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## Canada's Post 9/11 Homeland Security Policy

### An exercise in multilevel governance, private sector involvement and civic engagement<sup>1</sup>

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#### Zusammenfassung

Der Aufsatz diskutiert die kanadischen Anti-Terror-Gesetze und die dadurch ausgelöste Restrukturierung des kanadischen Sicherheitsapparats. Ein besonderer Schwerpunkt wird auf die kanadische Politik der „homeland security“ gelegt. Inwieweit ist es Kanada angesichts des enormen wirtschaftlichen und politischen Drucks von Seiten der USA und der sich nach dem 11. September 2001 weiter verdichtenden „komplexen Interdependenzbeziehungen“ mit dem südlichen Nachbarn gelungen, das eigene Wertesystem zu verteidigen und spezifisch „kanadische“ Wege in der Sicherheitspolitik zu gehen? Diese Frage wird anhand der institutionellen Veränderungen im kanadischen Polizeiapparat (Stichwort: *integrated policing*), der Rolle und Funktion von zivilgesellschaftlichen Akteuren (Stichwort: *Cross-Cultural Roundtable on Security*) und der Etablierung transnationaler „public private security partnerships“ erörtert.

#### Résumé

Le présent article discute la loi antiterroriste canadienne présente dans plusieurs textes législatifs, lesquels ont restructuré les institutions de sécurité au Canada depuis le 11 septembre 2001. L'article analyse particulièrement les politiques nationales en matière de gestion des urgences et de sécurité nationale. Est-ce que le gouvernement du Canada a réussi à protéger les valeurs canadiennes vis-à-vis des pressions économiques et politiques des Etats-Unis? En considérant différentes activités cherchant à intégrer la société civile et particulièrement les communautés ethnoculturelles du Canada dans le discours sur la sécurité canadienne, comme par exemple la Table ronde transculturelle sur la sécurité, l'article examine diverses mesures politiques pour assurer et protéger une société ouverte face à de nouvelles menaces de sécurité gérées par le terrorisme international.

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1 This paper was written during a research stay at the Institute of Canadian Studies at the University of Ottawa, financed by a Faculty Research Award of the Government of Canada. I would like to thank Pierre Anctil and his team at the Institute of Canadian Studies for their hospitality and their help and the Canadian Government for providing the financial support.

Homeland security, as the name implies, is often thought of as a primarily domestic task. For Canada (and for the United States), however, security and defence, including "homeland security",<sup>2</sup> never really were. Canada's and the United States's homeland security considerations are based on a normative core that David Haglund and Michel Fortmann have called the "Kingston dispensation".<sup>3</sup> The "Kingston Dispensation" is the understanding shared by both countries that each "had a 'neighbourly' obligation to the other, not only to refrain from any activities that might imperil the security of the other, but also to demonstrate nearly as much solicitude for the other's physical security needs as for its own".<sup>4</sup> This mutual understanding was formulated more than sixty years ago when Canada as a member of the British Empire/Commonwealth in September 1939 decided to enter the Second World War – thus becoming a belligerent – while the United States did not want to make such a security commitment at that time and instead tried to remain at peace.<sup>5</sup> Nevertheless, given the fact that Canada's physical security might be threatened as a consequence of the country's participation in a European War, President Franklin Roosevelt promised to "not stand idly by". In return Prime Minister Mackenzie King pledged "that Canada would ensure that nothing it did would jeopardize the physical security of the United States."<sup>6</sup>

During the Cold War this mutual understanding regarding the physical security of the North American heartland did not entail specific security measures geared towards defending the continent – except for NORAD and the creation of the Permanent Joint Board on Defense (PJBD)<sup>7</sup> – because defence cooperation between Canada and the United States took place far from North America and usually within a multilateral 'internationalist' context.<sup>8</sup> With the increasing terrorist activities in North America during the last decade and specifically with the September 11 attacks the situation changed. Not only did the threat spectrum expand, but with it and because of the particular nature of terrorism, the scope of the defence measures broadened. In addition to the classic military dimensions, including missile defence, and defence of sea, land and aerospace, after September 11 strategies had to be developed for interventions in the case of civil emergencies and counter-terrorism measures had to be devised. Security became a larger concept, including the military but at the same time going well beyond it, reaching out to areas such as immigration and refugee policy as well as border control and thus

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2 Homeland security is a concept developed in the United States. Its ideological basis and normative framework are not easily transferable to other countries. This is why I use this concept with regard to Canada in quotation marks. For an analysis of homeland security as an American ideology see: Beresford, 2004.

3 Fortmann/Haglund, 2002, 17-22.

4 Fortmann/Haglund, 2002, 18.

5 A similar point is made by Mason, 2003, 4.

6 Fortmann/Haglund, 2002, 18.

7 For a history of NORAD see the seminal study Jockel, 1987; for the debate about the renewal of the NORAD agreement see: Canada. Parliament. House of Commons. Standing Committee on External Affairs and National Defence, 1986; Maloney, 1997; on Canada-U.S. defence relations after the Cold War see Sokolsky, 1991.

8 See Granatstein/Bercuson, 1991.

infringing upon the normative core of Canada's liberal political tradition and Canada's policy of securing an open society.

The policy arenas that are inflicted by Canada's efforts to counter terrorism since September 11, 2001 are governed by many different legal regimes. They require close cooperation and coordination with federal, provincial and local authorities in addition to the international negotiation processes they entail. Thus "homeland security" in Canada is an example for the interaction and interdependence of multiple, co-existing and mutually dependent jurisdictions. It is also an example for new modes of security governance, based on a broad range of different, but not necessarily interrelated public civic security partnerships on the domestic and transnational level. The Government of Canada tried to formulate an integrated National Security Strategy that included not only international security partners but also private actors, among them stakeholders, like the management of firms considered to be "critical infrastructure" but also civilian experts with specific knowledge and experience on such diverse matters as intelligence, law and policy, human rights and civil liberties or civil society actors, who are meant to take over responsibilities in and for Canada's multicultural communities.

Public civic security partnerships, like the Cross-Cultural Roundtable on Security and the Advisory Council on National Security, have different functions. The most important one is without doubt information sharing and trust building. Both functions directly address central elements of the criticism put forward during the public debate about the impact of Canada's Anti-Terrorism and Public Safety policies on civil liberties and Canada's immigration and diversity policies. Groups like the Council of Canadians and the Canadian Labor Congress have argued against the far-reaching information-sharing agreements signed e.g. in the context of the smart border declaration on 12 December 2001 that aimed at reconciling the Canadian priority for open borders with the American priority for security.<sup>9</sup> In their view these agreements proved dangerous for Canadian citizens because – as Edna Keele, a member of the Advisory Council on National Security, explains – "increased border cooperation generates greater pressure to harmonize policies between the two countries, thus undermining Canada's ability to decide issues on its own".<sup>10</sup> The same holds true regarding the adjustments of Canada's immigration policy since 9/11.<sup>11</sup> As Reg Whitaker has pointed out, "security screening of immigrant/refugee and citizenship applicants involved Canada in extensive and persistent application of a double standard with regard to potential new Canadians".<sup>12</sup> Beside the normative repercussions of the Anti-Terrorism measures, analysts and parliamentarians in Canada criticize Canada's policy as being too much geared towards reducing and containing the collateral economic harm produced by the terrorist acts and the ensuing U.S. interpretation of national security on its northern

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9 Belelieu, 2003.

