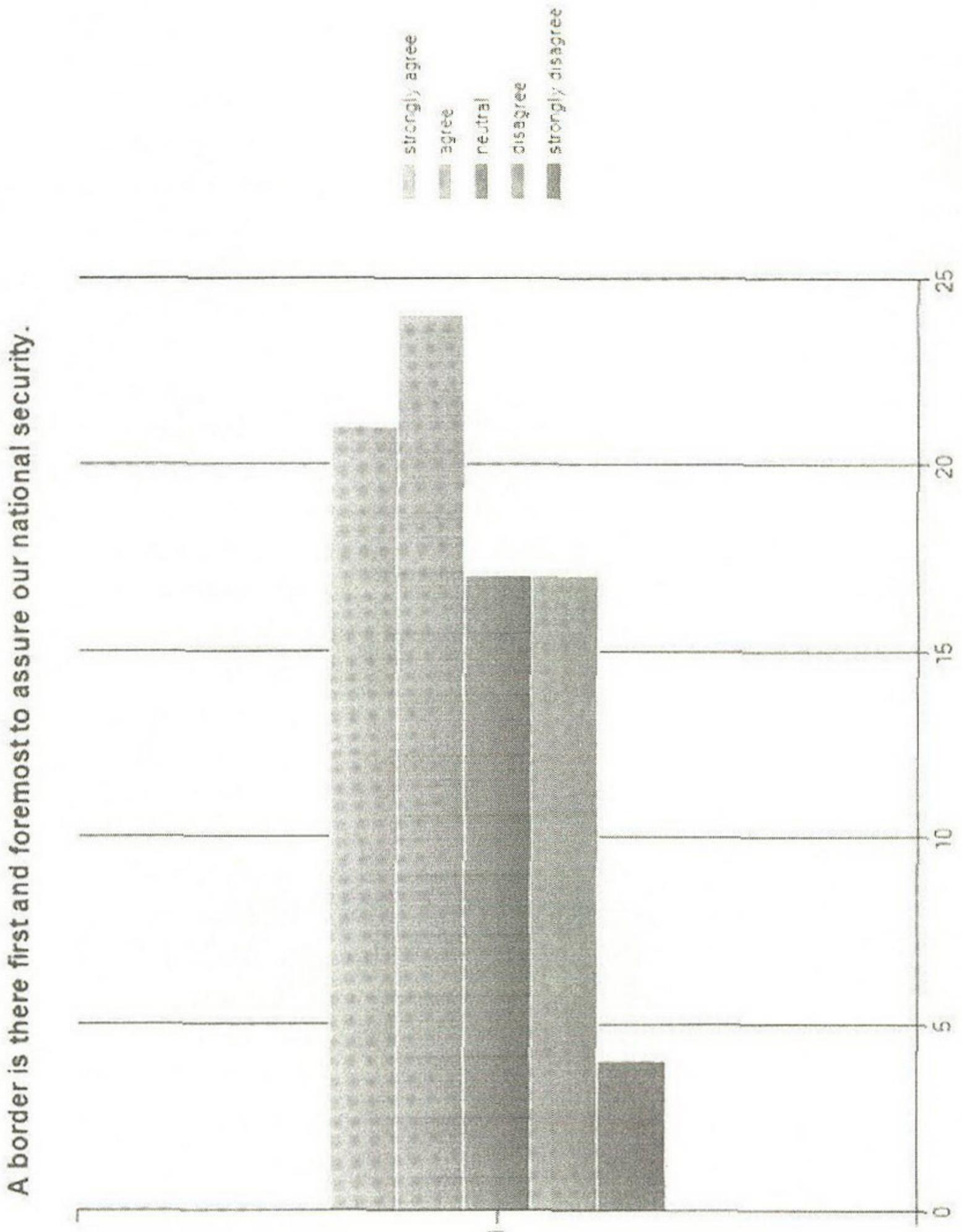
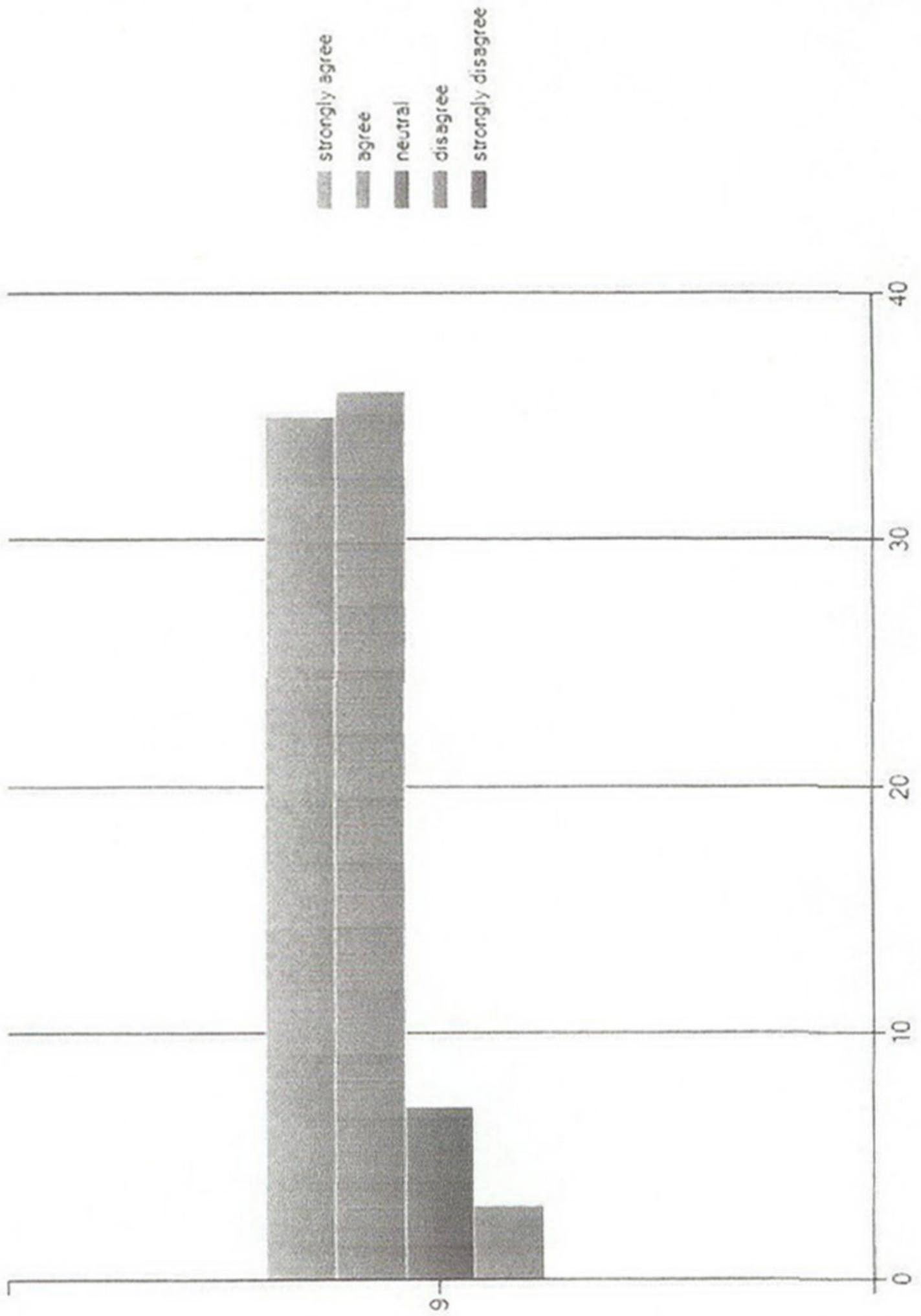


Figure 1b:

The border between the United States and Canada needs to balance sustained mobility with enhanced security.



Source: Survey of Border Stakeholders in the BC/WA cross-border region, summer, 2009. Victor Konrad and Border Policy Research Institute, Western Washington University.

