

Terrorism, Border Reform, and Canada-United States Relations: Learning the Lessons of Section 110

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In just three months following the terrorist attacks on the World Trade Center in New York and the Pentagon in northern Virginia:

- ❑ The governments of Canada and the United States established new security procedures at the border between the two countries, and took steps to improve cooperation between their respective law enforcement and national security agencies.
- ❑ The U.S. Congress and the Canadian Parliament voted to authorize new funding for the wide array of officials – from customs inspectors and immigration agents to police and intelligence services – responsible for managing borders and conducting domestic counter-terrorist activities.
- ❑ U.S. Attorney General John Ashcroft and On December 12, 2001, U.S. Homeland Security Director Tom Ridge and Canadian Foreign Minister John Manley met in Ottawa to endorse a joint action plan, the Smart Border Declaration further committing the two governments to negotiate on an additional thirty separate areas of potential bilateral cooperation, designed to reduce if not eliminate the risk of future terrorist attacks.

This afternoon, I will address two questions about the joint response of the United States and Canada on border-related issues after September 11, 2001.

* NOTE: These remarks are adapted from the speaker’s forthcoming publication, “The Border After September 11: Learning The Lessons of the Section 110 Experience” a chapter in to book, *A Fading Power: Canada Among Nations 2002* edited by Maureen Appel Molot and Norman Hillmer (Oxford University Press, *forthcoming* 2002)

First, *how was it that the two governments were able to agree on a common agenda so quickly?*

Second, *what does this experience suggest about the prospect for improved management of border-related issues and policies by Canada and the United States?*

To answer the first question, the two governments were able to agree on a consensus agenda for action on the border because they had been engaged in a vigorous debate over border management that dated back to 1993, yet had received relatively little public attention. This debate belied the widespread impression that the border was becoming less important due to trade liberalization.

In order to appreciate the reaction of the governments to the September 11 attacks, it is necessary to trace these three strands in the debate over the border since 1993:

1. Congressional attempts to reform U.S. customs and immigration policies;
2. Canadian attempts to engage the U.S. government in a bilateral dialogue on border management, which Canada hoped would divert the U.S. from implementing the Section 110 provision;
3. And the growing penetration of both societies by al Qaeda terrorists that culminated in the September 11 attacks.

The connections between these three efforts grew more intense over time, and together explain the swift reaction of the two governments to border security after September 11. These recent events also offer the best indication of the likelihood of success of post-September 11 cooperation, and suggest something further about the future of bilateral relations in the years to come.

INS MODERNIZATION AND THE SHARED BORDER ACCORD

The Customs Modernization Act of 1993 grew out of the concerns of many in Congress that the policing of U.S. borders required improvement in order to cope with the growing pressures of trade and individuals crossing in and out of the United States with increasing frequency. Its passage was an important precursor to the congressional ratification of NAFTA and related implementing legislation in November of that year.

At the time, modernization of the INS, along with the U.S. Customs Service the other major border enforcement agency of the U.S. government, was also considered necessary and individual representatives and senators crafted language for an INS modernization bill. President Bill Clinton, seeking to stave off concerns related to the potential for a flood of immigration and trade once NAFTA took effect (and thereby win over enough members of Congress to get NAFTA and related implementing legislations passed),

ordered the temporary transfer of one third of the Customs, INS and Border Patrol agents working on the northern border with Canada to serve on the southern border with Mexico.

On February 26, 1993, the first attack on the World Trade Center in New York resulted in the death of six people and the injury of 1,042. A rented van packed with explosives was detonated while parked in a garage beneath one of the towers. The U.S. Federal Bureau of Investigation (FBI) launched an investigation that linked the attack to a group of individuals recruited by Sheikh Omar Abdel Rahman, a blind Egyptian Muslim cleric who had been accused by the Egyptian government of involvement in the assassination of Egyptian President Anwar Sadat. Abdel Rahman had won asylum status in the United States in 1989.

The FBI investigation of the first attack on the World Trade Center uncovered evidence that followers of Abdel Rahman were actively plotting to bomb a series of New York City landmarks including the United Nations headquarters building, the George Washington Bridge, the Lincoln and Holland Tunnels. These plans were thwarted when Abdel Rahman and nine of his associates were arrested on June 23, 1993.

Tracing Abdel Rahman's movements from his arrival in the United States, the FBI discovered that he had traveled extensively to cities across North America from 1990 to 1993, preaching in mosques and Islamic community centers in Los Angeles, Chicago, Detroit, and also in Montreal and Toronto.