10 Keeble, 2005, 361.

11 For a government statement see: Canadian Border Services Agency, 2005.

12 Whitaker, 2003, 247. For a historical analysis of security and immigration policy see Whitaker, 1987.

borders<sup>13</sup> – a policy that allegedly trades civil liberties, Canada's unique social character and political independence for securing “the most comprehensive bilateral trading relationship in history”.<sup>14</sup>

The following analysis of Canada's “homeland security” policy since September 2001 – the policy of “Public Safety and Emergency Preparedness” – will show that not only has Canada's policy gone well beyond questions of border control, but that the Canadian Government lived up to the ideals of an open immigrant society by embarking upon a policy of “civic engagement” using new modes of governance, particularly public civic security partnerships. Canada's homeland security while being part of a North American security perimeter was framed according to the ideals of Canada's political culture. By exporting mechanisms of deliberative democracy like citizens councils and applying them in a trilateral North American context, for example in the “Security and Prosperity Partnership of North America”, Canada contributes to building a security environment in North America that reflects not so much the martial tradition of the United States but more the Canadian human security ideal.<sup>15</sup>

#### **Anti-Terrorism Policy and “Homeland Security” in Canada: Bill C-36 and the Foundation of Public Safety and Emergency Preparedness Canada (PSEPC)**

Canada's response to the September 11 attacks was comprehensive and immediate. Fighting Terrorism became a top priority for the Government of Canada. Within three months after the September 11 attacks, the Chrétien Government set up Canada's first anti-terrorism legislation defining what terrorism is, creating new terrorist offences and allowing restrictions on the reporting of legal proceedings. The new legislation made terrorism a punishable offence within Canada's Criminal Code. Canada implemented an Anti-Terrorism Plan with five objectives:

1. to prevent terrorists from getting into Canada;
2. to protect Canadians from terrorist acts;
3. to legislate tools to identify, prosecute, convict and punish terrorists;
4. to keep the Canada-U.S. border secure and open to legitimate trade; and
5. to work with the international community to bring terrorists to justice.<sup>16</sup>

This plan was supported by strong new legislation that granted unprecedented powers to conduct surveillance and to demand information. The Anti-Terrorism Act (Bill C-36) of 2001 gave the police wide, sweeping powers to act on suspected acts of terrorism; it allowed suspected terrorists to be detained without charge for up to three days; it made it easier for the police to use electronic surveillance,

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13 See for example articles and comments in the *Globe and Mail*, like: John Ibbitson and Campbell Clark, “Canada and U.S. Tighten Border”, *Globe and Mail*, September 26, 2001, p. A1; Nancy Hughes Anthony, “U.S. Border-fears Vital for Canadian Business”, *Calgary Herald*, October 15, 2001, p. A10; Heather Scofield, “Business Coalition Pushes for Common Border Rules”, *Globe and Mail*, December 3, 2001, p. B5.

14 Dunsky, 2005/06.

15 For an analysis of the concept of human security see MacFarlane/Foong Khong, 2006; Human Security Report 2005; Bajpai, 2000.

16 Department of Justice Canada, 2001b.

which used to be seen as a last resort; it allowed preventive arrests; it enabled judges to compel witnesses to give evidence during an investigation and it defined criteria for designating a group as a terrorist organization.<sup>17</sup>

These provisions and with them the Anti-Terrorism Act as a whole have attracted criticism for vagueness and their impact on the constitutional rights of privacy, association, to silence in court and open justice. As it was drafted politicians and protesters raised concerns that the legislation as proposed trampled on civil liberties because it gave police the above-mentioned powers, including the right to arrest people and hold them without charge for up to 72 hours if they are suspected of planning a terrorist act.<sup>18</sup> In addition a heated debate was triggered by the fact that the Liberal government of the time fast-tracked the *Anti-Terrorism Act* through the House of Commons and the Liberal-dominated Senate.<sup>19</sup>

Besides the criticism of form and content of the legislation, Bill C-36 generated a significant public debate on the nature of the terrorist threat to Canada and the appropriate balance to be sought between protection of civil liberties and the pursuit of national security in an altered threat environment. Bill C-36 also provided an opportunity for the government to take action on some aggravating issues that had long been in limbo and which were only loosely linked to anti-terrorism concerns, like the *Official Secrets Act* and alterations to the provisions of the *Access to Information Act*. These parts of Bill C-36 that are not directly related to 9/11, but answer to wider and deeper issues surrounding the legal and institutional framework for national security policy, drew little critical attention at the time.<sup>20</sup>

The heated domestic debate about the *Anti-Terrorism Act* spurred further legislation. The *Public Safety Act*, proposed in 2002, was part of the Chrétien Government's Anti-Terrorism Plan, although due to its focus on public safety and protection, it was perceived in a completely different way.<sup>21</sup> The *Public Safety Act* diverted the public discussion and the policy initiatives of the Canadian government to key provisions increasing the Government's capacity to protect Canadians by preventing terrorist attacks and responding swiftly should a significant threat arise. Hence, the ability of the Government of Canada to provide a secure environment for air travel was enhanced, data sharing between air carriers and federal departments and agencies for the purposes of transportation and national security was facilitated, tighter controls over explosives and hazardous substances were established

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17 Department of Justice Canada, 2001a; see also Canada. National Safety and Security, 2003; CBC News Online, 2006.

18 Leigh, 2003, 3; see also: Daniels/Macklem/Roach (eds.), 2001.

19 See for example: "PM to fast-track anti-terror bill", Daily News (Halifax), May 2, 2002; "PM to fast track anti-terror bill: Chrétien tells caucus he wants new bill passed before summer break", Guardian, May 2, 2002; "Chrétien vows to fast-track terror bill", Kingston Whig-Standard, May 2, 2002; "Anti-terror bill on fast-track" Star – Phoenix (Saskatoon), May 2, 2002.

20 Wark, 2004.

21 Whereas the Anti-Terrorism Act focused mainly on the criminal aspects of combating terrorism, the Public Safety Act (which replaced Bill C-55, which was introduced on April 29, 2002, but died on the order paper when Parliament was prorogued in September) addressed the federal legislative framework for public safety and protection.

and measures were taken to help identify and prevent harmful unauthorized use of interference with computer systems operated by counter-terrorism agencies.<sup>22</sup> The *Public Safety Act* received royal assent on May 6, 2004 without having produced the same amount of public concern as the *Anti-Terrorism Act* although it specifically strengthened those governmental rights and capacities in the fields of surveillance and intelligence that were criticized in the context of the Anti-Terrorism legislation as infringing upon the right to privacy and civil liberties.

The *Public Safety Act* paved the way, for example, for the coordination of federal and provincial government databases, to make a variety of information more widely accessible. Similar provisions, when they were introduced in the context of Bill C-42, an act that proposed to amend the Immigration Act to allow the Minister of Immigration to approve the destination of anyone being deported, in order to ensure that deportees did not escape to a jurisdiction that is sympathetic to their cause, was heavily debated because of its alleged infringement on civil liberties.<sup>23</sup> The objections put forward eventually prompted the withdrawal of Bill C-42 and its reformulation in the context of the "Public Safety Act".