Figure 2a:
 Border Stakeholder Responses to Identity Verification
 Questions

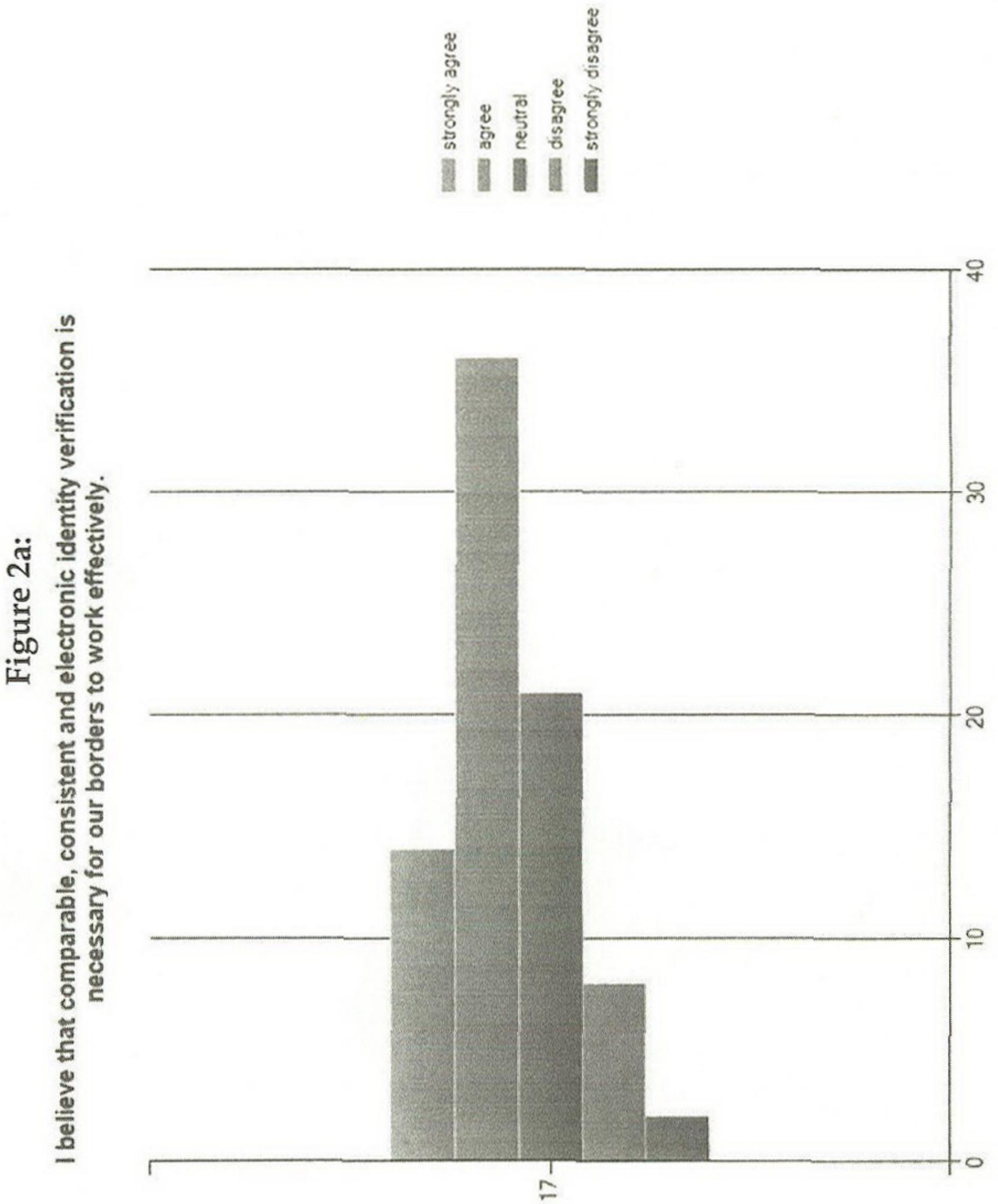


Figure 2b:
I believe that all Canadians and Americans should carry identity cards
when crossing the border.

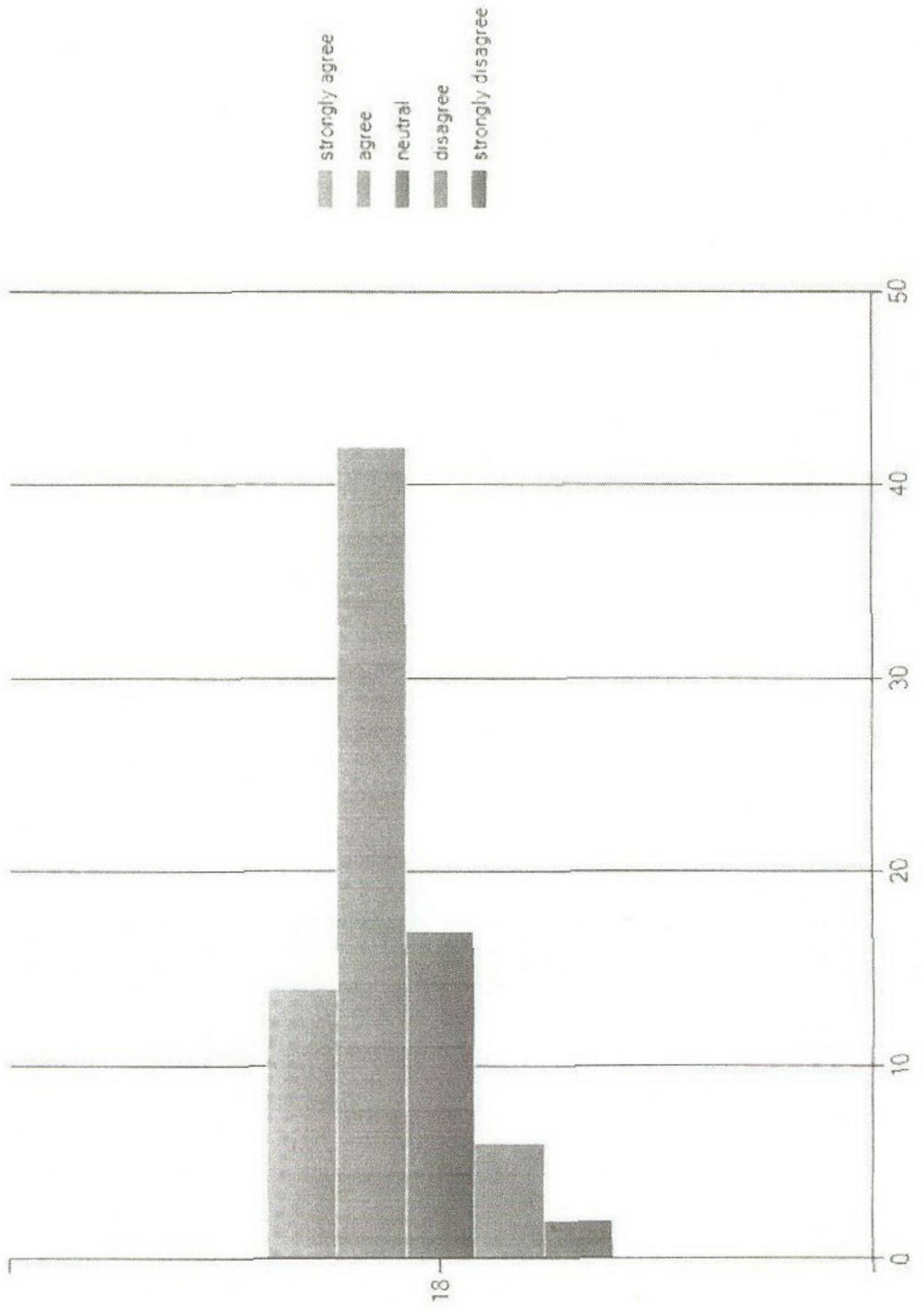


Figure 2c:

The Enhanced Drivers License (EDL) program for BC and WA is a good program to achieve identity verification at the border.