The FBI sought and received help from the Royal Canadian Mounted Police (RCMP) in investigating Abdel Rahman's activity while in Canada. Both the FBI and RCMP suspected that Abdel Rahman had used these trips to recruit followers for terrorist attacks. Neither the FBI nor the RCMP yet suspected these incidents were linked the larger al Qaeda terrorist network, and the focus remained on Abdel Rahman as the key figure.

On September 14, 1993, the first World Trade Center bombing trial began, and on March 4, 1994 four individuals connected to Abdel Rahman were convicted on all charges.

In February 1995, during a state visit by President Clinton to Ottawa, Clinton and Prime Minister Chrétien signed the U.S.-Canada Shared Border Accord. This agreement included a series of measures to improve cooperation between customs and immigration officials in both countries.

SECTION 110 AND THE BORDER VISION INITIATIVE

On August 4, 1995, the Immigration in the National Interest Act of 1995 was introduced in the U.S. House of Representatives. The bill was intended to become the counterpart of the Customs Modernization Act of 1993, reforming an array of regulations and procedural requirements in the legislation governing the INS. When several amendments

caused passage of the bill to be delayed, it was renamed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The colorful titles of the new bill reflected the style of the new Republican majority in the House in the 104th Congress, led by Speaker of the House Newt Gingrich of Georgia. The 104th Congress was elected in 1994, at the same time that California voters approved Proposition 187, restricting some public services to U.S. citizens and excluding thousands of illegal immigrants, mainly from Mexico. California's tough new mood on immigration was reflected in the 104th Congress, which was determined to legislate significant immigration reforms as quickly as possible.

One key amendment to the immigration reform bill established the Section 110 provision, which required the INS to develop a system to document the entry and exit of non-U.S. citizens at all border crossing points. The initial purpose of the Section 110 provision was to allow authorities to keep track of those individuals who attempted to cross into the United States illegally and repeatedly, some of which were thought to be human smugglers who charged substantial fees for aiding individuals who sought to evade lawful immigration procedures. Documentation of those exiting would allow the INS to determine that court-ordered deportations had in fact taken place; the agency had no way to be certain whether such orders were complied with except in extreme cases where individuals were escorted to the border in custody—and in such cases, there was no way to tell if these individuals re-entered the United States subsequently.

The Section 110 provision was to apply to all non-citizens crossing the U.S. borders. The language of Section 110 allowed for the development of an automated system to track entry and exit, but no new funding was appropriated for this purpose. To give the INS time to develop and put in place an adequate system to comply with Section 110, the legislation required that Section 110 be implemented within two years after the immigration reform bill was signed into law.

The principal concern of members of Congress sponsoring the immigration reform bill was illegal migration across the U.S. border with Mexico, by both Mexicans and Central Americans who crossed through Mexico in the hope of entering the United States. However, there was also concern in Congress about illegal entry from Canada. The INS estimated that 15,000 people attempted to enter the United States from Canada illegally in 1995—acknowledging that there were illegal immigration flows from the United States into Canada as well, the INS nonetheless estimated that 75 percent of the illegal migration across the Canada-U.S. border went from Canada into the United States, and consisted mainly of third-country nationals (not Canadians) who passed through Canada always intending to end their journey in the United States.

Government of Canada officials insisted that the Section 110 provision was not intended to affect those entering from Canada, and solicited statements from individual sponsors of the legislation to support this contention. The Canadian government argued publicly that the effect of implementation would be long lines at busy border crossings and the loss of billions of dollars in trade to the economies of both countries. Congress did not

exempt the Canadian border from the application of Section 110, and did not agree to exempt Canadians from the documentation requirement for non-U.S. citizens.

On March 21, 1996 the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, including the Section 110 provision, was signed into law in October, establishing the deadline for full implementation of Section 110 as October of 1998.

Meanwhile, little attention was being paid to the 1996 case of Ahmed Saied Khadr, an Egyptian-born Canadian citizen who was arrested in Pakistan in connection with a truck bombing of the Egyptian embassy in Islamabad that killed 16 and wounded 50 people. Khadr held computer science degrees from the University of Ottawa and headed up the Canadian branch of Human Concern International, based in Gloucester, Ontario. He had traveled to Pakistan en route to Kabul, Afghanistan, where he sought to arrange the marriage of his daughter to Khalid Abdullah, an Egyptian guest of the Taliban regime. In March 1996, the Pakistani government released Khadr, who returned to Canada where he faced no charges.