As part of the reorganization of the Canadian security apparatus on December 12, 2003, the new Prime Minister, Paul Martin, created the "Department of Public Safety and Emergency Preparedness". This Canadian version of the American Department of Homeland Security combines the core activities of the previous Department of the Solicitor General, the Office of Critical Infrastructure and Emergency Preparedness, and the National Crime Prevention Centre. The new Department is part of the portfolio of Public Safety and Emergency Preparedness that includes the RCMP, the Canadian Security Intelligence Service (CSIS), the Correctional Service of Canada, the National Parole Board, the Canada Firearms Centre, the Canada Border Services Agency, and three review bodies.<sup>24</sup>

With the creation of "Public Safety and Emergency Preparedness Canada" the Government aimed at integrating measures to counter threats to national security from terrorist activity and making them part of a larger security framework, including risks to personal safety from crime or natural catastrophes such as severe blizzards, floods or forest fires. The Department is to provide policy leadership and deliver programs and services in the areas of national security and emergency management, policing, law enforcement and borders, as well as corrections and

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22 Transport Canada, 2002.

23 See "Tories shoot down revamped version of anti-terror bill", *Star-Phoenix*, May 1, 2002; "Freedom will keep us safe: The revised Public Security Act is still too undemocratic", *The Ottawa Citizen*, May 1, 2002; "New anti-terrorism bill under attack: Hands too much power to some ministers, critics say", *Edmonton Journal*, April 30, 2002; "Softened anti-terror bill still worries critics", *Kingston Whig – Standard*, April 30, 2002; "Revised anti-terror bill still threatens liberties: critics: Ministers get too much power, opposition charges", *The Ottawa Citizen*, April 30, 2002; "Liberals end debate over security bill; Decision angers Opposition, some backbenchers", *Toronto Star*, Nov 28, 2001; "Jean Chrétien's Axe", *The Globe and Mail*, Nov 28, 2001; "Opposition attacks anti-terror bill", *Toronto Star*, Nov 30, 2001.

24 For a description of the tasks and functions of the new department see: Public Safety and Emergency Preparedness Canada, 2004a.

crime prevention. It also has to ensure policy cohesion among the six agencies mentioned above that report to the Minister.<sup>25</sup>

The *Anti-Terrorism Act* of October 2001 thus constituted the basis for a comprehensive Canadian national security legislation, which was further developed by the *Public Safety Act* of October 2002. The most pertinent pieces of legislation that are most likely to be applicable in the event of a terrorist incident include the following Acts: the Security Offences Acts, the Canadian Security Intelligence Service Act, the Canadian Forces Armed Assistances Directions, the Aeronautics Act, the Railway Safety Act and the Marine Transportation Security Act.

As most other Western States the Canadian Government also has the power to invoke the "Emergencies Act" to fulfil its constitutional responsibility guaranteeing the safety and security of Canadians during a national emergency. It provides for exceptional powers to be granted under four types of emergencies, one being public order emergencies. However, the Canadian Constitution, including the Charter of Rights and Freedoms and the common law continue to apply during any terrorist incident.<sup>26</sup>

### **Counter-terrorism in Canada: Security Screening and Canada's Domestic and Foreign Intelligence Services**

Canada is considered to be one of the safest countries in the world. It has low levels of crime and violence, excellent relations with its closest neighbour, the United States, and a positive reputation in the international community.<sup>27</sup> Nevertheless Canada – as every other developed industrial state – has had to cope with internationally organized crime and terrorism for many years. Although an official homeland security policy had never existed before the September 11 attacks, the Government of Canada began monitoring threats and contributed to international attempts to counter organized crime, terrorism, weapons proliferation and similar activities with the help of a well-established security and intelligence community long before the tragic events of 2001.<sup>28</sup>

Canada's measures to respond to or prevent terrorist activities have their origin in the October Crisis of 1970, when cells of the violent separatist group, *Le Front de Libération du Québec* (FLQ) kidnapped the British Trade Commissioner, James Cross, and kidnapped and later murdered the Quebec Minister of Labour, Pierre Laporte. One response of the federal government was to invoke the *War Measures Act* that temporarily revoked many democratic freedoms of Canadians in the interest of national security and placed Quebec under what amounted to a state of mar-

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25 These include the Royal Canadian Mounted Police (RCMP); the Canadian Security Intelligence Service (CSIS); Canada Border Services Agency (CBSA); Canada Firearms Centre (CFC); Correctional Service of Canada (CSC); and National Parole Board (NPB).

26 For a thorough account of the history of the Charter, legitimacy of judicial review, limitation of Charter rights, Charter litigation, language rights, equality rights, and Charter rights of the criminally accused see Sharpe, 2005.

27 For the latest figures on crime and violence in Canada see: Ganon, 2005; for an analysis of violence in Canada see Ross (ed.), 2004.

28 Gant, 2005; Kinsman/Buse/Steedman (eds.), 2000.

tial law.<sup>29</sup> The RCMP who after the Gouzenko Affair of 1946 assumed responsibility for internal security and security screening,<sup>30</sup> began a campaign of investigation and infiltration of the separatist organization and other perceived domestic terrorist organizations. Security Screening was one of its instruments. The RCMP Security Service amassed more than 800,000 files about individuals and organizations, meaning that more than one out of every twenty-seven Canadian was screened.<sup>31</sup> Many of these files were produced illegally and Security Service break-ins and clandestine mail theft caused a public outcry about accountability at that time and led to a review of the activities of the Security Service of the RCMP.<sup>32</sup> The MacDonald Commission of 1981 proposed the creation of a civilian security intelligence agency separate from the RCMP.<sup>33</sup> In 1984 Bill C-9 establishing the Canadian Security Intelligence Agency (CSIS) was passed in the House of Commons and the counter-terrorism function of the RCMP shifted to this new agency.<sup>34</sup>

Today, under the *Security Offences Act*, the RCMP has again primary investigative responsibility for offences related to terrorism and espionage as well as for offences against internationally protected persons, such as foreign ambassadors accredited to Canada. Intelligence is key to the entire range of RCMP investigations, including those involving organized crime, high-technology crime and illegal migration. The RCMP's Criminal Intelligence Directorate collects and analyzes intelligence to support criminal investigations.

In the 1980s and 1990s, terrorism in Canada involved religious extremists (mainly Islamic groups), political activities surrounding the separation of states in India, Sri Lanka, Ireland, and the Middle East, and the activities of groups opposed to abortion, animal rights, and globalization. CSIS and other law enforcement agencies in the country assumed responsibility for the investigation of such incidents and prevention of further domestic violence. A full-scale government counter-terrorism policy did not yet exist, nor did a government agency such as the American CIA or the British MI6, specifically tasked to collect foreign human intelligence. Undoubtedly the September 2001 terrorist attacks on the World Trade Center and the Pentagon brought a change in this respect. The transnational character of the new terrorist networks prompted Canada to formulate policies to address the possibilities of terrorist movement through Canada to the U.S. and the presence of terrorist bases of operation in Canada. Canadian officials were also concerned that Canada might itself become a target of terrorism. Countering these threats requires a counter-terrorism policy that combines domestic and foreign intelligence services. While CSIS under the authority of section 12 may receive or collect information outside Canada that relates to the investigation of a threat to

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29 On the October crisis see Vallieres, 1977; Smith, 1971; for the role of the RCMP during the crisis see Whitaker, 1993 as well as the memoirs of leading political figures involved: Pelletier, 1971; Trudeau, 1993, 128-52.