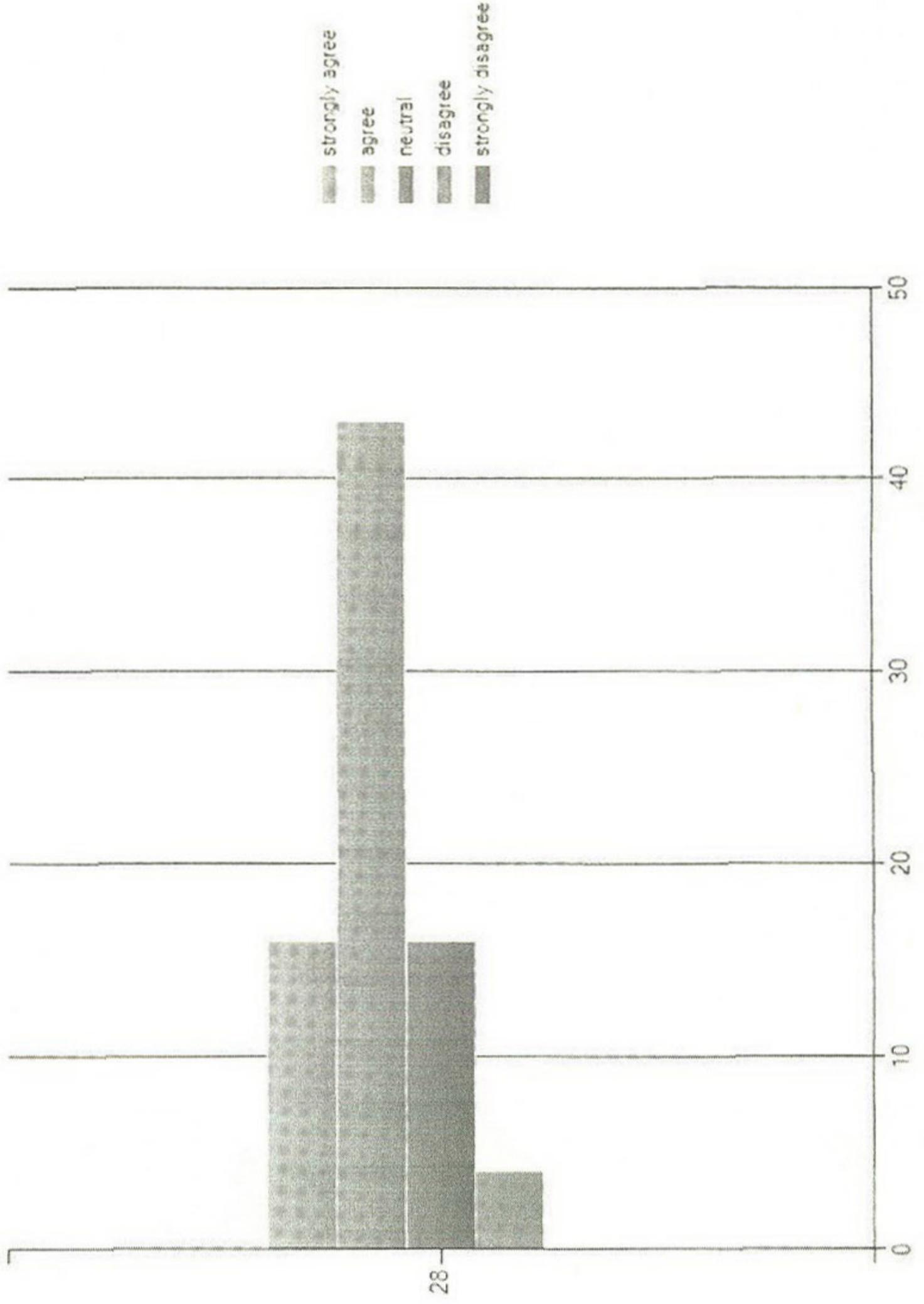
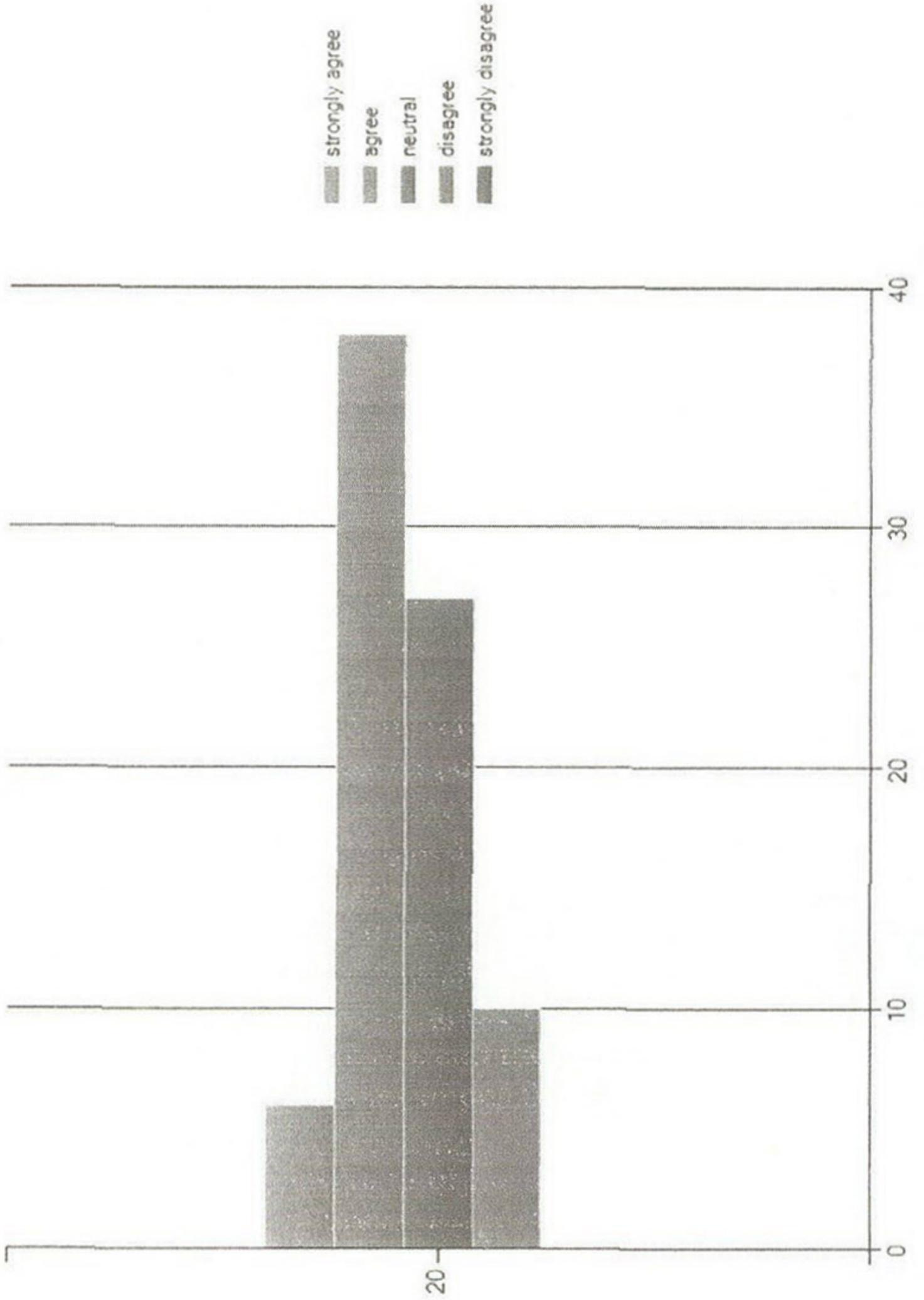


Figure 2d:
The Western Hemisphere Travel Initiative has enhanced identity verification at land and sea crossings between the U.S. and Canada.



Source: Survey of Border Stakeholders in the BC/WA cross-border region, summer, 2009. Victor Konrad and Border Policy Research Institute, Western Washington University.

So, why passports? As we discuss in this paper, particularly with reference to the new WHTI, it will become clear that the problem reflects the requirement that the state return as an actor in Canada-U.S. relations, for the state must be the guarantor for the individual. Moreover, it reflects the transformation of the passport as a document which makes a claim to sovereignty and identity for the individual, to a document of mobilization and regulation. Indeed, Salter details this transformation, and suggests that at its core, the passport is a request by one sovereign to another to aid and protect a nationally identified bearer. But, he observes that today the passport has also become the primary document by which individuals are identified, tracked and regulated when they become mobile. The passport is now intended to identify each individual traveler, to indicate his country of origin and thus the state to which he can be deported.⁴⁴

Even as the border has been transformed from a customs border to a securitized border in the war on terror, so the changing role for the passport reflects a changing American, and perhaps even global, comfort level with heightened mobility, diversity and global flows of goods, peoples and services which are currently so normative within the world economy in general, and the North American continental economy in particular. This discomfort is perplexing given the highly mobile state of continental economies and the dependency of the individual state upon a broader global economy. It raises the question of why and in what way the Canada-U.S. relationship has changed so fundamentally within a few short years that the "request by one sovereign nation..." has become a required part of the travel experience. Thus, the identification which was once acceptable for travel at the provincial, state and regional level is no longer sufficient. It cannot support the claim to citizenship and identity. The guarantee of the state is now a necessity. The problem is, however, that about half of Canadians, and 70 per cent of Americans cannot comply if they were obligated to cross the border today, at any land crossing, sea crossing, or airport.

Addressing why and how has the Canada-U.S. relationship changed so fundamentally in a few short years, the most influential force must be the new Western Hemisphere Travel Initiative (WHTI). Before the WHTI, and indeed before 9/11, crossing the Canada-US border had been a relatively routine activity, and cross-border travel was relatively spontaneous. Anxieties usually

concerned transportation of goods across the border. At no time, however, did Americans and Canadians have any reason to fear that they might not return home, or not be allowed to cross if they could prove essentially who they were.

Not any longer. Although extraordinary rendition is just that—extraordinary—it remains difficult for some individuals to return to their country of origin without standardized documents. The issue is not so much what you bought, but where you live, where you came from and where you belong in an increasingly globalized and international society. This has implications not just for travelers, but for those situated along the borderlands. Drache observes, for example, that until the post 9/11 security era, Canadians did not think much about the border they shared with the U.S. Public authorities showed little concern and there was really no compelling reason to think about the border as a significant dividing line.⁴⁵ Today, however, the discontinuity of previously “common edges” halts the movement of people, in ways it did not in the past.