On July 17, 1996, TWA Flight 800 exploded above the Long Island shoreline killing all 230 passengers and crew shortly after the plane left New York's Kennedy Airport. Crash investigators suspected a link to terrorism.

In February 1997, Canadian Solicitor General Herb Gray and U.S. Attorney General Janet Reno announced to formation of two groups, the Canadian Anti-Smuggling Working Group and the Northeast Border Working Group, which would coordinate an intensified campaign by national immigration and law enforcement resources in each country to combat human and contraband smuggling through the Ontario and Quebec into New York and some New England states.

In April 1997, the governments of Canada and the United States announced a new Border Vision Initiative, which aimed to facilitate greater information sharing and coordination between Citizenship and Immigration Canada (CIC) and the INS, particularly at the land border, through intelligence sharing on illegal migration.

“BOMBS IN BROOKLYN” AND THE CROSS-BORDER CRIME FORUM

On July 31, 1997 New York City police raided the Brooklyn apartment where two men, Ghazi Ibrahim Abu Mezer and Lafi Khalil, were caught in the act of preparing explosive devices that they intended to detonate in the New York City subway system. It was clearly a lucky break that led to the prevention of the attack, rather than effective intelligence. Days later, a furious New York Mayor Rudolph Giuliani and U.S. Senator Alphonse d'Amato wrote an open letter to President Clinton demanding that the INS explain how Abu Mezer and Khalil got into the United States.

Canada and the United States expanded their bilateral cooperation at the border with the establishment of the Cross-Border Crime Forum, which held its first meeting in Ottawa

on September 30, 1997. Where the Border Vision Initiative fostered cooperation in immigration cases, the Cross-Border Crime Forum was created to encourage law enforcement agencies in both countries to work together more effectively to combat transnational crime. Two concrete steps were taken as a result of dialogue at the Cross-Border Crime Forum. First, a procedure for binational threat assessments was established. Second, a proposal to create Integrated Border Enforcement Teams (IBETs) was tested along the British Columbia-Washington border, where Canadian and U.S. law enforcement personnel working for federal, state, and local governments could conduct joint investigations and enforcement operations.

The Justice Department investigation into INS handling of the Abu Mezer and Khalil cases by Michael Bromowich, the inspector general of the U.S. Department of Justice was entitled "Bombs in Brooklyn." Bromowich confirmed that Abu Mezer was a Palestinian born on the West Bank who had been arrested several times in Israel, which believed him to be a member of the Hamas organization. Abu Mezer received a student visa from the Government of Canada in 1993, and shortly after arriving in Canada he applied for political refugee status based on fear of persecution in Israel, admitting his connections to Hamas members but denying participation in any terrorist activity. At that time, he also applied for a visa to enter the United States at the U.S. Consular Office in Toronto, and was denied. Subsequently he began attempting to enter the United States illegally, and was arrested on three occasions in 1996 and 1997. On his third try, when U.S. officials attempted to return him to Canada, Canada refused him entry due to two felony convictions (for assault and credit card fraud, respectively) during his time in Canada. The Border Patrol then began deportation proceedings, and the case went to court.

Had Abu Mezer's connection to Hamas been established at the time of his asylum hearing, Bromowich argued, he would have been swiftly deported. However, the INS had not conducted a thorough check on Abu Mezer through available databases on international terrorists (where it would have found the Israeli charges that Abu Mezer was a Hamas member), and the State Department responded to the immigration court judge's request for information with a routine reply that the department had no information concerning the individual in question.

SECTION 110 AND THE CUSP

On June 7, 1998 Ramzi Yousef was convicted and sentenced to life in prison for his role in the first World Trade Center attack. Two months later, U.S. embassies in Dar es Salaam, Tanzania and Nairobi, Kenya were bombed. President Clinton accused al Qaeda, the terrorist organization led by Osama bin Laden, of carrying out the attacks, and ordered cruise missile strikes on suspected al Qaeda targets in Sudan and Afghanistan.

When Swissair Flight 111, originating at New York's Kennedy Airport and bound for Geneva, Switzerland crashed off the coast of Nova Scotia on September 2, 1998 killing 229, investigators naturally looked to terrorism as a possible cause.