30 For an analysis of the Gouzenko Affair see Black/Rudner (eds.), 2006.

31 Whitaker, 2003, 247.

32 Dion, 1982.

33 See Canada. Commission of Inquiry Concerning Certain Activities of the RCMP, 1981

34 N.N., 2003, 3-4.



the security of Canada (the CSIS director can approve foreign investigative operations subject only to consultation with the Solicitor General), it does not have a clear foreign intelligence mandate.<sup>35</sup> Hence, CSIS conducts operations abroad, but their nature and value is unclear.<sup>36</sup> Canada is one of the few countries without a service dedicated to the collection of foreign intelligence abroad by human means. Indeed, it is the only G8 country without this capacity.<sup>37</sup> Canada receives foreign intelligence above all from the United States. American data are however analysed by Canadian intelligence experts and thus read and interpreted from a Canadian perspective.

Canadian counter-terrorism policy involves several federal government departments and agencies.<sup>38</sup> CSIS has assumed a prominent role in its capacity as an intelligence-gathering agency and as an advisor concerning possible national security threats. In the 1990s, some 80% of CSIS resources were devoted to counter-intelligence with only 20% dedicated to counter-terrorism. As of 2002, this ratio is reversed. Public safety has become the priority of CSIS. The Threat Assessment Unit in the Counter-terrorism Branch of CSIS collects and evaluates information about domestic and international terrorism. This information is passed on to other government departments to initiate specific action (i.e., tightening of Canada-United States cross-border security by the departments of Citizenship and Immigration, and Transport). Information is also gathered prior to major international events to be hosted by Canada, which could become the target of terrorist activity. CSIS, in combination with Citizenship and Immigration Canada, has tightened the screening of citizenship and refugee applicants, and has streamlined the review process for applicants in order to speed up approval or deportation.<sup>39</sup>

### **“Securing an Open Society”: Canadian Threat Perceptions and Security Strategies in an Age of Global Terrorism**

Parallel to this complex legislative renewal inherited to a large extent from the liberal Government under Jean Chrétien,<sup>40</sup> the Martin Government worked on a National Security Strategy Paper. This first-ever comprehensive statement of National Security Policy was released on April 27, 2004. As the title “Securing an Open Society” indicates, this strategy paper too, has to be read in the context of the public debates triggered by the Anti-Terrorism Act of December 2001. The strategy paper articulates core national security interests and proposes a framework for addressing threats to Canadians in a way that fully reflects and supports key Ca-

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35 Mellon, 2003.

36 N.N., 2003, 7.

37 Farson, 1999.

38 For an overview see Solicitor General Canada, 2003.

39 “CSIS, RCMP will be given airline data”, *The Globe and Mail*, April 30, 2002; “Government introduces new anti-terror law”, *Telegram* (St. John’s) April 30, 2002.

40 Jean Chrétien was Canadian Prime Minister from November 4, 1993 to December 11, 2003. He was succeeded by Paul Martin who stayed in office with a liberal minority government from December 12, 2003 to February 5, 2006, when the Conservative Party won the election and Stephen Harper took over the office of Canadian Prime Minister.

nadian values of democracy, human rights, respect for the rule of law, and pluralism. The first chapter of the paper, "Canada's Approach to National Security" starts with a discussion of the interrelationship of security and values. It reassures Canadian citizens that "there is no conflict between a commitment to security and a commitment to our most deeply held values." And it continues:

Canadians have built a remarkable country shaped by a deep attachment to democracy, the rule of law, respect for human rights and pluralism. Our way of life is based on an openness to ideas and innovations, and to people from every part of the world – a commitment to include every individual and every community in the ongoing project that is Canada – and a steadfast rejection of intolerance, extremism and violence.<sup>41</sup>

Based on this normative reassurance regarding Canada's (liberal) political identity, the strategy paper defines the scope of Canada's national security policy in seven chapters, comprising intelligence, emergency planning and management, public health, transport security, border security, and international security. The strategy paper is based on a threat assessment that encompasses personal security, national security and international security and reflects a multi-level governance approach integrating the individual, the national and the international level.

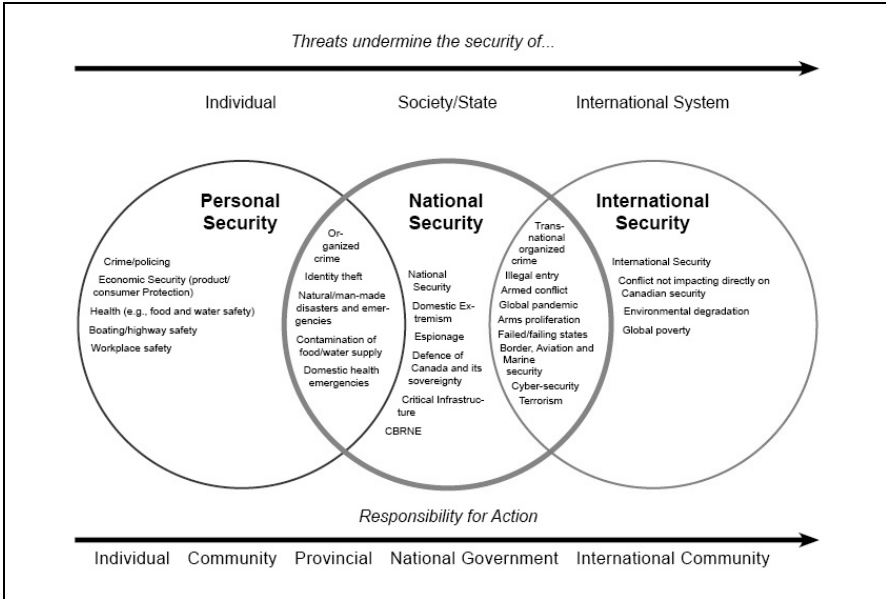
National security is closely linked to both personal and international security. While most criminal offences, for example, may threaten personal security, they do not generally have the same capacity to undermine the security of the state or society as do activities such as terrorism or some forms of organized crime. Given the international nature of many of the threats affecting Canadians, national security also intersects with international security. At the same time, there are a growing number of international security threats that impact directly on Canadian security and are addressed in this strategy.<sup>42</sup>

The strategy paper visualizes Canada's integrated approach for addressing current and future threats in the following way:

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41 Canada. Privy Council Office, 2004.