Indeed, the common edges of Canada and the United States can still be recalled by those Canadians and Americans who lived along the border in the 20th century. The edges were blurred even as Canadians and Americans proudly displayed the symbols of their nationhood on their respective sides of the border. The border was something with which borderlanders had grown up. The crossings were often quite fluid, and were as much for cultural and recreational purposes as for economic ones. There was little interference on either side.

Still for others, the border was part of the economic landscape and was regularly crossed for formal and informal marketing of goods on either side. Border officers were familiar with those who crossed, particularly in the smaller regional crossings, where much of the local exchanges took place. With NAFTA and ever-increasing flows of commercial traffic, and with the current security situation where new hiring of guards is unprecedented on both sides of the border, this familiarity and ease of identification no longer prevail.

Of course, ease of identification was never possible at the larger border crossings, yet the operation of these borders remained smooth. The rules were clear and the customs and immigration oversight operated efficiently, particularly for Canadians, who made the crossing more frequently than Americans. The American cross-border population is inherently smaller. U.S. officials estimate, for ex-

ample, that only about two percent of Americans use 48 per cent of border crossings.⁴⁶ This is a much smaller “interest group”, as U.S. Homeland Security officials call it. Yet a clear majority of Canadians live within one hundred miles of the Canada-U.S. border, meaning that the WHTI has different implications on each side. For the U.S., two percent of the population being inconvenienced is seen as an acceptable risk.

It is here that the aforementioned differences in approaches to security, between Canada and the United States, are important and in a sense exacerbate the disconformities promoted by the WHTI. Thus, as national security is tantamount, and is conflated with anti-terrorism, those who disagree and demand greater ease of mobility will be considered unpatriotic or promoting insecurity. For Americans, political authority is vested in the federal government, particularly respecting national security issues, and the federal government undertakes all dealings with foreign powers. Regionalized border interests matter less to a nation concerned with terrorism and obsessed with security. Compounding this, the Department of Homeland Security has nearly complete jurisdiction over security matters and is not particularly concerned with regional interests in the face of national ones. Consequently, borderlanders become problematic in this new regime of security imperative. Borderland stakeholders are not seen as a group whose interests should be protected by any relaxation of security measures. In contrast, the Canadian government operates with a more flexible approach, which recognizes the special relationship and the nature of the borderlands themselves. Canada is after all a borderland country, with most of the population living close to the boundary with the United States. Canada sees the U.S. implementation of the WHTI and other measures as a test of sovereignty, and an exercise in “dumb security.” Such approaches are simply incompatible, and the Canadian position seems often to be perceived by the Department of Homeland Security as incompatible with the WHTI.

The result of the WHTI, and the previously-discussed “supplanting” of all but terrorist-related security, as Waugh suggested, is a product of the monumental structural changes which have occurred within the U.S. Government itself—with the creation of the Department of Homeland Security. While it is true that border management regimes had been moving towards high technology surveillance equipment even before 9/11, since then the process has

become expedited substantially.⁴⁷ Indeed, given the nature of transnational cooperation achieved just prior to 9/11, with respect to the Canada-U.S. border, it is clear that the construction of great differences in definition of security and border management have more or less post-dated this event. At the same time, the restructuring of U.S. federal governmental organization to facilitate the emergence of Homeland Security was a very important contributing aspect.

Some of the incentive for this restructuring is indeed power and money. Terrorism, security and other discourses are supplemental to the appropriations of DHS. Indeed, DHS has chosen to play the political game to secure budget appropriations and to win political favor. In doing so, DHS has set the terms for border management. The many identifiable "threats" it raises are useful cards to play as the Department becomes a strong competitor for domestic funding. Increased appropriations are indeed a measure of departmental prestige. In this sense, it is ultimately a department whose mandate is focused upon linking domestic discourses of terror and domestic political landscapes of influence. In this sense, domestic and international boundaries and departmental structures are important while, with stalwart security interests firmly at the helm, the hard lines between domestic and foreign policies have become blurred in the U.S. government's approach to border management. And it is DHS, more than any other department, which is involved in the construction and hard-wiring of borders. Its political mandate is specific and focused upon the concept of "securing the homeland" above all other political mandates. But its more extensive goal is to ensure the broader application of U.S.-style standards and the legitimacy of U.S. concerns in continental if not global contexts. Regardless of any other qualification, it is clear in this sense that the landscape of border management and enforcement practices in North America cannot be understood without reference to the landscape of domestic politics within the United States.

Yet DHS is not the only force behind altered border management. The Western Hemisphere Travel Initiative was passed into law in 2004, although it has been implemented in stages in certain areas. North Americans are warned that their documentation must be "compliant" with this U.S. law, which lays claim to establishing standards for the "Western Hemisphere." The question is in determining what is compliant documentation, and this is where contestation has occurred. Both in terms of international governments,

like Canada, and regions or states, like New York or Washington, there has been considerable pressure to make the implementation of the WHTI as gradual as possible, as reasonable as possible in terms of determining the nature of suitable identification for land border-crossers, and as easy to secure as possible.

Table 1 presents the previous requirements for Canadian documentation entering the U.S., but it does not indicate that in the summer of 2009, the only valid identification became a passport, passport card or other WHTI-compliant document like an enhanced driver's license. The road to WHTI-compliant documentation at the Canada-U.S. border has been fraught with delays and resistance. Much debate and discussion about increased border security ensued after the events of 9/11. This led to the rapid formulation and passage of the WHTI, the plan for implementation of the Intelligence Reform and Terrorism Prevention Act. This Act's intention was, and remains, to identify and intercept terrorists as they travel to and from the United States. The National Commission on Terrorist Attacks was responsible for the identification of new measures for border management, and these were subsequently incorporated into the same Act. The Act authorizes the WHTI and provides for many of these recommendations.

It is also the Intelligence Reform and Terrorism Prevention Act which identifies the role of the Department of Homeland Security and the State Department, within the WHTI and the anti-terrorism initiative, as well as the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT Program). The latter is a program which uses U.S. designed systems specifically developed to store traveler arrival and departure information, and to store data on foreign nations that receive or request U.S. benefits. This same national data base is also designed to interact with broader interagency data to detect criminals, terrorists, and exchange student visa information. It also stores information on the validity of each individual's visa status.⁴⁸

One of the most contentious issues of the WHTI, however, remains the issue of passport controls between Canada and the U.S. Canadians have been more reticent about implementing the changing security agenda, and more resistant to the passport requirement even though at the time the WHTI was implemented proportionately more Canadians than Americans actually held passports. Meanwhile, despite Canadian protests, American policymakers

argue that the passport initiative under the WHTI is the “way forward.”⁴⁹

**Table 1:
Documents Required by the WHTI for Canadians
Undertaking a Land Border Crossing**

(Source: Department of Homeland Security website *Crossing US Borders*), <http://www.dhs.gov/xtrvlsec/crossingborders/#0>. Accessed October 19, 2008.

Land/Sea Travel

- **Canadian Citizens.** Beginning January 31, 2008, the United States will end the practice of accepting oral declarations of citizenship at the border.
 - **Canadian citizens ages 19 and older** must present documentation that proves both identity and citizenship. Identification documents must include a photo, name and date of birth.
 - **Children ages 18 and under** will only be required to present proof of citizenship, such as a birth certificate.

US-VISIT biometric procedures may apply to some Canadian citizens.

Yet even in the U.S., standardization of documentation and passport issuance has proven to be a more onerous task and more fraught with delay than originally conceived. This logistical effort is an issue to which we will return. Given these circumstances, it is not surprising that traveler documentation has become an important political issue. On the one hand, the demands of modern security require clear, accurate and easily verifiable documentation to match scanning regimes and continental economy flows. On the other hand, the very fact of modern technology means that such documentation requirements can be increasingly invasive. Such ar-

guments are well known. However, what complicates this picture is that the passport, the documentation which the WHTI has increasingly targeted as the most suitable for cross-border purposes, is itself a document of identification which can certify the identity of the bearer with regard to other official documents as well as certify the international status of the bearer. Yet, passports provide little additional information, except perhaps a biometric identifier. "The unique identity of the individual is illustrated by a unique face and likened to a unique passport number."⁵⁰

Part of the new thrust for security, therefore, consists of linking these passports to other data bases which can identify the potential "threat" of each traveler. And yet to do so, the documents must be standardized in a format which is machine readable, and can interface with other data sets. However, in addition to the requirement of passports under the WHTI, it is important to understand that the passport itself has undergone change, to make it potentially more secure and reliable. The United States now requires what are known as Machine Readable Passports (MPRs) of visitors from most of its Visa-Waiver Program countries, which includes much of North America and Western Europe.