The Summer of 1999 saw an easing of concern over illegal immigration into the United States. In July, citing the progress of federal immigration policy reform, California Governor Gray Davis announced that he was dropping an appeal of an earlier Federal court ruling that had found much of the state's Proposition 187 unconstitutional. That same month, Congress lifted the October 1999 deadline for implementation of the Section 110 provision of the 1996 immigration reform legislation as part of the Border Improvement and Immigration Act of 1998. The new act belatedly provided the INS with rather modest funding for the development of an automated entry and exit control system to implement Section 110, and at the same time called for a study of the impact entry and exit controls would have on traffic facilitation at the major border crossing points—a concession to critics of Section 110 in the business community.

Concern over the potential collateral damage to the economies of border communities if Section 110 resulted in the mobilization local leaders to demand a role in the discussions that had largely remained exclusively between federal officials on both sides of the border.

Ottawa and Washington responded with the Canada-United States Partnership (CUSP) Agreement. The CUSP pledged both governments to initiate a series of stakeholder consultations that would solicit ideas and input on border management from communities, interest groups, and businesses.

Before the first CUSP meetings could be held, international terrorism would again touch North America.

On October 31, 1999 EgyptAir Flight 990, bound from New York to Cairo, crashed in the waters off Nantucket killing all 217 aboard. Although “pilot error” was ruled the probable cause, U.S. investigators again considered terrorism a potential factor in the crash.

Then, in December 1999, Ahmed Ressay was arrested attempting to enter the United States with a carload of explosives and, he subsequently confessed, a plan to attack the Los Angeles International Airport to coincide with millennium celebrations. Ressay was an Algerian who had resided in Montreal since 1994 while his application for political asylum was adjudicated. His application was denied in 1998, and he was ordered deported, at which point he went underground and adopted a new identity with forged documents that indicated that he was Beni Antoine Norris, a Canadian citizen.

The Ressay case received more attention than any previous incident involving terrorism and the Canada-U.S. border. In part, this reflected the growing concern in the United States over international terrorism and attacks on U.S. targets. Canadian officials initially downplayed the significance of the Ressay case, arguing that he had been caught—proof that existing security measures were adequate. But many Americans noted that the arrest of Ressay owed more to luck and a sharp-eyed U.S. border inspector, and his plan could very easily have succeeded.

In January 2000, the Subcommittee on Immigration and Claims of the House Judiciary Committee held a hearing on Canada's immigration and border control policies and their affect on the United States. Representative Lamar Smith (R-TX), one of key sponsors of the Section 110 provision, chaired the hearing. In addition to three American witnesses (including me), the subcommittee heard from a roster of Canadian critics of the Chrétien government's security policies who testified to the chronic underfunding of the RCMP, the Canadian Security and Intelligence Service, and charged that the Liberal government was too beholden to support from immigrant communities in Canada to restrict immigration to meet U.S. security concerns.

The increasingly ugly debate over U.S. immigration policy and borders, which now included a debate over Canada's immigration and security policies, cast a shadow over the first and second rounds of stakeholder consultations under the CUSP, which were held in April 2000 in Niagara-on-the-Lake, Ontario and Buffalo, New York, and in June 2000 in Vancouver, British Columbia and Blaine, Washington. Perhaps the most important outcome of the CUSP process was the demonstration of the strength of the grassroots constituency in both countries for improvements at the Canada-U.S. border.

On June 15, 2000, the Immigration and Naturalization Service Data Management Act of 2000 was signed into law by President Clinton on June 15, 2000—less than one month later. The new act built on the immigration reform legislation of 1996 and 1998 by authorizing significant new funding for the development of information technology solutions for implementing the Section 110 provision..

In November 2000, test-implementation of a new electronic system called NEXUS began at the Blue Water Bridge crossing between Sarnia, Ontario and Port Huron, Michigan. Under the NEXUS program, U.S. Customs, the INS, CIC, and Canada Customs developed a common data form, allowing travelers and shippers in both countries to file the same personal information form to apply for designation as a low-risk traveler. The program test was suspended in the wake of the September 11 attacks.

THE LESSONS OF THE SECTION 110 EXPERIENCE

The most contentious aspect of U.S. immigration policy reform from the perspective of Canada-U.S. relations was the Section 110 provision.

Yet the Section 110 provision was a failure from nearly every perspective. For its proponents, Section 110 failed because it was never implemented; its design had proven too controversial, too cumbersome and expensive to administer, and too extreme a response to what generally seemed to be the problem of illegal immigration and not terrorism. For its critics, including the Canadian government, the flaws of Section 110 were immediately apparent. But even today the provision is not dead, despite the considerable time and energy spent by the broad coalition of government officials, business groups, and non-governmental organizations to stop it.