42 Canada. Privy Council Office, 2004.



Source: Canada. Privy Council, Securing an Open Society: Canada's National Security Policy, April 2004

The threats identified in the National Security Strategy Paper necessitate a coordinated approach with several key partners – provinces, territories, communities, the private sector and allies. Since the nature of Canadian federalism is such that preventing or responding to a terrorist incident requires concurrent, co-operative and supportive action by federal, provincial, territorial and municipal governments, departments and agencies, one major objective of the national security strategy is to set out processes for engaging those partners in developing coordinated plans to support the overall framework. Thus the National Security Strategy Paper proposes a comprehensive institutional approach to national security, involving 14 federal government departments, the provinces and territories and their respective police services at both the provincial and the municipal level.<sup>43</sup>

It is interesting to note that the first two chapters of the Security Strategy Paper focus on intelligence and emergency planning and management. There are three key measures the Liberal Government prioritized in the context of intelligence: first

43 The departments involved are: Canadian Nuclear Safety Commission (CNSC), Canadian Security Intelligence Service (CSIS), Citizenship and Immigration Canada (CIC), Canadian Customs and Revenue Agency (CCRA), Department of Foreign Affairs and International Trade (DFAIT), Department of Justice (DOJ); Department of National Defence (DND); Environment Canada (EC); Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP); Health Canada (HC); Department of the Solicitor General of Canada (SGC); Privy Council Office (PCO); Royal Canadian Mounted Police (RCMP); Transport Canada (TC).

further investments to enhance Canada's intelligence collection capacity with a focus on security intelligence; second the creation of review mechanisms for RCMP national security activities, and third the implementation of the proposed establishment of a National Security Committee of Parliamentarians. Hence, instead of enlarging the capacities of security agencies to include for example foreign intelligence, the Martin government stressed the internal control mechanism necessary to counter possible misuses of surveillance power and to secure privacy according to the existing laws.

Also in the context of international security the Martin Government more or less replicates the human security rhetoric and stresses a diplomatic pursuit of international peace and security also by confirming Canada's commitment to multilateral security institutions like NATO and the United Nations.<sup>44</sup> Besides adapting the domestic legal and institutional system to the changed threat environment, Canada participated and contributed to international counter-terrorism agreements and mechanisms. Canada has signed eleven United Nations counter-terrorism conventions, ten of which have been ratified, and implemented one bilateral counter-terrorism treaty.<sup>45</sup> These international conventions and agreements cover ten broad fields reaching from civil aviation, to maritime protection, hostage taking and the financing of terrorism.

#### **“Integrated Policing”: Institutional Adaptations to a Multi-level Security Governance Environment**

As part of the Anti-Terrorism legislation and in compliance with the integrated security system envisaged by the National Security Strategy Paper Canada's domestic legal framework was brought into harmony with these international agreements where necessary. The Canadian Government recognized that:

The increasing complexity of the threats facing Canada requires an integrated national security framework to address them. It is critical for our key security instruments to work together in a fully integrated way to address the security interest of Canadians. [...] The Government of Canada agrees that the key to providing greater security for Canadians and to getting the most out of our security expenditures is to coordinate and better integrate our efforts.<sup>46</sup>

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44 And it may be in this context that the new initiative of the Conservative Government of Stephen Harper is really changing Canada's security outlook and strategy the most with his promise to rebuild the nation's military and the plan released on July 5, 2006 to spend the unprecedented amount of \$ 15 billion on a military build-up including heavy transport planes, helicopters, ships and trucks. The \$15 billion procurement package is basically equivalent to the current annual budget of the Canadian military which the Harper government also plans to increase substantially year-by-year. See Jackson, 2006; Sieff, 2006.

45 Public Safety and Emergency Preparedness Canada, 2003.

46 Canada. Privy Council Office, 2004, 9.

From an institutional perspective this meant above all setting up an “integrated policing” scheme strengthening the institutional and legal framework as well as the responsibilities and authority of the RCMP to act across the borders of the different legal regimes.<sup>47</sup>

The RCMP, Canada's national police service, is one of Canada's foremost national symbols. Founded in 1873 as the North-West Mounted Police to bring law and order to Canada's western territories, today it enforces federal laws and provides contract policing to most provinces, the three Northern territories, many municipalities, and First Nations communities. The RCMP also participates in peacekeeping efforts and supplies expertise in such areas as forensics and criminal intelligence to Canadian and international police. The RCMP responded to 9/11 with a security scheme labelled “Project Shock”. It was one of the RCMP's first investigative and enforcement initiatives that was national in scope, with implications in one form or another in all divisions across the country.<sup>48</sup>

The RCMP has been involved in developing the concept of integrated policing for more than 30 years. Already in the early 1970s integrated policing has been recognized as one of the most effective tools to combat organized crime. First measures to integrate policing were taken in the context of fighting organized crime groups involved in narcotics trafficking. At that time integrated policing measures were, however, confined to more or less ad hoc cooperation in specific criminal cases. In 1992, the Government of Canada eventually recognized the need for a truly integrated and multi-discipline approach toward investigating organized crime involved in narcotics trafficking. Three Integrated Anti-Drug Profiteering Enforcement Units located in Montreal, Toronto and Vancouver were funded for a five-year trial period. The Units consisted of RCMP, Municipal and Provincial officers, Department of Justice lawyers, and Forensic Accountants.<sup>49</sup>

As a result of the success of the ADP Units, in 1996 the Government of Canada agreed to expand this specially funded initiative. Ten additional Integrated Units were established in major cities across Canada. The Units were renamed “Integrated Proceeds of Crime Sections” (IPOC) to reflect the expanded mandate. Whereas prior to the formation of the IPOC Sections, it was common for investigative units to join together for specified periods of time to work on identified targets through formal or informal “Joint Forces Operations”, the “Integrated Proceeds of Crime Units” were permanent integrated multi-discipline working groups dedicated to the disruption of organized crime through the restraint, seizure and forfei-

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47 Under the Constitution, the provincial legislatures alone have the power to make laws for the “Administration of Justice”. They also have the responsibility for the day-to-day maintenance of law, order and public safety within their borders and for enforcing provincial laws and most of the provisions of the Criminal Code of Canada. The police service of jurisdiction is responsible for responding to all criminal offences, including terrorist threats and incidents. The province/territory in which a terrorist act occurs has primary, overall responsibility for managing its consequences. Federal government assistance will comply with existing federal/provincial/territorial arrangements.

48 Brian, 2006.

49 Ryan, 2005.

ture of criminal assets.<sup>50</sup> It is this organizational idea and construct that was further developed in the context of the “integrated policing” efforts implemented as part of Canada's counter-terrorism regime.

The “Integrated National Security Enforcement Teams” (INSETs), created with the new government funding for counter-terrorism, are a part of the National Security Investigation Branch under the Criminal Intelligence Directorate. Made up of more than 200 investigative and analytical personnel, located in major cities across Canada, the INSETs focus exclusively on investigating and routing out terrorist threats. While INSET investigations are national and international in scope, the intelligence gathering and communication networks that exist between the “Integrated Border Enforcement Teams” (IBETs) and INSETs in the urban centres focus on border security in North America.<sup>51</sup>

Like the IBET, Integrated National Security Enforcement Teams (INSETs) are not purely a post-9/11 invention. Wayne Pilgrim, officer in charge of the National Security Investigative Branch, explains that, prior to September 11, there were National Security Investigations sections in 11 divisions. “We had the investigative and the intelligence collection capacity in those areas before September 11,” he says. “What's different since September 11 is increased funding, more human resources and, more importantly, a different approach.”<sup>52</sup> The approach is highly intelligence-led focussing on the integration of existing data bases. INSETs share and receive resources and intelligence with other RCMP operations as well as international, national, provincial, regional and local agencies who are working to counter terrorism. Other national security investigation sections across the country have meanwhile also adopted the integration philosophy because of the enhanced enforcement capacity resulting from them.<sup>53</sup>

Besides the “integrated policing schemes,” Canada has a number of mechanisms and structures in place to ensure inter-agency cooperation between authorities responsible for curbing drug trafficking, financial tracking and security. There exist intelligence and security, and law enforcement agreements and memoranda of understanding between a number of Canadian agencies including Citizenship and Immigration Canada (CIC), CSIS, RCMP, Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and Canada Customs and Revenue Agency (CCRA) as well as international agreements relating to border security. Going beyond this the *Integrated Justice Information Initiative* addresses obstacles to quick and effective information sharing across the criminal justice system, including agencies such as customs, immigration, police, prosecution, courts, corrections, and parole authorities, whereas the *Canada Public Safety Information Network* aims at improving interoperability by focusing on information-sharing infrastructures.<sup>54</sup>

Regarding cross-border initiatives the Canada-United States Integrated Border Enforcement Teams have to be mentioned. They are multi-agency law enforcement

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50 Ryan, 2005.