Thus, the examination process as well as the documentation standards have become increasingly onerous at the border. The American examination process, for example, involves the scanning of each individual passport, and the checking of the passport number and identity of its bearer. This information is compared to the list of lost or stolen passports and lists of individuals deemed dangerous. But equally important to this process is the fact that in undertaking the passport check, "each individual becomes associated with a unique number for corroboration of information across data bases. The American system of passport issuance entails a system of examination by a government official that correlates the documentary trace of the individual to the passport."⁵¹

So what was originally a quick process, the primary examination of travelers at the border, is currently taking longer periods of time. Normally the examination process has required between 30 and 120 seconds. It is at this point that the traveler is assessed as to potential risk. But increasingly, it has become difficult to assess this threat, since passport holders might possess appropriate documentation but have ulterior motives. Scanning passports and routine security checks do not pre-empt the process of profiling along the Canada-U.S. border. Assessment of those who might not be deemed

suitable at first pass is then undertaken by a more experienced officer examining the documents more closely and questioning the individual. This process may significantly delay crossing, and even be related to small issues which would not normally detain a traveler. The force has recently expanded, and new guards are often not familiar with some routine cases.

On the Canadian border, as compared with the Mexican border, the appearance of authority seems less omnipresent, yet new and enhanced border agreements and security accords authorized by Congress and delivered by a new and reorganized agency with a focus on total homeland security, mean that a similar process takes effect along the entire boundary of the United States. Indeed, security is increasingly highlighted. Data sharing and border guards with guns are hallmarks of U.S. hegemony in defining border security protocols. Yet they also are found, increasingly, on the Canadian side of the border. Given this situation, it may not be surprising that, while at the very highest levels Canadians and Americans agree about international events and initiatives, at the level of security implementation the fissures have developed, and the relationship has at times become strained. American security protocols have become hegemonic. While Canadians are likely to cooperate, they are not necessarily in agreement about the necessity for, and effectiveness of, heavy-handed security measures.

While in previous decades the degree of economic integration and the context of trade liberalization under NAFTA had made security a moot point, today NAFTA itself is coming under fire. The strength of the transnational economic relationship wavers as many of the continental commodity chains are challenged by securitization coupled with economic crisis and the fluctuating Canadian dollar. The robustness of the continental economy has clearly been diminished by the series of political and economic "hits" it has taken since 2001. Abelson and Wood suggest that the passport issue looms large because American policymakers have reduced the cross-border relationship to a trade-security equation, which is far too simplified given the historical and economic complexity of the relationship. They note that on Capitol Hill, policymakers and members of the Administration "all engage in an exercise aimed at examining new ways to ensure the safety, security and integrity of borders", stimulating a "far-reaching debate on border security, on the economic impact of any new measures aimed at securing the border, on the

use of new technologies, and on the notion of smart borders” which eventually led to the Intelligence Reform and Terrorism Prevention Act and the WHTI.⁵² Indeed, it would be safe to say that the WHTI actually emerged out of the U.S. Intelligence Reform and Terrorism Prevention Act. Moreover, the implementation of passport compliance for air travel is now a moot point: it was implemented fairly successfully because most of the air travelers, primarily business travelers and seasoned tourism destination travelers, already held the required passports. Yet passport compliance at the land border between the U.S. and Canada remains an issue, as does the nature of passport compliance when combined with new technologies to render passport cards the latest innovation in WHTI compliance. The issue prevails because travel is down, especially spontaneous travel. It is easy to point to the WHTI as the simple cause of the problem, although in reality knowledgeable border stakeholders point to a variety of contributing factors related to identity verification. This includes documentation confusion, uncertainty about crossing, wait times, rigid and authoritarian examination, as well as a host of economic and travel pattern changes. Passport cards have been challenged as invasive of privacy because of the nature of embedded chips which allow remote tracking of citizens regardless as to where and when they have “swiped” their card. And, for all of these changes, both real and perceived, the WHTI has become a lightning rod for reaction, complaint and resistance.

PUTTING PASSPORTS IN HANDS

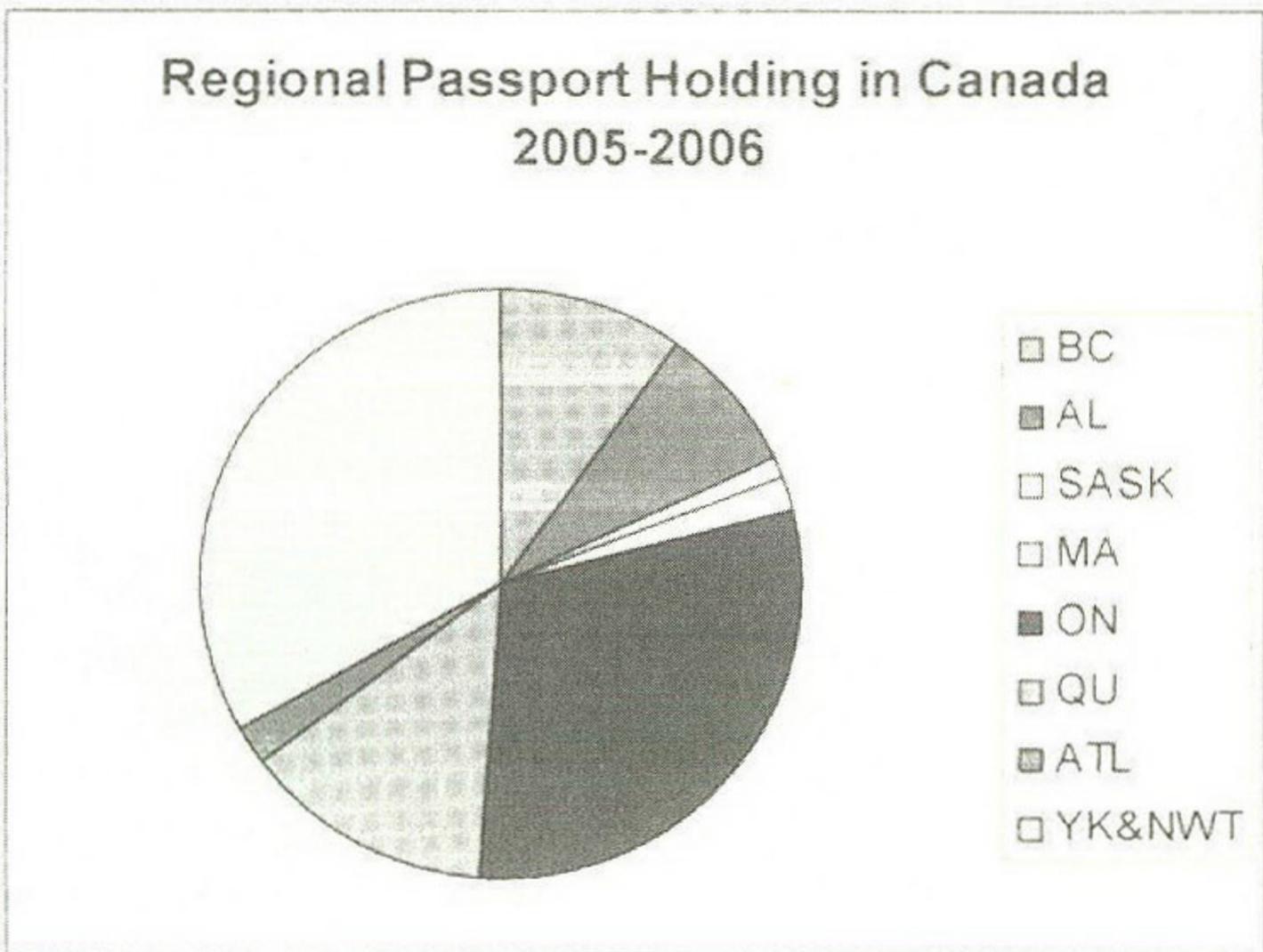
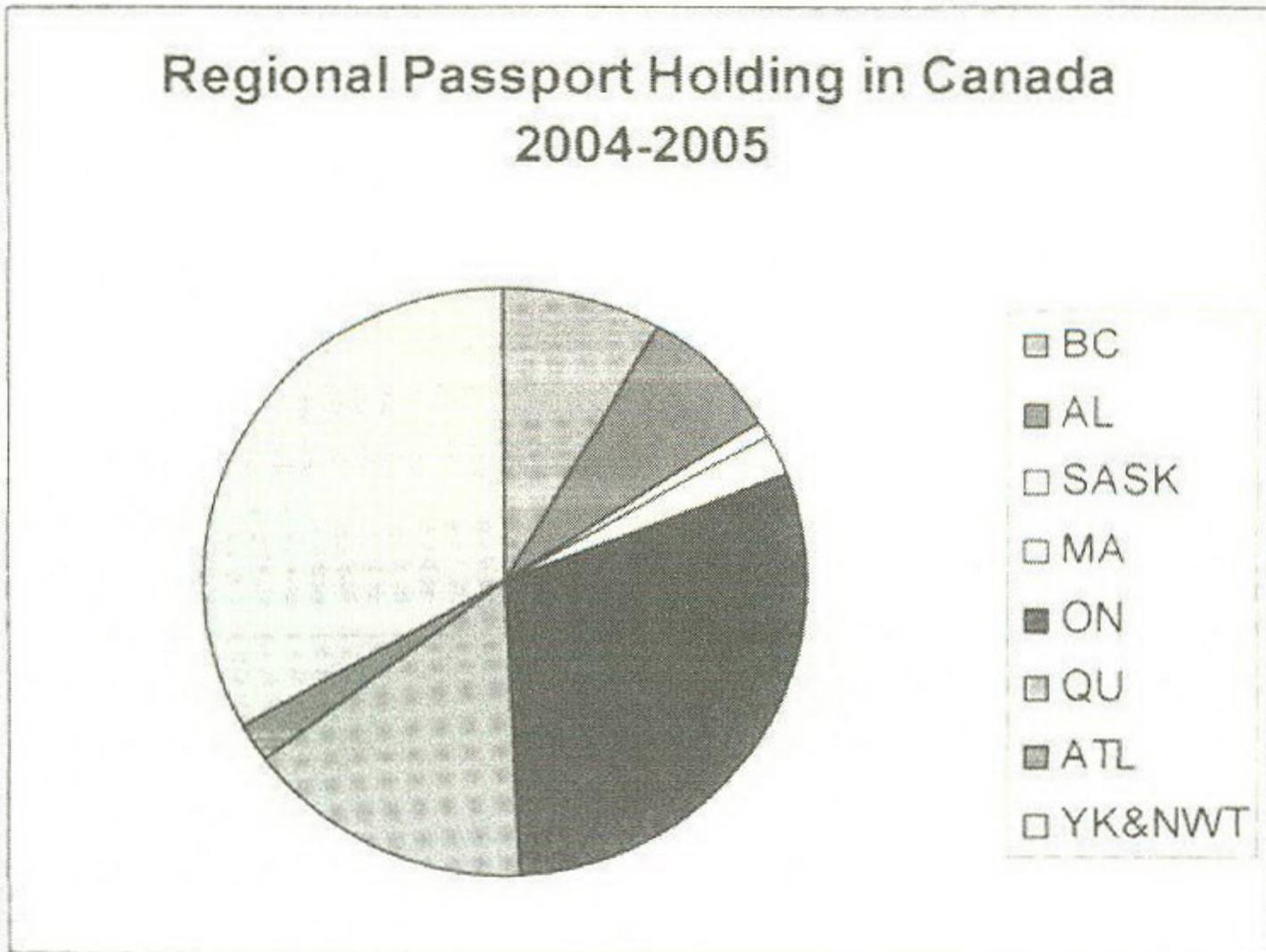
The problem of getting passports into Canadian and American hands in a timely fashion has proven to be one of the weaknesses of the WHTI program. Both American and Canadian authorities have attempted to expedite the passport issuance process. For example, in 2006 the U.S. Department of State indicated that in preparation for the 2006 fiscal year it issued a record 12.1 million American passports.⁵³ In the following year, however, an additional 16 million were issued—a 25 per cent increase in numbers. If those numbers are added to the 71 million Americans who possessed passports in the fall of 2006, it would seem that only about 100 million, or just over 30 per cent of Americans, are passport holders.⁵⁴ By the end of 2007, however, the U.S. State Department indicated that it was having trouble meeting the demand. It stated that “over 74 million Americans now have passports, and over one million more get pass-