After September 11, the shadow of terrorism is certain to color the U.S. immigration policy debate, making the revival of the debate over Section 110 or a successor measure a possibility.

On December 12, 2001, the two governments endorsed the 30-point Smart Border Declaration. In it, the governments of Canada and the United States pledge to improve cooperation, develop new, joint procedures, share more intelligence information, and implement specific reforms to immigration, inspection, and traffic management practices at the border. It is a complex and ambitious agenda, but as can be seen from the foregoing discussion, the Smart Border Declaration is not a new beginning so much as a new commitment of political will and adequate funding to follow through on good ideas that had languished for want of both prior to September 11.

Will the Smart Border Declaration succeed in improving the security and efficiency of the Canada-U.S. border while decisively forestalling measures like Section 110, where previous efforts have met with only partial success?

It is still too early to answer this question, but the success of current efforts will depend to a considerable extent on whether or not leaders in both Canada and the United States have learned key lessons from their Section 110 experiences. Specifically, there are four important lessons for each side.

- *U.S. Lesson 1: Security measures cannot ignore economic concerns.* Domestic U.S. economic interests, including some of the largest U.S. corporations, rely heavily on cross-border production and resisted the Section 110 mandate. If the proponents of Section 110 had been able to accommodate the concerns of the business community, the requirement might have been successfully implemented. In other words, powerful economic interests can and will fight back if security measures come at a disproportionate economic cost.
- *U.S. Lesson 2: Underfunded mandates are more difficult to implement.* When the U.S. Congress ordered the INS to develop a plan to implement the Section 110 requirement, it did not make significant new funding available to the INS to finance implementation. As a result, the INS had to consider the lowest-cost options for implementation – even paper forms, similar to those handed out to passengers arriving by air and sea. Critics of Section 110 pointed out that technologies already developed would allow the required information to be transmitted electronically for frequent border crossers through transponders or smart cards issued by the two governments. In fact, U.S. and Canadian border agencies were experimenting with such systems on a limited basis throughout the debate over Section 110—ultimately leading to the test implementation of the NEXUS program. But in fairness to the INS, lack of funding for a major expansion of such programs prevented consideration of viable high-tech alternatives that would permit better data collection without sacrificing border facilitation.

- ❑ *U.S. Lesson 3: Canada and Mexico are not the same.* Since the NAFTA took effect, there have been frequent attempts by Washington policymakers to approach certain issues with one U.S. policy for both Canada and Mexico. In Congress, the need to build coalitions in support of legislation often requires representatives and senators from northern and southern border states to work together, further encouraging the harmonization of practices at both borders. Yet the relative openness of the Canada-U.S. border permits firms to employ just-in-time inventory management practices that make manufacturing and service operations vulnerable to border delays to a far greater extent than at the U.S.-Mexico border, where longer inspection and clearance times are the norm. Failure to account for different border conditions and concerns was a key flaw in the design of the Section 110 provision of the 1996 immigration reform.
- ❑ *U.S. Lesson 4: Unilateral approaches are more difficult to implement.* Underscoring the previous lesson, the requirement that the INS record individual exit data at the borders as well as entry data effectively doubled the potential effort required to implement the Section 110 provision. Had the United States sought Canadian cooperation from the outset, Canadian officials might have been persuaded to gather entry data that could be shared with the United States—effectively allowing Canada to collect exit data for the U.S. along the land border.

As the series of bilateral agreements between 1993 and 2001 indicate, Canada was willing to work with the United States to improve border security throughout this period, making it reasonable to expect that Ottawa would have been willing to also cooperate with the United States in data collection at the border—something that the 2000 immigration reform legislation belatedly acknowledges. As it was, Canada fought the implementation of the Section 110 provision and many Canadians viewed the measure with hostility.

The Chrétien government, which encountered considerable U.S. resistance in its attempt to turn back Section 110, also stands to learn important lessons from the Section 110 experience.

- ❑ *Canadian Lesson 1: Economic concerns do not trump security concerns.* The mirror image of the U.S. lesson, it became clear to Ottawa that despite the value of bilateral trade to both countries, Members of Congress and U.S. officials responsible for security at the border would not be deterred by economic arguments alone.
- ❑ *Canadian Lesson 2: Canada has a credibility gap on security issues in the United States.* Canadians did not consider themselves to be lax when it came to security, even after several incidents suggested that international terrorists were abusing Canadian openness and tolerance to gain access to the United States. The tendency of Canadians to respond to U.S. criticism by touting Canada's supposedly superior tolerance of diversity further undermined Canadian credibility with Americans, who interpreted such rhetoric as evidence that their

northern neighbors didn't understand the extent of the danger posed by terrorism. The result was that critics in the United States who questioned Canada's resolve to fight terrorism repeatedly placed Canada on the defensive.