51 Brian, 2006.

52 Brian, 2006.

53 See the comments of RCMP personnel in: Brian, 2006.

54 Canada. Foreign Affairs and International Trade, 2002.

teams, which target cross-border crimes. On the basis of the smart border agreement between Canada and the United States, Citizenship and Immigration Canada (CIC) and the US State Department and US Immigration and Naturalization Service (INS) exchange information on potential security threats electronically with the US State Department and INS providing most of the intelligence.<sup>55</sup>

### **National Security and the Policy of Civic Engagement and Security Dialogues**

The National Security Policy paper of April 2004 recognized that addressing complex threats and emergencies not only requires a coordinated approach with provinces, territories, non-governmental organizations (NGOs) and international partners, but that it also relies on the inclusion of the private sector and civil society actors. Hence, in addition to the legal and institutional reforms allowing integrated policing and enhancing interoperability going even beyond the Canadian border, Canada's security policy is also based on the active participation of Canadian citizens. The National Security Strategy paper explains that "the Government needs the help and support of all Canadians to make its approach to security effective." Among the initiatives to include private and civic actors into an integrated security strategy the Canadian government introduced specific measures "to reach out to communities in Canada that may feel caught in the 'front lines' of the struggle against terrorism".<sup>56</sup>

Our commitment to include all Canadians in the ongoing building of this country must be extended to our approach to protecting it. We reject the stigmatization of any community and we do not accept the notion that our diversity or our openness to newcomers needs to be limited to ensure our security. No one better appreciates the need to protect our society than those who chose this country as a place to build a better life or who fled the consequences of instability and intolerance in other parts of the world. The deep commitment of Canadians to mutual respect and inclusion helps to mitigate extremism in our society.<sup>57</sup>

To counter the severe public criticism of Canada's Anti-Terrorism legislation that pinpointed specifically measures of racial and ethnic profiling introduced by the Chrétien Government in the immediate aftermath of September 11, 2001 (for example by drawing parallels to the politics of ethnic victimization of Japanese communities during World War II<sup>58</sup>), the Martin Government embarked on a proactive policy of ethnic integration including the establishment of a Cross-Cultural Roundtable on Security. The Roundtable is the material expression of the government's recognition that immigrants are part of Canada's multicultural mosaic and that "any action or policy that may undermine that sense of belonging entitles immi-

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55 Canada. Foreign Affairs and International Trade, 2002.

56 Canada. Privy Council Office, 2004, 2.

57 Canada. Privy Council Office, 2004, 2.

58 Taylor, 2004; Daniels, 1981; Waiser, 1994; Sunahara, 1981.

grants and their communities to demand change".<sup>59</sup> The goal of the roundtable meetings is to facilitate a broad exchange of information between the Government and diverse ethno-cultural communities on the impact of national security issues. Thus, the Roundtable serves as an information broker and trust builder. It provides a forum for immigrants and immigrant communities to address possible feelings of insecurity and to comment on Government policies. Thus informed, it points out to policy makers, especially the Minister of Public Safety and Emergency Preparedness and the Minister of Justice, how national security measures may impact Canada's diverse communities.<sup>60</sup> The Roundtable is thus a model for cross-sector dialogue and exchange between actors from the realms of policy-making, research and civil society.

The Roundtable brings together citizens who are leaders in their respective communities and who have extensive experience in social and cultural matters. It focuses on emerging developments in national security matters and their impact on Canada's diverse and pluralistic society. Being one of the governmental mechanisms to communicate with immigrant communities and to ensure that their perspectives are included, the Roundtable aims at confidence-building by familiarizing Canadians with the terrorist threats facing the country and its interests, by promoting knowledge about Canada's security and intelligence community, their lawful functions and review mechanisms, and by encouraging a public discussion about national security issues, human rights, and democracy.<sup>61</sup>

Roundtable members had to be nominated by a Canadian citizen. Nominees had to demonstrate linkages to a specific community through membership, advocacy, and volunteer work. They had to prove an understanding of security related matters by knowledge and experience in engaging diverse and pluralistic communities, an ability to facilitate the exchange of information with communities, and a commitment to building community capacity and safer communities.<sup>62</sup> Roundtable members were appointed by the Deputy Prime Minister on February 8, 2005 for a one year term. The new Conservative Government prolonged their mandate for another year in February 2006.

In order to understand the specific mandate and function of the Roundtable, a closer look at its membership is helpful. On the basis of the selection criteria mentioned above fourteen individuals were appointed as members of the Roundtable. The members represent provinces with a large Arab/Muslim and/or Jewish population like Alberta, Quebec, Ontario, Saskatchewan, British Columbia or Manitoba. A second focus is on the representation of South and South East Asian communities in Canada. All of the members have a university degree and a long career as professionals in Canada. Dr. Zaheer Lakhani, for example, the Chair of the Roundtable is a Cardiologist who has been working as the Director of the Coronary Care Unit at the Surgeon General Hospital in St. Albert, Alberta since 1994. He was a member of the Prince Karim Agakhan National Council for Canada from 1993-

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59 Keeble, 2005, 372.

60 Public Safety and Emergency Preparedness Canada, 2005.

61 Public Safety and Emergency Preparedness Canada, 2005.

62 Cross-Cultural Roundtable on Security, 2004.



1996, Vice-Chair of the Canadian Centre for Police-Race Relations from 1993-1996, and has been a member of the Royal Alexandra Hospital Foundation from 2001 to the present. Dr. Lakhani has been recognized for his community work in a number of areas. In 2000, he received the Paul Harris Fellowship from the Rotary Clubs of Edmonton; in 1996, he was awarded a Humanitarian Award from the Mayfield Rotary Club; and in 1991, he received an Award of Excellence in the Outreach Category from the Ismaili Muslim Community of Edmonton.