ports every month.”⁵⁵ That still constitutes only about one-third of Americans.

Passport holders in the United States are mainly business travelers and well-off tourists, often holding passports for travel outside North America. Even in this heightened era of security and standardized documentation the issuance of passports in the United States remains a much decentralized process. In the U.S., issuing agencies range from private contracted agencies online, like Passport Now, to local clerks’ offices where passport applicants are originally processed. Indeed, there are over 8,000 passport acceptance facilities in the U.S., as well as thirteen regional passport offices that accept passport applications on behalf of the federal government. And while, ultimately, it is the State Department which must authorize all passports, a process which has put considerable pressure on this Department, there has also been pressure on local levels of governance. For example, to comply with new rules, some jurisdictions have had to relocate passport offices to comply with Homeland Security regulations that prohibit the housing of passport applications and birth certificates in the same facilities. This has necessitated staff retraining and redeployment.

Has there also been difficulty in issuing the requisite passports in Canada, given the higher numbers of Canadians who normally cross the Canada-U.S. border by land? Corresponding pressure has been placed on the passport-issuing agencies of the Canadian Government. For example, in 2003, approximately 30 per cent of Canadians held passports. Between 2002 and 2003, 2,290,281 Canadian passports and similar travel documents were issued—a 13% increase. Of these, 30,000 were business passports and 6,000 were refugee travel documents.⁵⁶ In Canada there are three nation-wide agencies which receive passport applications: Passport Canada, Canada Post and Service Canada. While Passport Canada is the most direct venue to this service, other agencies may supplement the service. But in July 2007, as the rush for passports was in full swing, Passport Canada announced that the passport issuance process had become financially draining, making reconsideration of the existing federal budget allocations a necessity. The same department reported that by the end of 2006, over 39 per cent of Canadians had passports. Projecting from the numbers processed in 2007, approximately 50 per cent of Canadians now hold passports⁵⁷ (see also Figure 3).

**Figure 3:
Regional patterns in Canadian Passport Holding
(2003-2006)**



Source: *Annual Reports, Passport Canada, 2005-2006*, http://www.passportcanada.gc.ca/publications/pdfs/ar_05_e.pdf. Accessed March 15, 2007.

While equivalent data in the U.S. are lacking, it is clear from Passport Canada's annual reports that there is a strong regional dimension to passport issuance. Figure 3 indicates the regional patterns of passport holdings in Canada. It is clear from these statistics that Ontario remained the leader in passports in 2003, and that Ontario and Quebec retained their lead through to the end of 2006, if not beyond. These findings are not necessarily unexpected, as the Central Canadian region, the industrial heartland, is where most crossings take place, and where there is the highest pressure in infrastructure and human resources involved in expediting land-border crossings. As Canadians and Americans approach the ultimate deadline for passports, they are also choosing alternatives such as the enhanced driver's licenses now being implemented in an increasing number of states and provinces close to the border. Also, in Central Canada, and similarly across the continent, some Canadians are crossing the land border and flying from American cities rather than from major airports in Toronto, Montreal, and Vancouver. This pattern has indeed seen major, sustained increases in air traffic throughout 2009, from airports in locations such as Bellingham, WA, Detroit, MI, Buffalo and Syracuse, NY, and Burlington, VT. These observations suggest that development of a highly regionalized, specialized and hierarchical pattern of cross-border interaction may be an unintended consequence of the WHTI.

IMPACTS OF THE WHTI

The WHTI in and of itself might not have constituted a real problem for Canadians and Mexicans, were it not for the simple fact that it was dropped into place quickly and unilaterally by the U.S. administration against the backdrop of continental cooperation and NAFTA. As such it ran against the grain of pre-9/11 transnational cooperation. Many Canadians began to see the WHTI and its passport compliance law as a symbolic gesture by the United States to develop extra-territorial legislation to control Canadians. Canadians could have accepted this if they had not enjoyed a special status crossing the border for over a century. As a result, some cross-border connections were so strongly developed that the disruption has imposed economic and personal hardship.

Exacerbating this is the real tendency for American security officials to dismiss such concerns as inconsistent with and secondary to the primary mandate of American security. American security

officials have difficulty accepting Canada's reluctance to comply, branding Canada as insensitive and suggesting that it is really U.S. sovereignty which is being challenged. In some ways the WHTI has revoked the special relationship enjoyed between Canada and the U.S., certainly as far as mid-level negotiations are concerned.

Still, the Canadian Border Agency, the Treasury Board and Passport Canada all find themselves involved in adjusting to the new reality of WHTI-compliant borders. Since the components of the WHTI are organized around the development of verifiable identity documents and maintain data sets that effectively track travel activities across borders, these Canadian agencies, like their American counterparts, are also reliant on the application and expansion of technologies. The development of technology is essential in reducing the variability of individual documents through standardization, reading these documents using scanning equipment which interfaces with larger data sets, and encoding the new information for future security needs. To date, many new technology applications have been developed and applied at a series of border crossings, from preauthorized traveller technologies to facilitate NEXUS, to screening for radioactive materials at larger border crossings.