- Canadian Lesson 3: Trilateral solutions are problematic for Canada, but tempting for the United States. For some Canadians, the contrast between the U.S.-Canada border and the U.S.-Mexico border is so stark that there does not seem to be a polite way of pointing out the differences, since comparisons are inevitably so unflattering to Mexico. With the majority of congressional leaders now representing the populous southern states, the mental image of borders for many in Congress is the U.S.-Mexico border. The Section 110 debate demonstrated the extent to which Canada must be prepared to educate U.S. leaders about the U.S. northern border.
- Canadian Lesson 4: Participation in U.S. domestic debates is open to the Canadian government, and its domestic critics. The Canadian government was pleased to forge alliances with U.S. business and border community groups with a common interest in blocking implementation of the Section 110 provision. It was less pleased to discover critics of its policies could just as easily win a hearing in the United States. The Section 110 debate provided both governments with a foretaste of the complex political dynamics that will accompany deepening bilateral economic integration. Participation in the U.S. political arena will work for and against Ottawa's agenda at different times—and frequently, in a concurrent fashion. This will make conflict resolution with the United States more difficult for Ottawa to manage.

While it is important not to judge either government too harshly on whether it has learned these lessons in the immediate aftermath of September 11, given the enormity of the attacks and the psychological and emotional impact they have had on citizens of both countries, there are encouraging signs in the Smart Border Declaration and the conduct of Canada-U.S. relations since then that leaders in both countries have indeed adapted their approach to consider some of these lessons.

- **First**, the two governments have adopted a reasonably balanced approach to improving security while remaining sensitive to the economic impact of new security measures. The constituency tapped by the CUSP process, mobilized by the Section 110 debate, is quick to praise or challenge measures that do not meet this test. So, on the first lesson, Canada and the United States both earn high marks.
- **Second**, both countries are approaching the border with the understanding that they must establish their respective *bona fides*. The United States is demonstrating a new seriousness by committing to the full-funding of border improvement measures, rather than mandating that the INS and other border agencies somehow manage to do more with less. Canada, for its part, has acted quickly to redress the underfunding of its immigration courts and domestic security services, and closed

loopholes in its immigration laws that were exploited by Abu Mezer and Ressam. On this second lesson, Canada and the United States also receive high marks. However, the United States has thus far earned an incomplete grade—the old congressional practice of announcing the authorization of funds, to which significant pre-conditions are attached, and then appropriating far less can still not be ruled out. For the U.S. to win applause, the promised money must actually be spent.

- **Third**, since September 11 the two governments have clearly rediscovered room for bilateralism in their relationship. They have done so generally without precluding Mexico from participation in new border management practices, but recognizing at the same time that Canada and the United States have a stronger foundation of bilateral cooperation at the border on which to build, as well as established security and intelligence sharing relationships through NATO, NORAD, the Permanent Joint Board on Defense, the International Joint Commission and other institutions. Here, too, Canada and the United States deserve credit for appearing to have learned something from the Section 110 debate.

The **fourth** lessons remain problematic for both countries, for different reasons. It is not at all clear that the United States has abandoned its preference for managing the border unilaterally since September 11. Indeed, in the absence of any clear Canadian initiatives or counterproposals for improving border security and fighting terrorism in North America, the bilateral cooperation since September 11 is impossible to distinguish from a combination of U.S. unilateralism and Canadian acquiescence to the U.S. agenda.

At the same time, while Canada has sought to establish its good faith as a partner to the United States rather than assuming it is viewed by Americans as a reliable security partner, Ottawa continues to react with evident shock when comments declaring Canada's determination to resist to U.S. pressure, made by Canadian politicians for domestic consumption, are interpreted by U.S. policymakers as evidence that Canada is an unreliable ally.

These suggested lessons from the Section 110 experience will remain important as the thirty points of the Smart Border Declaration moves from rhetoric to implementation. So soon after the events of September 11, no judgment on whether these lessons have been learned can be deemed final—the early good marks can be rescinded and the areas where improvement still seems necessary can still be turned around.

Thank you.