Dr. Myrna Lashley, the Vice-Chair of the Roundtable, holds a PhD in Counselling Psychology from McGill University and has been a Professor of Psychology at John Abbott College in Montreal since 2003. She was recently appointed Vice-President of the Governing Board of the École nationale de Police du Québec. Dr. Lashley has served as a consultant to the Jewish Family Services Centre, as well as the Ville Marie Social Services, both of Montreal. She was a member of the Centre for Research Action on Race Relations from 1999-2002 and is the Recipient of the Dr. Martin Luther King Jr. Legacy Award from the City of Montreal in 2004, an award presented to an individual whose contributions to the community exemplify the work of Dr. King. The CVs of the other 12 members read in a similar way.<sup>63</sup>

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63 *Mr. Leo Adler* of Ontario (criminal defence lawyer since 1975; Counsel and Director of National Affairs for the Friends of Simon Wiesenthal Center for Holocaust Studies); *Mr. Riazuddin Ahmed* of Saskatchewan (urban planner, organized the 2004 Muslims for Peace and Justice Conference in Regina as well as a number of community workshops on the *Anti-Terrorism Act* for the Muslim community in Regina); *Dr. David Bensoussan* of Quebec (professor in the Department of Electrical Engineering at the École de technologie supérieure de l'Université du Québec since 1980; President of the Communauté Sépharade Unifiée du Québec); *Mr. Ashraf Ghanem* of New Brunswick (financial analyst for the New Brunswick Department of Transportation; President of the New Brunswick Multicultural Council Inc., a provincial umbrella organization for multicultural associations from across New Brunswick); *Dr. Kuldip Gill* of British Columbia (instructor in cultural diversity in health care with the Open Learning Agency of B.C. and is a Research Associate with the Institute of Asian Research with the University of British Columbia; past president of the YWCA (Vancouver) and of Immigrant and Visible Minority Women of B.C.); *Mr. David Gisser* of Manitoba (Crown Counsel for the Manitoba Department of Justice since 1985; member of the Board of Directors for the Jewish Federation of Winnipeg and was also the Chairperson for the Manitoba Department of Justice's All Charities Campaign in 2001); *Mr. Mohinder Grewal* of British Columbia (board member for the Convention Refugee Determination Division with the Immigration and Refugee Board of Canada, Executive Director of the Sikh Professional Association of Canada and the President of the National Association of Canadians of Origin in India); *Mr. Hussein Hamdani* of Ontario (Barrister and Solicitor with Simpson Wiggle LLP and a law instructor at Niagara College, Public Relations Officer with the Halton Islamic Association and a Senior Advisor to the Muslim Youth of North America Organization); *Dr. Edna Keeble* of Nova Scotia (Professor of Political Science, participant of the Southeast Asia Cooperation Program from 1997 to 2003 which worked with the Association of Southeast Asian Nations (ASEAN) Institute of Strategic and International Studies); *Dr. Vettivelu Nallainayagam* of Alberta (Founder Director and Research Chair with the Ethnocultural Council of Calgary, and from 1990 to 2002, he was a Board member, Vice-President and President of the Calgary Multicultural Centre); *Ms. Salma Siddiqui* of Ontario (2nd Vice-President of the Circle of Canadians and is also a member of both the Canadian Ethnocultural Council and the

In accordance with the Roundtable's mandate, at the inaugural meeting on March 7, 2005 the Roundtable members discussed the security threat environment for Canada and the expectations, role and responsibilities of the Roundtable with Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness Anne McLellan, Minister of Justice and Attorney General Irwin Cotler, and Minister of State (Multiculturalism) Raymond Chan. In addition Roundtable members had the opportunity to talk to senior government officials from PSEP, CSIS, the RCMP, the Canada Border Services Agency, and the Office of the National Security Advisor to the Prime Minister. Issues discussed in a preliminary manner and noted for further indepth discussions with Ministers and key government officials were:

- security certificates;
- the perception of a disproportionate impact of security measures experienced by Arab and Muslim citizens;
- measures to address incidents of perceived "racial profiling" and the possible gap between policy and practice at the front lines;
- recruitment strategies for federal law enforcement and security intelligence operations personnel, and training programs regarding Canadian diverse communities;
- representation of visible minorities within federal law enforcement and security intelligence operations personnel;
- delays experienced in obtaining security advice for citizenship status;
- Canada's international position and role in global security interests;
- economic impacts of security and law enforcement measures on newcomers with only landed residency or refugee status;
- the conduct of community interviews, their effectiveness and impacts on ethno-cultural communities; and
- education programs for newcomers regarding Canadian values and democratic institutions, including avenues for recourse.<sup>64</sup>

The Roundtable is currently preparing a public opinion poll that tries to discern the impact of the Roundtable's work on the younger generation in Canada's ethno-cultural communities. The Roundtable organizes conferences and workshops in metropolitan centers such as Toronto, Montreal, Vancouver and Calgary and it also participates in international conferences, like the 11<sup>th</sup> Metropolis Conference taking place in Lisbon, Portugal in October 2006, discussing the possibilities and pro and cons of civic engagement in national security policy and the impact of cross-sector dialogues on the security environment in countries that send and receive migrants.<sup>65</sup>

In addition to the Cross-Cultural Roundtable on Security, an Advisory Council on National Security was appointed on August 12, 2005. The Council works with

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Ottawa Muslim Women's Organization); *Mr. Solomon Wong* of British Columbia (Director of Security and Planning with Inter VISTAS Consulting Inc., Director of the Multi-Lingual Orientation Service Association for Immigration Communities (MOSAIC)).

64 Cross-Cultural Roundtable, 2005.

65 For information about the Metropolis Conference see <http://www.ceg.ul.pt/metropolis2006/> [accessed: 28.8.06].

the National Security Advisor to the Prime Minister to provide advice to the Deputy Prime Minister and the Cabinet Committee on Security, Public Health and Emergencies on national security issues. The Government selected 15 individuals to serve on the Council on the basis of their expertise and experience on such diverse matters as intelligence, law and policy, human rights and civil liberties, emergency planning and management, public health emergencies, public safety, transportation security, border security and international security.<sup>66</sup> The mandate of the Council is to provide confidential expert advice to the Chair of the Cabinet Committee on Security, Public Health and Emergencies on issues related to national security and strategies, mechanisms and activities required to develop, implement, evaluate and improve a fully integrated security system.<sup>67</sup>

A third way of integrating private actors in Canada's National Security Strategy are stakeholder exercises, initiated by the Martin Government. On December 1, 2004 the Government of Canada, in collaboration with the U.S. Department of Homeland Security, led a so-called "tabletop exercise" in Toronto. The exercise entitled "Silver Links" brought together private and public critical infrastructure stakeholders. More than 100 representatives from both the public and private sector participated in the exercise. Its intent was to raise awareness of interdependencies among critical infrastructures that could potentially make the Great Lakes/North East Region vulnerable to the cascading effects of major disruptions and to demonstrate the impact that disruptive events can have on predetermined interdependent infrastructures over an extended period of time. It also examined how that impact would necessitate communication and the need to coordinate for protection, response and recovery plans.<sup>68</sup>

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66 Deputy Prime Minister Announces the Creation of the Advisory Council on National Security, [http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=PCOsSecretariats&Sub=si&doc=acns\\_e.htm](http://www.pco-bcp.gc.ca/default.asp?Language=E&Page=PCOsSecretariats&Sub=si&doc=acns_e.htm) [accessed 11.11.06]. Members of the Advisory Council are: *Dr. Rachad Antonius* (Professor Department of Sociology, Université du Québec à Montréal); *Dr. Sami Aoun* (Professor Department of History and Political Science, University of Sherbrooke); *Hon. Perrin Beatty* (President and Chief Executive Officer of Canadian Manufacturers & Exporters, Chair of the Coalition for a Secure and Trade-Efficient Border); *Dr. David Bercuson* (Director Centre for Military and Strategic Studies, University of Calgary); *James Bertram* (Director of Public Safety for the Greater Toronto Airports Authority); *Dr. David Charters* (Professor of Military History, University of New Brunswick); *John Dalzell* (Vice-President, Risk Management, Canadian National Railway Company); *Dr. Pierre Duplessis* (Secretary General and Chief Executive Officer of the Canadian Red Cross Society); *Brian Flemming* (Former Chair of the Canadian Air Transport Security Authority); *Norman Inkster* (President of Inkster Group and partner at Gowlings Consulting Incorporated; former Advisor to the Government of Ontario on Security Matters, resident of Interpol and Commissioner of the RCMP); *James Clifford Mackay* (President and CEP of the Air Transport Association of Canada); *Lindsay Nicolle* (Professor of Internal Medicine and Medical Microbiology, University of Manitoba); *Bud Streeter* (Vice-President and Operations Manager, Great Lakes and Atlantic Canada); *Dr. Wesley Wark* (Professor of History and International Relations, University of Toronto).