Perhaps one of the most important issues surrounding the implementation of the WHTI, however, is its potential for economic disruption—particularly as the global recession has affected the Canadian and American economies. How will the WHTI affect tourism, cross-border shopping or spontaneous visits in the borderlands? It is very likely that the impact of the new security regime will prove greatest in these cross-border regions. Indeed, the new security regime is cited as the primary reason why several thousand individuals have already been identified and arrested based upon the US-VISIT program technologies and cross-border screening processes. Abelson and Wood suggest that the WHTI's impact on tourism and cross-border travel may reduce current levels of transnational activities as much as 5 per cent. The greatest impacts will likely occur in Canada.⁵⁸ The evidence provided previously for the Pacific Northwest borderlands supports this view, and other regional assessments underway may confirm similar patterns as those identified for the Cascade Gateway.

For Americans, who set the terms of the land-border crossing regime, this is an acceptable level of risk to economic activities. But Canadians are concerned. While comparatively few Americans

cross into Canada each year, the impact of reductions in crossings is significant for Canadians. This raises the issue of the discrepancy between individual and national security experiences. At the local level where security costs become translated into regional economic losses, the costs are unacceptable. At the national level, however, the costs are considered acceptable for the greater good. Similarly, the costs of American security to Canadians are carried by those who have no access to the security debate.

Moreover, security functions only if systems run smoothly, and there is little recourse for the effects of inefficiencies and delays. Experts suggest that border crossings will run smoothly with new technologies and new systems, and yet there are constant delays and increasing border wait times. In some cases, such as an electricity failure, delays can reach up to five hours when border technologies go down. There is a tremendous potential for border breakdown when documentation standards are not met. Recent research to identify "breaking points" in border policies and management practices in the Pacific Northwest has revealed that systems of infrastructure, regulation, criminal activity detection, and identity verification, are all under stress with changes and strains brought about by the new regime of security enhancement. The result is that these breaking points disrupt the interrelated border systems in often unpredictable ways and with costly consequences.⁵⁹

Borderlands are at risk in this scenario, since these transnational spaces exist as relatively coherent cross-border regions which have facilitated cooperation in the deepening and widening of securitization in the wake of 9/11. The basis for this cooperation has been, however, the historical connection which was possible through seamless border-crossings and shared regional interests, economies and cultures. Emergency vehicles crossed frequently to assist on the other side of the borderline, families were positioned on both sides of the border, and business catered to both U.S. and Canadian customers. Thus, the combined force of the products of security proliferation, and the process of securitization itself may prove to have an overwhelming and dominant role in the erosion of cooperation as formal treaties proliferate, and informal cooperation lessens.

It would be appropriate, then, to conclude that the WHTI has had a profound impact upon the Canada-U.S. borderlands, not only because it has changed the requirements for entry to the

United States through land crossings with economic consequences, but also because it has changed the tenor of Canada-U.S. relations and has dampened the transnational interaction. Trust has been replaced by an effort to find the one person who might pose a risk, a virtual "needle in the haystack."⁶⁰ In effect, the WHTI shifts attention from the haystack to the needle. In times of economic hardship, as the continental economy begins to lag, one wonders what would have happened to current fiscal crisis if all eyes had remained on the haystack. Abelson and Wood note that:

Officials at the Department of Homeland Security, US-VISIT, and other agencies involved in coordinating the implementation of the WHTI understand that identifying and intercepting terrorists, drug smugglers, and other lawbreakers is akin to locating a needle in a haystack. With more than 400 million people entering the United States each year through land border crossings, they remain committed to the notion of having the human resources, the technology, and the authority to reduce the size of the haystack.⁶¹

PASSPORTS INTO CREDIT CARDS?

There are serious implications for the changes in passport compliance which reverberate within discussion and reaction to the WHTI. Even though the regulations have been fully implemented only recently, the effects have already become evident. Whereas before 9/11 there was in effect a cross-border spirit of co-operation and connection, what might even be characterized as a cross-border culture,⁶² since 9/11 it is apparent that different levels of citizenship, defined on entirely different premises of allegiance and efficacy, are now in place in the borderlands. Sparke has suggest that NEXUS, along with other Smart Border programs "exemplify how a business class civil citizenship has been extended across transnational space at the very same time as economic liberalization and national securitization have curtailed citizenship for others."⁶³ Sparke argues that in order to understand how citizenship has been affected by securitization under neoliberalism, it is instructive to look at the Canada-U.S. border, where citizenship is being dismantled or disassembled. Business class rights have been reified and codified for rapid identification and entry at the border.

How is this possible? The governments of both Canada and the United States, and specifically their passport issuing agencies, have developed similar programs and benchmarks in their progress towards compliance with the WHTI. The goal for both countries is the same: effect passport compliance while suggesting that absolute compliance will make travel easier. Even as barriers are made higher, claims are made that they are coming down. Indeed, both governments have suggested that the passport is a mandate for a program in progress, and raise the possibility, or threat in the view of some stakeholders, that the eventual outcome may be a passport card. The card is proclaimed as the desirable identity/citizenship/travel document. A "forward looking" discourse portrays the card as an easier less invasive document, a feature which will enhance compliance. Both American and Canadian publics, and particularly civil rights advocates are not so sure.

Both the passport and the passport card can be accessed electronically, but there is a difference in the nature of the coding and the access to encoded data. We mentioned previously that such cards could be accessed without their bearers' knowledge, by remote processes. Moreover, Sparke suggests that the Passport Card is a formidable step towards defining and embracing neoliberal citizenship for those who comply with financial and socio-political requirements. Financial, legal, ethnic, social and personal identity information may be encoded in these strips. With this *tour de force*, travel could be easier for some, and extremely difficult for others, based upon credit ratings, felony and misdemeanor records, ethnic background and other seemingly benign characteristics. Indeed, we have noted elsewhere that:

This scenario may appear startling but there are indications that both countries are engaged in developing Passport Cards with 'advanced' identification capabilities. Such a card has been recommended by U.S. officials. Passport Canada provides a view towards evolving policy direction in the titles of its annual reports... From NAFTA driven imperatives of 'The Road Taken' and 'Moving Ahead' to the post 9/11 'Heightened Vigilance' and 'Enhanced Security' and more recently 'Toward a New Reality', 'Laying a Foundation' and 'Success Through Partnerships' the titles of the annual reports convey a growing realization of the security imperative

followed by, first, the acceptance of passport compliance, and then the recognition of the potential for advanced identity documentation.⁶⁴

There is a very real question, however, as to whether these efforts towards cooperation in the area of standardization of documentation will actually resuscitate the spirit of cross-border cooperation which it has replaced. We have identified fears that the new passport initiative will indeed create a class of mobile versus immobile citizens based upon criteria related to broader issues than proof of citizenship. So, while the fear with the enhanced driver's license is the sharing of data bases and its propensity to encourage a North American security imperative which is not controlled by the Canadian state, the fear surrounding passport cards is that the data which they contain may be accessed remotely, invading privacy, and/or it may be used to incorporate such issues as credit ratings and ideological affiliation or ethnicity with ease of crossing.

Ultimately, these questions raise the issue of understanding the bordering effects of new technologies which go beyond the simple issue of security at border crossings. On one hand, it would not be far-fetched to suggest that the passport compliance issue raised by the WHTI is fostering increasing co-operation on both sides of the border, while on the other hand there is evidence to suggest that the new technologies may have a negative impact on the remarkable cross-border cooperation, and, indeed, transnational culture which before 9/11 characterized the borderlands and the borderline. Perhaps the answer depends upon how we understand the relationship between passports, citizenship and borderlands, in terms of its impact on nationalism and neo-nationalism.

Fundamentally, we need to ask which citizenships are to be desired or even required when crossing the Canada-U.S. border. The WHTI, and American security initiatives in general, point to the desirability of using American documentation. For example, for a Canadian citizen who holds American documentation, such as a Permanent Resident Card, this is the identification of choice, rather than a Canadian document. The U.S. interest is in placing citizens within a broader document base. By ensuring U.S. documentation standards are met, this process is facilitated. For Canadians without status in the U.S., the issue is limited to identification verification, but for those with dual citizenship, permanent resident status, or other similar status, U.S. documents are required. While this may

seem like a benign process, and perfectly in line with U.S. identity verification interests, the process has eroding effects on the status of documents issued by other sovereign nations. Furthermore, it underscores U.S. hegemony and it reduces the transnational levelling effect of multiple citizenship affiliation in a rapidly globalizing world. American citizens become more American, and other citizens become more "other", as resistant blocks of statist and nationalist identity prevail amidst currents of global flows of trade, communication, information, and all forms of popular culture. Yet these citizenships, whether American, Canadian or most others, are wired together electronically, connected but distinct in a binary logic dictated by the technology. Hand-written passports from previous eras and from countries not yet engaged by the identity verification technology are rejected, regardless of the sovereign status of the issuing country.