67 Privy Council Office, 2004.

68 Public Safety and Emergency Preparedness Canada, 2004b.

The Canadian approach towards Critical Infrastructure is not only an exercise in public private partnership on the domestic level but also in transnational cooperation. In March 2005 the "Security and Prosperity Partnership of North America" was initiated by Canada, to provide a framework for the advancement of collaboration between Canada, Mexico and the United States in areas as diverse as security, transportation, the environment and public health. In June 2005 the three governments and private sector leaders released detailed work-plans identifying key initiatives that form an ambitious agenda of collaboration. Since June 2005 the three governments have worked on implementing these initiatives. On its meeting on March 31, 2006 the partnership initiative agreed to focus on five initiatives that very well flank the official Canadian security policy agenda: Strengthening Competitiveness in North America; North American Emergency Management; Avian and Human Pandemic Influenza; North American Energy Security; and North American Smart, Secure Borders.<sup>69</sup>

### Conclusion

In a seminal study published in 1977 Robert Keohane and Joseph S. Nye highlighted Canada-U.S. relations as the quintessential model of complex interdependence, defined by "the absence of force, the lack of hierarchy among issues, and the presence of multiple channels of contact between societies".<sup>70</sup> Being a model of "complex interdependence" Canadian-American relations became a major focus of historical and social science research since the early 1970s. Economic, political, environmental but also security relations were analyzed in numerous studies produced by American and Canadian scholars alike.<sup>71</sup> These studies were filled with the ambiguous language of linkage, symmetrical and asymmetrical relations, and interdependence, dominated to a large extent by the fear of the growing Americanization of Canada and the loss of Canadian political and cultural identity.

In the aftermath of the terrorist attack of September 11, 2001, Canadian-American relations have again emerged as a center of concern for both Ottawa and Washington, triggering scholarly treatment of the bilateral relationship in the 21<sup>st</sup> century. The harmonization of security policy between Canada and the United States, bioterrorism and homeland security, immigration policy and border control and the Canadian-American North America defence alliance have been scrutinized.<sup>72</sup> Canadian-American relations differ from European-American security relations in a number of ways. The most important one is perhaps the fact that the "domestic" issue of American homeland security has become a Canadian government concern. With over 85 percent of its foreign trade dependent on access to the United States market, the Canadian government embarked on a policy seeking to reassure

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69 Leaders' Joint Statement, 31 March 2006, Cancun, Mexico, <http://www.pm.gc.ca/eng/media.asp> [access: 4.8.2006].

70 Keohane/Nye, 1977, 165.

71 See e.g. Baker Fox/Hero/Nye, 1976; Cuff/Granatstein, 1975; Fox, 1985; Preston, 1977; Hillmer, 1994; Granatstein, 1991; Doran, 1984; Swanson, 1978; Holmes, 1981.

72 See e.g. Konrad, 2004; Melnyk (ed.), 2004; Carment/Hampson/Hillmer (eds.), 2003; Rempel, 2006; McDougall, 2006; Netherton/Seager/Froschauer (eds.), 2005.

Americans “that their security is not threatened from the north”.<sup>73</sup> These efforts encouraged an institutional and legal set-up of a Canadian “homeland security policy” that in many respects resembles the American one, but that also differs from it in at least two major respects.

First of all Canada’s antiterrorism policy has been framed to be part of the multi-lateral antiterrorist campaign and to conform to international efforts sanctioned by the United Nations. In the context of the Antiterrorism Act Canada for example developed a legal definition of terrorism that conformed to definitions in various international contexts. The multilateral framework very much functions as a security belt helping Canadians to keep some critical distance to the United States. It also gives, as Reg Whitaker has argued, “some room to develop made-in Canada policies, and some capacity to resist American pressure”.<sup>74</sup> Very often the tough-sounding legislative actions in Canada proved to be more symbolic than substantive in intention which spurred the concerns of national security and national intelligence experts that Canada was not taking the new transnational threat environment seriously enough.

The “made-in-Canada” policies geared toward the specific Canadian political environment – including Canadian federalism, Canada’s immigration and diversity policies, and Canada’s liberal political culture – are the second aspect that distinguishes Canadian approaches to security from American ones. After the initial strong reactions of the Chrétien Government, Canada very quickly returned to a security policy strategy that focused on “keeping Canada and Canadians safe and secure”.<sup>75</sup> The Canadian Government founded the Department of Public Safety and Emergency Preparedness, modernized the Emergency Preparedness Act and put special emphasis on Critical Infrastructure Protection. The necessity to strengthen the powers of the RCMP inaugurated new, highly integrated police structures that meanwhile serve as an example to be emulated by other countries.<sup>76</sup> “Integrated Policing” also served as an institutional model for the establishment of new governance mechanisms going beyond the Canadian border, regulating new trilateral security initiatives in the Western Hemisphere, like the above-mentioned “Security and Prosperity Partnership of North America”.

The most impressive document reflecting this specific “made-in-Canada-approach” is Canada’s National Security Policy paper “Securing an Open Society”. In stark contrast to the outward-looking American National Security Strategy Paper published in November 2002, the Canadian one is astonishingly inward-looking in style and content, focusing on Canada and threats to Canadians. The national security interests as well as the proposed security framework reflect and support key Canadian values. In this the paper goes well beyond the normative framework set by democracy, human rights, respect for the rule of law, and plural-

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73 Sokolsky, 2004/05, 36.

74 Whitaker, 2003, 264.

75 Privy Council Office, 2001.

76 See e.g. Canada’s input to the Canada China Procuratorate Reform Cooperation Programme Lecture Series, Beijing, August 2005: Ryan, 2005; Cabana, N.A.; LeBeuf, N.A.; Bennett, 2004.

ism by adding openness, diversity, and respect for civil liberties as core Canadian values. That the reference to these core Canadian values was more than window dressing became obvious with the creation of the Cross-Cultural Roundtable on Security. This Roundtable was established to engage Canadians and the Government of Canada in a long-term dialogue on matters related to security. After one and a half year of its existence its impact on Canada's national security policy cannot yet be assessed. But it is safe to say that the Canadian strategy of civic engagement seems to be one possible political answer to the new transnational threat environment in which private actors dominate. Whether other countries with large ethno-cultural communities will emulate this Canadian approach remains to be seen. Although some critics are probably right to point out that Canada's antiterrorism policy is over bureaucratized and does not include necessary measures for example in the field of "foreign intelligence", they are an example of how openness and diversity might serve as core values for a security strategy that aims at conflict prevention by integration.

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