While the issue of standardization of documentation is being taken as a right in U.S. policy circles, and its consequences of increased security for Americans touted and accepted by most, there is a broader issue at stake. It speaks to a critical change which has now come to play in the orientation of the Canada-U.S. relationship. The reason why, Salter suggests, has to do with the fact that a passport has now become a device to link travelers to foreign policy.

Indeed, the passport serves as a modern heuristic device which serves to link individuals to foreign policy, and according to which government agents classify travelers as safe or dangerous, desirable or undesirable, according to national, social and political narratives. The distinction between desirable/undesirable and safe/dangerous or low-risk/high-risk is linked to the status of the visitor: permanent migrants or settlers are categorized according to desirability; temporary visitors are categorized according to risk.⁶⁵

Thus, it has become almost impossible under the current passport regime to make a judgement about the risk or desirability of the individual without making a corresponding judgement about the guarantor state itself.

In the final analysis, however, the effects of this security regime are not going to be externalized. That is to say, it is not going to be those "out there" wanting to come in that are most affected. Neither will it be new Canadians or new Americans. The new security regimes represent more than simple responses to security issues. They represent a rethinking of the basis of national identity.

And it is not just American national identity, for through a series of agreements and cooperation initiatives Canadians are bound by these standards. This is indeed another example of hegemony—for better or worse. The issue is not simply that the U.S. has the right to demand documentation. Of course it does. But it is the implementation of these standards on other nations and the retreat from recognition of the role of the passport itself which creates the problem. Today Canadians find themselves under increasing pressure to make these accommodations. Border crossers' identity, background, and intentions increasingly matter more than the survival of a long-standing and mutually beneficial cross-border relationship. As the collective political eye has turned away from protecting and supporting the continental economy, and as hard times come, there is less and less resiliency in the borderlands economy. Plant closures, currency crashes and the end of the world's largest trade relationship have all occurred in the immediate past. Indeed, cross-border economic cooperation seems a thing of the past. But is it?

After 9/11, border management shifted to identification at entry, to proving not so much what you bought and where you lived, but where you came from and where you belonged in an increasingly globalized and international society. Daniel Drache has described this essential change, arguing that:

Until September 11, 2001, Canadians had not thought very much or very hard about the long border they share with the U.S. Nor had public authorities shown significant concern. There was no compelling imperative to contemplate it, particularly in this global age. Ideas passed through it, money poured over it and millions of people crossed it each year. Post-September 11, the border has changed beyond recognition. It is everywhere and everything. Issues now include enhanced security, protection of privacy rights, who we want as citizens, how cross-border traffic can be expedited and how open the border should be to political refugees.⁶⁶

Indeed, it would seem in the final analysis that border-management relates to larger discourses and practices of borderlands culture and cross-border politics, as well as in the institutionalization of these processes in larger agencies and structures like NAFTA, foreign policies, or even, in post 9/11 America, the Department of Homeland Security. While these agencies and structures have

their own individual agendas, reflective of neoliberal and globalized dialogues, security and global patterns of terrorism (or discourses about their containment, like the WHTI), institutionalized border culture and politics are also reflective of how Canada-U.S. borderlands have evolved and how they have historically connected differences in national identities and practices.⁶⁷ This means that open borders in support of free trade and continental integration under the NAFTA, and the lack of a passport requirement for Canadians travelling to the U.S. in previous times, are indicative of larger historical relationships which have now been reassessed and revised in specific ways. The confidence of neoliberalism and NAFTA was steeped in the similarities between Canada and the U.S., and stressed continental linkages and continental economies. In the wake of 9/11, however, the saliency of the Canada-U.S. border has assumed a new meaning as a security frontier, and new high-tech capacities have been adopted to enforce the “anti-terrorism” line it has become. Fear of terrorist “sneak-ins”, immigration irregularities, and drugs has shouldered out the neoliberal connection that previously and almost exclusively defined the relationship. This being the case, borderland and cross-border connections may have lost their political currency as the regional gate-keepers of the Canada-U.S. relationship, a relationship which worked through the myriad of formal and informal interconnections, shared networks of business, friends, and kinship.

Today, a more formal security relationship has evolved in which “wiggle room” for the NAFTA or other forms of connection must be carefully negotiated and maintained with diligence, and with priority given to scrutiny, standardized documentation and, wherever possible, biometric data. Walters has dubbed this the phenomenon of “control borders”, and argues that it asserts a very different pressure on individual identities which must be met by technical proofs and data sets.⁶⁸ Standardized documentation has contributed to the “dividuation” of data sets, conflating individuals with specific data sets and exerting new control through technological applications which attempt to diminish the timely processes of securitization at the border. The new spaces of connection are viewed through technological lenses and transnational impulses filtered through securitized management practices. Risk is calculated, and entry achieved or denied for each individual. But because of the nature of calculation, and the requirement for standardization

of documentation (machine readable, for example) the norms established are American. And while all this seems relatively benign for Americans, it is a process which is often contested by neighboring states which do not require U.S.-style formatting. In this way, U.S. security needs have become hegemonic within the North American securitization process, and in this way the process of restructuring the borderlands has begun.

Is American hegemony justified? According to some, it is. For example, all countries have a right to impose immigration controls, and passport requirements are often a central part of the immigration control process. Moreover, there are many Americans, some of them academics and policy-makers, who firmly believe in total control. The threat of nuclear weapons being smuggled into the U.S., for example, concerns many Americans, as does the threat of biological warfare—as witnessed by 2001's anthrax attacks. At the same time, control is more effective when it is undertaken in a spirit of cooperation or bilateralism – hence how a series of pre-WHTI shared agreements such as the Shared Border Accord, CUSP, or Smart Border Accord were instrumental in garnering cooperation and shared implementation of border controls. The capture of Ahmed Ressam is a case in point.

CONCLUSIONS

Will the remarkable story of a cross-border relationship which took hundreds of years to develop⁶⁹ end with a decade of securitization? It is difficult to provide the answer to perhaps the most important question of all. However, it seems that the answer will need to incorporate extensive and detailed understanding of how borderlands regions have responded to such change, and indeed, whether transnational networks and linkages identified in this paper can offset the divisive pressure of securitization scenarios. The detailed research along the border, region by region, including intra-regional examinations of localities and cross-border communities, is underway, most prominently in the Pacific Northwest. As Downs and Sawchuck observe in their analysis of the contemporary cross-border regions, “the impact of the borderlands upon the Canada-U.S. border effect is under-explored. ...It is in Canada's borderland regions where trade and economic linkages with the U.S. are at their strongest. It is also where cross-border relationships and networks of various kinds first develop to a significant extent.”⁷⁰ The impera-

tive to understand these cross-border regions has never been more important for both Canadians and Americans.

Will there be passports for all? The answer is no. The reasons for this response vary from practical considerations such as the logistical difficulty of arming every Canadian and American with a passport, to the geographical and political realities of re-interpreting and revising regulations that ostensibly were designed to fit all Americans and all Canadians. First, all Americans and all Canadians do not choose to cross the border, or to leave their country. Most Americans, as always, will choose to stay home, and though passport acquisition may rise above 30 percent of the population as more retirees travel abroad, there is no indication that the percentage of Americans who hold passports will ever approach the Canadian level of over 50 percent. Canadians are different. They live in the borderlands, and they interact more with America across the border. This interaction may indeed increase as more Canadians retire, and for at least part of the year, seek winter sun and warmth. Yet the security emphasis at the boundary has curtailed spontaneous travel for both Canadians and their American neighbors at the border. This condition has led to compromises. NEXUS passes, Passport Cards and Enhanced Driver's Licenses have emerged to expedite identity verification and provide alternatives to carrying a passport. Also, as we have seen, one size does not fit all in the Canada-United States borderlands. Cross-border regional responses to the passport compliance issue have varied across the continent. Responses have been different as well at the various emerging corridors and gateways, with their relatively large traffic flows and unique congestion and wait time patterns. At some crossings, NEXUS works better and is more effectively utilized than at other crossings; some states and provinces are leading others with regard to the enrollment of EDLs; and Passport Cards are being utilized more at some POEs and not at others. Smaller POEs, and largely rural border areas may be experiencing different patterns but research on these smaller and more remote crossings is preliminary. In the final analysis, to understand the passport compliance pattern and the impact of identity verification strategies at the Canada-U.S. border, we need to comprehend the emerging, dynamic evolution of the post-9/11 borderlands, as a cross-continental system and concurrently as a set of cross-border regions.

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